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Meeting & Date:	Joint Strategic Economic Committee – Tuesday, 14 February 2017		
Subject:	SWLEP Assurance Framework		
Attachments:	Quick Guide to the Assurance Framework 030117 Assurance Framework amends cover table 110717 Draft Final Assurance Framework Draft Governance Framework (referred to)		
Author:	Debby Skellern	Total no of sheets:	116 of which: Cover sheet – 3 pages Quick guide – 4 pages Assurance Framework amends table - 7 pages Assurance Framework - 63 pages Governance Framework – 39 pages

Papers are provided for:	Approval <input checked="" type="checkbox"/>	Discussion <input type="checkbox"/>	Information <input type="checkbox"/>
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Summary & Recommendation:

The development and review of the Assurance Framework is a requirement for all Local Enterprise Partnerships by Government and it sits within the wider SWLEP Governance Framework. The Assurance Framework includes the process for the prioritisation and allocation of funding to LEPs, such as the Local Growth Fund, to deliver schemes and initiatives.

The Government published revised Assurance Framework Guidance in November 2016; compliance with which is a condition of Local Growth Fund 3 awards. The guidance tightens up the minimum requirements which LEPs must operate within in order to ensure better

public accountability and transparency in its decision making and allocation of funding. The Working Group has therefore revised the draft SWLEP Assurance Framework to meet this new guidance. An overview of the changes which have been made is included as a table within this paper to show where and why amendments to the Assurance Framework adopted in March 2015 have been made.

Board Membership

The Commissioning Group, at its meeting on 11 January, discussed the Assurance Framework and Board Membership and as a result the following revision was made to more accurately reflect the proportion of Board Members derived from the private sector:

From: The SWLEP has a Board of 14 Members and is constituted in such a way as to ensure that it is business-led, with its Chair and at least three-quarters of all Members representing the business community’.

To: ‘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’.

In addition, it was agreed to amend Table 1: Local Enterprise Partnership Board Membership whereby the role of ‘Board Member’, ‘Further Education’ has been amended to ‘Board Member’, ‘Education Sector’ to build greater flexibility into Board representation in the future.

Quick Guide

The Assurance Framework needs to be a comprehensive and technical document so that Government has confidence in the SWLEP’s processes and handling of public money. The document is quite lengthy, therefore a brief guide to the Assurance Framework has been written which will be posted on the SWLEP website.

SWLEP Governance Framework

In addition, the SWLEP Governance Framework document is currently under review by the Working Group to ensure that the amendments to the Assurance Framework are fully reflected.

Approvals

The Assurance Framework has been signed off by:

1. Swindon Borough Council and Wiltshire Council’s Section 151 Officers in December 2016; and

2. Swindon Borough Council and Wiltshire Council's Heads of Legal Services subject to minor amends in January 2017.
3. The Commissioning Group at its meeting on 11 January 2017 with amendments to Board membership as set out above.
4. The SWLEP Board at its meeting on 25 January 2017

Next Steps

Government requires that the S151 Officer at Wiltshire Council, acting as the SWLEP's Accountable Body, writes to DCLG's Accounting Officer by 28 February each year certifying that the SWLEP's Assurance Framework has been agreed, is being implemented and meets the revised standards set out in the Local Enterprise Partnership Assurance Framework Guidance.

The revised Assurance Framework will be operational from April 2017.

Recommendations

The SWLEP Board at its meeting on 25 January 2017:

1. Approved the amendment to the size of the SWLEP Board;
2. Approved the amendment to Table I Board Membership;
3. Approved and adopted the revised Assurance Framework to operate from 1st April 2017;
4. Requires an update report by January 2018 reviewing the implementation of the Assurance Framework and recommending any amendments; and
5. Noted the Quick Guide to the Assurance Framework document for use by Board Members and for posting on the SWLEP website.

The Joint Strategic Economic Committee is therefore asked to:

1. **Endorse the decisions made by the SWLEP Board with regard to the revised Assurance Framework.**
2. **Note the Quick Guide to the Assurance Framework document.**

Quick Guide: revised SWLEP Assurance Framework

January 2017

Why does the SWLEP need an Assurance Framework?

Government requires all Local Enterprise Partnerships to have an assurance framework in place so that it is clear to everyone: how the SWLEP agrees its strategy; what it wants to deliver; how it awards funding and how it manages delivery. The Assurance Framework forms part of a wider SWLEP Governance Framework and has to be reviewed every year to ensure it is up to date. The Assurance Framework also sets out who has the power to make decisions, sign off agreements, manage risk and monitor delivery. Essentially it is the operational manual for the SWLEP. Although there are national guidelines for developing assurance frameworks which need to be followed, each LEP writes its own document. The SWLEP Assurance Framework covers:

1. Swindon and Wiltshire Local Enterprise Partnership (SWLEP) governance
2. Transparent decision making
3. Accountable decision making
4. Ensuring value for money

1. What are the SWLEP's governance arrangements?

This section sets out how the Board operates; the relationship it has with its sub-groups; and also how it spends public money responsibly. The SWLEP is not a company in its own right but is an 'unincorporated association' and as such it needs an 'accountable body' to underwrite the risks associated with the money it spends and the decisions it makes; this is done by Wiltshire Council.

The SWLEP Board is the highest level at which decisions can be made and it needs to have at least 70% (50% is the minimum allowed nationally) of its members drawn from the business community. Swindon Borough Council and Wiltshire Council are its local authority partners and there is also representation from the education sector and the Military.

1.1 Managing spend

The Chief Finance Officer at a local authority is the Section 151 Officer and they are responsible for ensuring that public money is spent appropriately and with the right checks in place. The Section 151 Officer at Wiltshire Council, as the SWLEP's Accountable Body, therefore needs to agree that the decisions the Board makes on awarding funding is at an acceptable level of risk in order for it to issue a funding agreement. The Accountable Body's Finance Team also monitor and produce the SWLEP's financial accounts and arrange audit checks. An annual report summarising activity and spend will be produced by July every year. The primary source of funding for skills development, transport improvements and regeneration schemes is the Local Growth Fund (LGF).

The governance arrangements for the allocation and delivery of the European Structural and Investment Fund (ESIF) programme sits outside of the SWLEP Assurance Framework but the SWLEP

is represented on the ESIF sub-Committee and offers advice and influence.

1.2 Managing delivery

The Strategic Economic Plan (SEP) sets the rationale for the work the Board wants to see delivered over a 5 year period within the context of a longer term vision. Five Board Sub-groups have been established to reflect each of the strategic objectives of the SEP. The Sub-groups will monitor progress towards the delivery of the SEP through working with delivery partners and they report back to the Board at each meeting. The Board and its Sub-groups take a strategic view of delivery rather than getting involved in the day-to-day detail.

The Commissioning Group is responsible for the effective commissioning and delivery of funding schemes including the Local Growth Fund and has strategic oversight of the delivery and financial performance of SWLEP schemes. It ensures that delivery arrangements comply with the Assurance Framework and therefore makes recommendations to the Board regarding the schemes to be supported. It also oversees strategy development and the forward plan of the SWLEP Board and its agenda.

The Board is also supported by its Secretariat which comprises the Director, Senior Managers and Officers from the SWLEP and the two unitary authorities. The Secretariat advises the Board on all aspects of SWLEP operational delivery and strategy development.

Programme Managers from the SWLEP and the two unitary authorities comprise the Delivery and Performance Team (DPT) and they have the day-to-day responsibility for ensuring that the delivery of schemes and programmes run to time, quality and budget as well as recommending revisions where these may slip. The DPT meets every two weeks and progress on delivery is reported back at each Board meeting through the highlight reports.

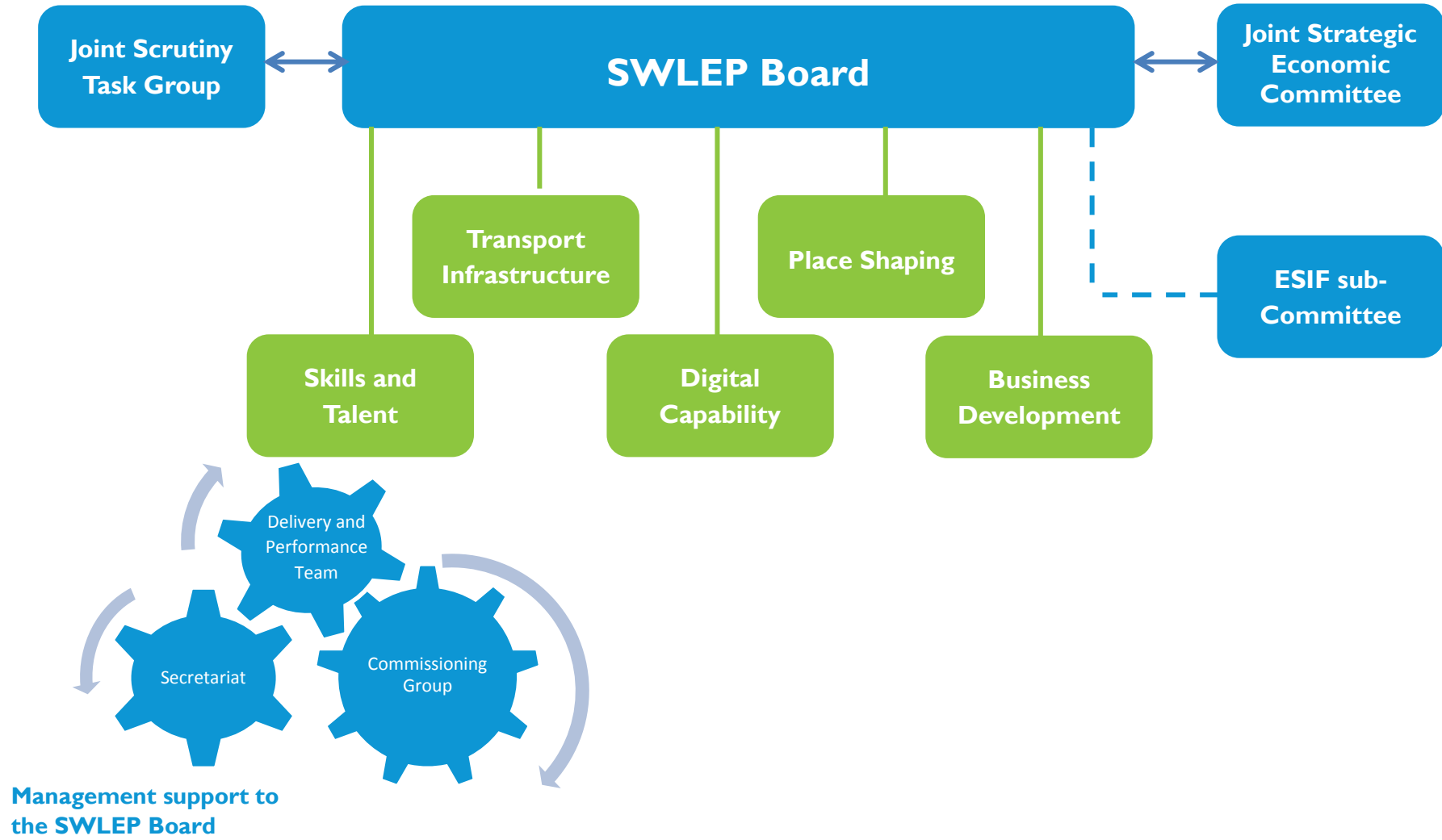
1.3 Public accountability

The SWLEP uses public funding to pay for its core team and the development of the Strategic Economic Plan as well as securing additional project and programme funding from Government and other public funding sources. In order to ensure that the SWLEP is held accountable for spending public money appropriately, the Joint Strategic Economic Committee has been established. It is Chaired by the Leader of one of the unitary authorities and its members are all elected councillors i.e. the public has voted for them to represent them. The meetings are held in public and it endorses the decisions of the SWLEP Board.

The Joint Scrutiny Task Group, comprising elected councillors from both councils who are not Cabinet Members, works to provide an independent scrutiny function of the SWLEP's operation. It selects its work based on its interest in reviewing specific projects, decisions or ways of working to ensure that they are appropriate and comply with the assurance framework and funding agreements.

In addition, the SWLEP Board meets at least five times a year and meetings are open to the public to attend. The public can also submit questions in advance of a Board meeting for an answer at it.

Figure 2: Governance structure for the Swindon and Wiltshire Local Enterprise Partnership



2. Transparent decision making

This section sets out the arrangements for holding meetings in public and the information which will be published on the SWLEP website so that the public can have a clear view of what the SWLEP is doing and how it does it. This includes how the SWLEP deals with conflict of interest which needs to be declared at each Board meeting, how freedom of information requests will be handled and how complaints will be dealt with. In the main, the SWLEP follows the arrangements used by Wiltshire Council as its Accountable Body.

3. Accountable decision making

This section sets out the role and responsibilities of Wiltshire Council acting as the SWLEP's Accountable Body in managing risk, ensuring procedures are followed and signing off financial agreements by the Section 151 Officer. A separate legal agreement has been drawn up to cover this relationship and is known as the 'Heads of Terms'. This arrangement ensures that delivery and spend is monitored and audited as required by Government and sets out the roles and responsibilities of Swindon Borough Council and Wiltshire Council in support of the SWLEP.

4. Ensuring value for money

This section sets out the process the SWLEP follows in order to make programme funding decisions from the initial call and identification of schemes through to Board approval and sign off for funding agreements. Transport schemes need to follow specific Department for Transport arrangements in order to secure funding whereas other schemes may go through a shorter process which is 'proportional'. The full decision making process comprises four stages:

- Initial sifting and prioritisation
- Strategic outline business case
- Outline business case
- Full business case

An Independent Technical Adviser is commissioned at each stage to assess and score the application or business case and make recommendations to kick start the SWLEP's decision making process. The SWLEP's Commissioning Group and Board are involved sequentially in this decision making process and at each of the four stages. The Section 151 Officer, acting as the Accountable Body, has the final responsibility for the signing off a value for money statement and making the grant agreement with the scheme promoter. The way in which this process is managed is set out in a series of flow charts also known as a 'scheme of delegation'. An indicative timeline is also presented to manage applicants' expectations regarding decision making and the flow of work.

5. Appendices

There are four appendices covering the sub-group terms of reference; transport specific requirements; the circumstances under which the public will be excluded from meetings and / or reports; and the SWLEP register of interests document which includes the SWLEP conflict of interest policy.

SWLEP Assurance Framework amendments

The following table highlights the changes which have been made to the Assurance Framework (March 2015) as part of the 2016/17 revision.

2015 Framework	Amendment reference in 2017 Framework	Justification
Part one: introduction and background		
1. Para 1 intro	Para 1: introduction to the SWLEP extended.	Clarity and soft landing.
2. Paras 3-5	Para 4: Wording tightened over the requirement to have an Assurance Framework which is reviewed annually.	Revised guidance.
3. Para 6	Para 5: Strategic objectives information changed to reflect the updated SEP in Jan 2016.	Revised guidance.
Part Two: LEP governance		
4. Figure 1 Map	Figure 1: to match the map in the Strategic Economic Plan (SEP, January 2016).	Updated information available.
5. Para 9 Board size	Para 8: Board membership size range introduced with a minimum of 14, maximum 20 and at least 70% representing the business community.	Introduce flexibility to meet changing demands.
6. Table 1 Board Membership	Table 1: Wording tightened. 'Leader' changed to 'Local Authority Member' 'Further education' Member changed to 'Education Member', 'Local Military' replaced with Commander Military HQ South West	Introduce flexibility and better clarity.
7. New paragraph inserted	Para 12 added to reflect decision making at the appropriate level.	Greater clarity over decision making.
8. Figure 2 governance structure	Updated governance structure as approved by SWLEP Board.	Updated to reflect new ways of working.

2015 Framework	Amendment reference in 2017 Framework	Justification
9. Para 13 Sub-groups	Para 13-15 and table in the sub-group section updated to reflect SEP and new groups. The terms of reference for the Subgroups are included as Appendix A.	Updated to reflect new ways of working.
10. Para 27 amended re issue resolution	Para 19 extended so that if the Board and JSEC cannot resolve an issue it ultimately goes to the Secretary of State for Business Energy Innovation and Science (BEIS).	Updated to reflect new ways of working.
11. Para 31 Joint Strategic Planning Officer Group (JSPOG)	The JSPOG has been removed as it is not part of the SWLEP governance structure.	Updated to reflect the SWLEP governance structure.
12. Para 34 Secretariat	Text added to differentiate between the Executive Group of the Secretariat (3 Directors or equivalent) meeting with a wider group of officers.	Better and regular communication with officers at the two UAs who are leading on delivery.
13. Para 34 Commissioning Group additional text	Para 24 To reflect the strategic oversight role the Commissioning Group has regarding compliance with the Assurance Framework. It is accountable only to the Board and not JSEC as well.	Compliance and accountability strengthened.
14. Paras 37-40 DPT and project management.	Paras 27-30 information combined to add clarity over the programme management of schemes which are led by UAs and by third party promoters.	Better clarity and transparency over how this will work especially when calls become open. Retains flexibility regarding new funding coming on stream.
15. Paras 41-42 Officer Group	Text removed as the Officer Group is not part of the SWLEP governance structure. Scheme of delegation section deals with scheme prioritisation and selection.	Mitigates potential conflict of interest when calls go public.
16. Para 43 Accountable Body relationship with Board	Para 32 Service Level Agreement and annual review added.	Better transparency.

2015 Framework	Amendment reference in 2017 Framework	Justification
17. Para 46 Joint Overview and Strategic Task Group	Para 35 Now known as the Joint Scrutiny Task Group. Text extended to add clarity regarding the scrutiny role which this group performs.	Better transparency.
18. Paras 47-50 Independent Technical Advisers (ITAs)	Text amended and moved to section 5, paras 91-93, regarding scheme selection as Independent Technical Advisers (ITAs) are not part of the governance structure.	The information has been moved to the relevant location.
19. No information on the ESIF sub-Committee	Paras 36-39 added on the ESIF sub-Committee which is linked to the SWLEP and where the SWLEP has an influencing role.	Better understanding of the wider funding landscape and delivery of the SWLEP agenda.
Section 3: Transparent and accountable decision making		
20. Para 53 information to be published	Para 42 updated and restructured so it is easier to read.	Better transparency.
21. Para 55 Public meetings proposed	Para 45 Board meetings are now in held in public.	Updated information.
22. Para 55 questions to the Board	Paras 46-47 clearer wording over submitted questions process to reflect Accountable Body ways of working.	Better transparency and clarity.
23. Para 60 Board meeting frequency	Para 52 changed to at least five times a year so it is in line with the Governance Framework.	Consistency and flexibility.
24. New paragraphs inserted	Para 56-62 diversity section added.	Requirement of revised Assurance Framework Guidance.
25. Para 67 wording amended re code of behaviour	Para 66 additional wording added around the Conflicts of Interest Policy which is added in full as an appendix.	Better transparency.
26. New paragraph inserted	Para 67 additional text added regarding how a complaint will be handled under the conflict of interest or code of conduct.	Clarity over issue resolution.
27. New paragraph inserted	Para 69 new wording on the Code of Conduct added.	Requirement of revised Assurance Framework Guidance.

2015 Framework	Amendment reference in 2017 Framework	Justification
Part Four: Accountable Decision Making		
28. Terminology over legal agreements updated throughout section	Legal agreement is referred to as 'Heads of Terms' agreement.	Updated to reflect the terminology now in use.
29. Para 74 bullets	Para 75 3 news bullets added regarding: <ul style="list-style-type: none"> • Funding held in ledger accounts • Advises on the legality of decisions • Advice on enactment and enforcement of decisions and agreements 	To reflect the Heads of Terms agreement.
30. Para 77 wording amended	Heads of Terms agreement text added regarding specifying roles and responsibilities and independence of scheme promoters, Wiltshire Council and the Accountable Body.	The Heads of Terms agreement has been developed since the 2015 Assurance Framework was adopted.
31. Para 79 Conflict resolution	Issue escalation wording added so that where local resolution cannot be met, it will be referred to the Secretary of State for BEIS. Para 80 also added so there is a full process in place if there are issues with the Accountable Body which will also be referred to the Secretary of State for BEIS.	To complete issue resolution process. To complete issue resolution process.
32. Para 85 deleted	The 2015 text related to performance indicators and not objectives. The SEP has been revised and holds all the relevant information. The SEP is referenced and will be central to any call.	Greater flexibility across documents so that the Assurance Framework will remain accurate if the SEP is refreshed again and the outputs are amended over time.
33. Paras 87-90 Independent Scrutiny Arrangements	This section has been removed. Scrutiny is covered by the Joint Scrutiny Task Group (para 35) and the Independent Technical Advisers' role (para 90-93).	Scrutiny process remains as before but is covered in just two sections rather than three.

2015 Framework	Amendment reference in 2017 Framework	Justification
Part 5: Ensuring value for money – prioritisation of schemes		
34. Para 91 amended to reflect new process	Para 87 introduces running open calls in the future.	Reflects new and more inclusive process.
35. Para 92 assessment	Para 88 bullet points: Capital cost range removed. Calls will specify this requirement. Last bullet regarding lack of evidence removed.	Added flexibility within calls to reflect future funding which is available where opportunities may be smaller or larger. This is implicit within an assessment process.
36. New paragraph included	Para 89 added to reflect the role of the Board and that schemes may be required to undertake additional work for consideration in future rounds.	To reflect the potential to develop a pipeline of schemes.
37. Paragraphs inserted	Paras 91-93 Independent Technical Adviser section moved here as part of the process text.	More logical location for the ITA information to sit within the text which sets out the prioritisation and business case development section (reference amendment 18 above).
38. Para 94 onwards EAST template	Reference now 'modified' EAST template.	More accurate reference.
39. New figure added	Figure 3 – process chart added with indicative timeline.	To give clarity over the process and sequence of events. Timeline added due to revised AF Guidance.
40. Para 100 reference to the process happening annually removed	Para 100 light touch review which will be undertaken as required with a comprehensive one taking place when funding streams are announced.	Ability to build a pipeline without spending a disproportionate amount of time and money on assessing schemes when there is no confirmed source of funding available to the SWLEP.
41. Para 100 Scheme prioritisation as a title removed	Para 100 – scheme prioritisation dealt with as part of this whole section.	Better clarity over the process.

2015 Framework	Amendment reference in 2017 Framework	Justification
42. Para 105 Provision of local match wording amended	Upper and lower limits removed. Wording focusses on the need for schemes to have explored all other alternative sources of match funding first.	SWLEP as funding of last choice thereby greater accountability for the use of public funds rather than a tick box regarding level of match.
43. Para 106 Business Case Publication	Wording amended to reflect the stage at which business case information will be published.	Better clarity.
44. Outline Business Case name changes	<p>Para 107-115 added as Strategic Outline Business Case (SOBC). This stage is a separate stage to the Outline Business Case (OBC).</p> <p>Para 113 Clarity of what happens to schemes which are not approved at this stage added.</p> <p>Para 114 grant agreement text added.</p> <p>Para 116 Outline Business Case stage clarification.</p>	<p>To reflect the stages required for transport scheme selection and approval and more accurately reflect the process in operation.</p> <p>Greater clarity regarding the process.</p> <p>Greater clarity regarding the process.</p> <p>Greater clarity regarding the process.</p>
45. Para 115 formal grant agreement at Full Business Case stage	Para 119 amended to the existing grant agreement may need to be changed.	Great efficiency i.e. one grant agreement will be issued and can be amended to reflect changes which may occur as schemes go through the various stages.
46. New figures inserted	Figure 4: SOBC and OBC process diagram and Figure 5: FBC process diagram added.	To give clarity over the process and sequence of events.
47. Programme and risk management	Para 132 added whereby the SWLEP Director 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 engage with scheme promoters.	To give clarity over risk management responsibilities.

2015 Framework	Amendment reference in 2017 Framework	Justification
48. Appendices	Appendix A: Sub-group Terms of Reference added Appendix B: Transport Specific Requirements as before Appendix C: Exclusion of Access by the Public to Meetings and / or Reports Appendix D: Register of Members Interest and Conflict of Interest Policy.	New sub-groups have been developed. Greater clarity given Board meetings are now held in public. Greater clarity over how these issues are handled.
49. Whole document	SWLEP font and document style applied	New house style as per Marketing and Communication Strategy January 2016.

Written by
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 Swindon and Wiltshire Local Enterprise Partnership
 11/01/17



swindonwiltshire

Local Enterprise Partnership

Final Draft Assurance Framework

January 2017 (operational from April 2017)

FOR APPROVAL

Document History

Version	Dates	Notes
1	21/04/2016	Annual Refresh following adoption of new SEP in January 2016 – first pass. John Seddon comments reflected ID
1.1	05/05/16	Rob Murphy amendments reflected. JH ESIF section added DS comments added
2	02/06/16	Amends following review meeting on 26 May 2015
3	06/06/16	Amends following email consultation with the working group. Comments by JS, RM, JH, MC, ID, PV. TG
3.1	09/06/16	Amends following Secretariat meeting 9 th June 2016
3.2	22/06/16	Amends following DPT meeting 21 st June 2016
3.3	27/06/16	Amends following Secretariat 23 rd June 2016 Sign off ID/JS/MC/PV/ / 27/6/16 Minor amends RM/JH 27/6/16
3.3	28/06/16 30/06/16	Sign off sought: Legal Services Swindon Borough Council & Wiltshire Council Section 151 Officer Wiltshire Council
3.4	13/07/16	SWLEP Board - postponed
3.5	17/08/16	Minor edits to reflect brand guidelines, paras 114/115 added DS
3.6	28/08/16 31/08/16	Page 10, para 27 – removed ‘through legal agreement’ ID Page 31, para 116 – removed ‘officer group’ ID Page 28, para 114 – reworded to reflect one grant agreement ID Commissioning Group approval sought prior to Sept Board
3.7	07/09/16	Amends following Commissioning Group meeting
3.8	18/10/16	Amends following Board workshop. Document checked against new draft guidance Version 3.8 file corrupted
3.9	03/11/16	Amends following Board workshop re-done. Amends to process flow charts following discussion with Transport Officers – consultation exercise timing amended. Document checked and amended against new draft guidance

3.10	16/11/16 17/11/16 23/11/16	<p>Amends following Working Group meeting on 10 November</p> <p>Includes addition of diversity statement and code of conduct references.</p> <p>Amends by SWLEP Director 17 November</p> <p>Amends following meeting on 21 Nov with Corporate Director and Associate Directors or equivalent and Heads of Legal Services Swindon Borough Council and Wiltshire Council.</p>
3.11	29/11/16 30/11/16 05/12/16 13/12/16 15/12/16	<p>Process diagrams amended – subgroups to promote calls and are no longer part of the prioritisation/recommendation process at all stages in order streamline the process,</p> <p>Final working group amends including:</p> <p>Para 106 – consultation at OBC stage only. SOBC deleted.</p> <p>Stage 4 FBC process diagram: *The consultation exercise will depend on the nature of the project and what is required by statute or the funding authority. Consultation at FBC stage is not applicable for schemes which were subject to consultation at OBC stage,</p> <p>Appendix A: conflict of interest and code of conduct text added to subgroup TOR</p> <p>Technical edit DS/PB:</p> <p>Consistency of capitalisation and use of hyphens.</p> <p>Sub-groups removed from decision making where referenced in the text.</p> <p>Process diagrams amended so that it is the Board and not Commissioning Group which can reject or park a scheme.</p> <p>Format checks</p> <p>Conference call S151 Officers Swindon and Wiltshire, signed off</p> <p>MH amends to para 32 and 76 ‘as well as decision making and openness of reporting’ inserted</p> <p>Conference call Legal, amends made by PB</p>
	19/12/16	Appendix D added: SWLEP Board Members Register of Interests
	03/01/17	Paragraph cross references checked and amended.
	10/01/17 13/01/17	<p>Transferred to SWLEP template</p> <p>updated following Commissioning Group: amends paras 24, 87, Table I amend approved.</p> <p>Draft complaints text added to para 67 regarding Board Member code of conduction/conflict of interest</p>

File Name	Swindon and Wiltshire Local Enterprise Partnership Assurance Framework –(Draft Final Assurance Framework in template CG amends tracks accepted 130117
Original Author(s)	Steven Bishop (Steer Davies Gleave)
Current Author(s)	Debby Skellern (SWLEP)
Working Group 2016	Ian Durston (SWLEP), Philippa Venables and John Seddon (Swindon Borough Council), Matt Croston, Rob Murphy and Julian Head (Wiltshire Council).

For approval

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Part One: Introduction and background

Introduction

1. The Swindon and Wiltshire Local Enterprise Partnership (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 – 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 Framework, 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 Assurance Framework.¹
3. This Assurance Framework 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 Framework covering all Central Government funding flowing through LEPs to ensure robust value for money processes are in place. The SWLEP reviews its Assurance Framework annually and publishes its Assurance Framework on its website. The SWLEP Board is required to agree the finalised Assurance Framework ensuring key partners are signed up. The accountable local authority must also sign-off the Assurance Framework, and write to the Accounting Officer in DCLG certifying that the Assurance Framework has been agreed, is being implemented, and that it meets the standards articulated in the national framework.

¹ Source: https://www.gov.uk/Government/uploads/system/uploads/attachment_data/file/386642/bis-14-1241-local-enterprise-partnership-LEP-national-assurance-framework.pdf

Strategic objectives

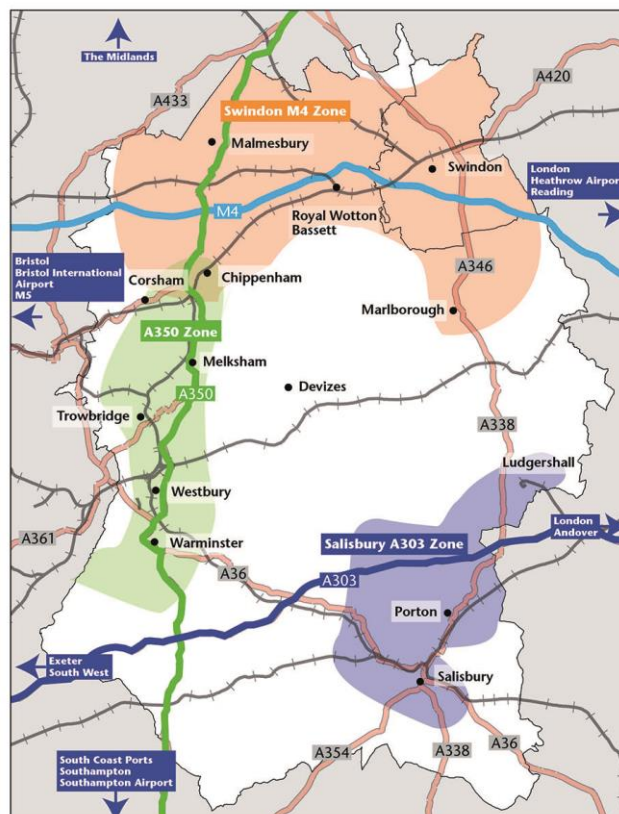
5. The Swindon and Wiltshire Strategic Economic Plan (SEP), sets out the SWLEP's strategic objectives. The latest version was adopted by the SWLEP Board in January 2016, following engagement with the public and business community. The strategic objectives are:
- **Skills and talent:** we need an appropriately 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

6. 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



Key Statistics	Swindon-M4 Zone	A350 Zone	Salisbury-A303 Zone	Chippenham and Corsham	SWLEP
GVA per job filled as % SWLEP	50%	21%	11%	9.8%	-
Employees 2014	161,700	79,400	41,800	26,500	303,800
% Growth in Employees 2012-2014	7.2%	12.4%	6.3%	27.4%	7.4%
% Employees in Knowledge Intensive Businesses	23.2%	18.6%	26.2%	16.6%	22.7%
% Growth in Employees in Knowledge Intensive Businesses 2012-2014	11.6%	25.7%	9.7%	9.6%	14.9%
No. businesses as % SWLEP	46%	25%	15%	8.7%	-
No. SMEs (0-249 emps)	15300	8200	4900	2320	33100
No. large businesses 2015 (>250 emps)	75	35	15	10	125
Rail journey time to London Swindon, Westbury, Salisbury & Chippenham	1 hr 1m	1hr 37m	1hr 29m	1 hr 16m	-
Distance to London from Swindon, Trowbridge, Salisbury & Chippenham (miles)	80	112	88	99	-

The Swindon and Wiltshire Local Enterprise Partnership and Governance

7. In summary, the SWLEP is responsible for driving 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 74 to 83.
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.

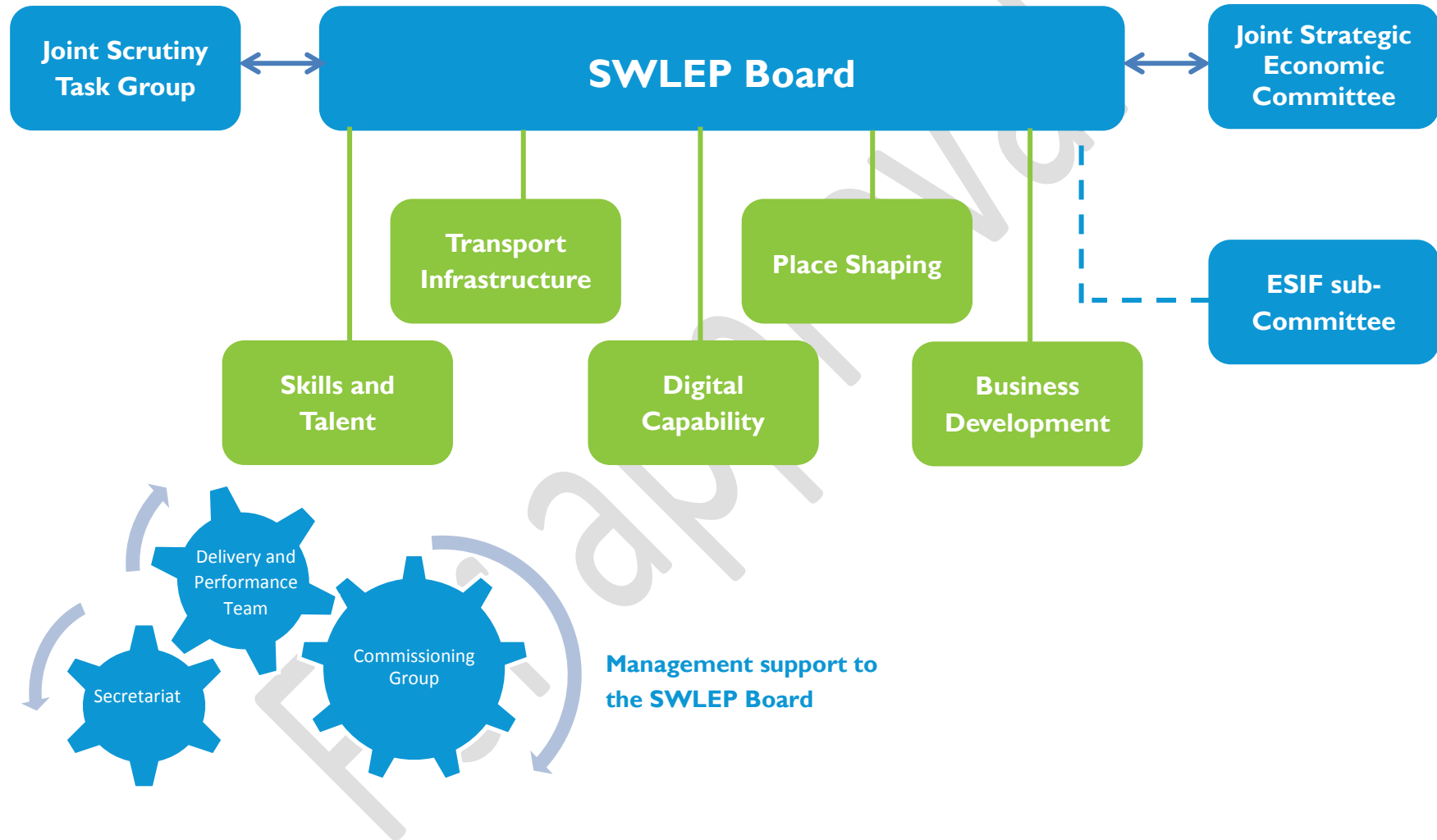
Table 1: Local Enterprise Partnership Board Membership

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
Local Authority Board Member	Leader, Swindon Borough Council	Permanent	Permanent
Local Authority Board Member	Leader, Wiltshire Council	Permanent	Permanent
Board Member	Commander Military HQ South West	Permanent	Permanent
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	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;
 - 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 and the Commander of the Military Headquarters South West. 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 order to inform the SWLEP board of emerging strengths and weaknesses. This sub-group replaces the former Swindon and Wiltshire Local Transport Body.

Digital capability	Develop and deliver the Digital Capabilities Plan in response to the priority in the SWLEP's Strategic Economic Plan. 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.
Place Shaping	Develop and deliver the Swindon and Wiltshire Place-Shaping Plan in response to the priority in the SWLEP's Strategic Economic Plan. 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.
Business development	Develop and deliver a Swindon and Wiltshire Business Development Plan in response to the priority in the SWLEP's Strategic Economic Plan. 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. The Chair, with the support of the Vice Chair, to act as the representative of Small and Medium Enterprises on the SWLEP Board.

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. The SWLEP is an Unincorporated Association. 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 democratic and financial accountability for the Swindon and Wiltshire Strategic Economic Plan, 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, or both Unitary Authorities disagree with the SWLEP Board on an issue pertaining to the Strategic Economic Plan, 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 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 LEP Assurance Framework².
 - Provide local democratic accountability for the delivery of the Strategic Economic Plan and the use of public resources to fund the implementation of the Strategic Economic Plan 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 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 formally agree and sign-off 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.

² Local Enterprise Partnership Assurance Framework, DCLG November 2016.

SWLEP Secretariat

22. The key source of advice to the SWLEP is the Executive Group of the Secretariat which comprises the SWLEP Director 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 fortnight to manage follow-up actions following SWLEP Board, sub-groups and Governance Group meetings. It develops policy and strategy proposals and manages operational links to external bodies. The Secretariat also manages the forward plan for the Board and Commissioning Group and the co-ordination of activity across the sub-groups.
23. Building on the process adopted during the development of the first Strategic Economic Plan, the Executive Group will hold a Secretariat meeting with Officers 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 also ensures compliance with the legal and financial terms of the Assurance Framework and oversees strategy development and the forward plan for the SWLEP Board and agenda. 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:
- Ensure 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
 - Ensure that there is independence between scheme promoter and the decision making body in order to avoid conflict of interest.

- Ensure that official records of proceedings relating to the investment decisions are maintained.
- Ensure 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 will be included in a service level agreement agreed and reviewed 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 Framework 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 Heads of Terms 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.

Joint Scrutiny Task Group

35. 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

36. 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 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 Framework.

37. 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.
38. 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.
39. Updates on the delivery of the ESIF programme will be made regularly to the SWLEP Board, SWLEP Officers Group and Delivery and Performance Team.



Part Three: Transparent and accountable decision making

Transparency and Local Engagement

40. The SWLEP 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 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 (Part I) by default, unless there are specific reasons for such discussion to be restricted from the public under the criteria set out in Appendix C.
41. 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 I of Schedule 12A of the Local Government Act 1972.
42. 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 Framework
 - c. Heads of Terms / Legal agreement between SWLEP, Wiltshire Council and Swindon Borough Council
 - d. Scheme assessment, prioritisation and approval process
 - Working Meetings
 - a. Board meeting papers and minutes which includes financial accounts at each meeting prepared by Accountable Body
 - b. Subgroup papers and minutes
 - Key Documents
 - a. The Swindon and Wiltshire Strategic Economic Plan
 - b. Central Government Agreements (e.g. Growth Deal, City Deal)



- c. Funding calls
 - d. Scheme business cases
 - e. Scheme awards
 - f. Monitoring and evaluation framework template
 - g. Evaluations and case studies
 - h. Major research and data
 - i. Strategies and plans
 - j. SWLEP Annual Report
43. 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.
44. 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 Director a minimum of 35 clear days in advance of the Board meeting date.
45. 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.
46. 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.
47. 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).

48. 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.
49. 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. 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.
50. 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.
51. 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

52. 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 Assurance Framework as per the Legal Agreements with the Accountable Body.
53. A special meeting of the SWLEP Board can be held in exceptional circumstances or when an urgent decision is required.

54. 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).
55. Agenda 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 published no later than fourteen clear working days after the relevant meeting. All Board meetings will be open to the public.

Diversity

56. 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.
57. 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.
58. 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.
59. 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.

60. 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 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.
61. The Chair of the Business Development Subgroup will be act as the named Board Lead for Small and Medium Sized Enterprises.
62. 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 priorities and engage in consultation exercises. The Business Development 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. 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

63. 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.
64. The SWLEP will adhere to the Local Government Data Transparency Code (available from <https://www.gov.uk/Government/publications/local-authority-data-transparencycode>).

Conflicts of interest

65. 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.
66. 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.
67. 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. 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.
68. Access to available registers of full member interests will be available to the public via links on the SWLEP website.

Code of Conduct

69. 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

70. 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.
71. 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.

Complaints and whistle-blowing

72. 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 Assurance Framework. All complaints will be dealt with by the Accountable Body using Wiltshire Council's complaints procedure.

Part Four: Accountable decision making

Legal and Operational Arrangements

73. A Heads of Terms agreement between Wiltshire Council as the Accountable body and Swindon Borough Council and the SWLEP; the SWLEP Constitution and the SWLEP Assurance Framework have been developed. Combined these documents will 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

74. Democratic accountability for the SWLEP and its decisions are provided through the Unitary Authority Leader representation on the SWLEP Board, and the Joint Strategic Economic Committee. Wiltshire Council will be the Accountable Body for the SWLEP.
75. 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 Framework 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.
- 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.

76. 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.
77. 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 Heads of Terms Agreement will specify the procedures for ensuring no conflict of interest and clarity of roles, responsibilities, communications, monitoring and reporting.
78. The Accountable Body will complete any decision-making and review of any SWLEP Board decision within a reasonable timeframe as defined in the Heads of Terms Agreement between the Accountable Body and SWLEP.
79. 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.

80. 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.
81. 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.
82. 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.
83. 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

84. As the Accountable Body, Wiltshire Council will appoint independent qualified auditors in accordance with the arrangements set out in the Accountable Body Heads of Terms Agreement to establish that the SWLEP is operating effectively within the terms of the Assurance Framework. The SWLEP will consider any recommendations of the auditors and take necessary action to remedy any identified shortcomings.
85. The specific roles of the SWLEP in driving economic growth are to:
- Develop strategic economic plans and policies, including amendments to the



swindonwiltshire

Local Enterprise Partnership

Swindon and Wiltshire Strategic Economic Plan;

- 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 Heads of Terms 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.

86. 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, key strategic and prioritised objectives may change.

Part Five: Ensuring value for money – prioritisation of schemes

Candidate Schemes

87. 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. 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 call³. 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

88. 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:

³ As set out in Appendix A of the National Assurance Framework, DCLG, November 2016



- Is there a strong strategic fit with the SEP 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)?

89. 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.

90. 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

91. 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.

92. 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.

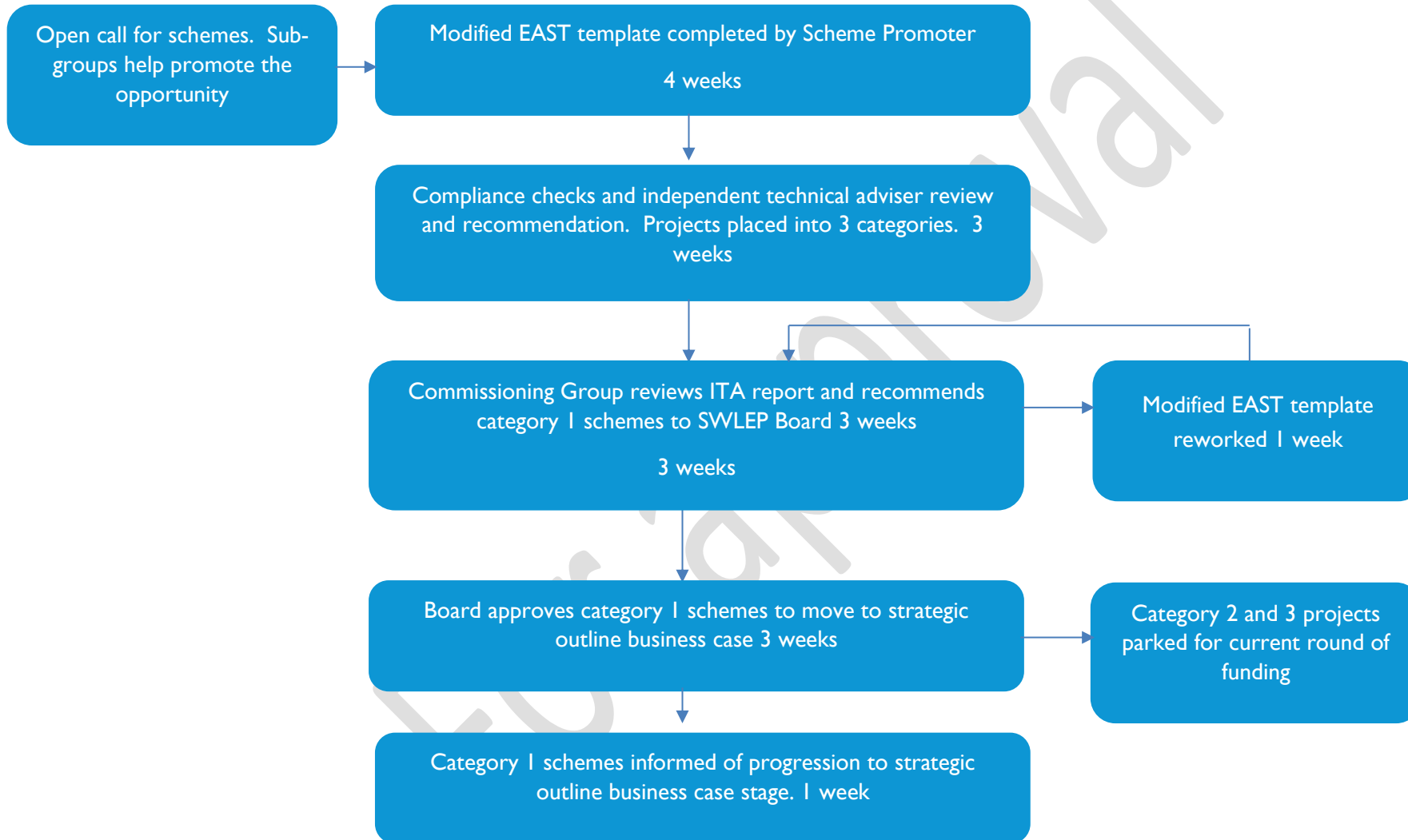
93. Reasonable costs related to the assessment of schemes for scheme sifting and prioritisation purposes and the review of individual scheme business cases by the Independent Technical Advisors will be charged to the relevant scheme promoting. This will be in relation to work specifically carried out 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

94. 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.
95. 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.
96. 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 I Initial scheme assessment, sifting and prioritisation, 10-11 weeks from closing date of call.



97. 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.
98. 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.
99. 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 or Local Plan review.
100. 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

101. 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

102. 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

103. 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

104. 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

105. 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

106. 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).
107. 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.
108. 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 95). At this stage the main focus will be on making the strategic economic case for the investment.

109. 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.
110. 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).
111. 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.
112. 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 Heads of Terms Agreement and notifying Government subject to Government's conditions and delegation of grant funding management in this manner.
113. 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.
114. 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.

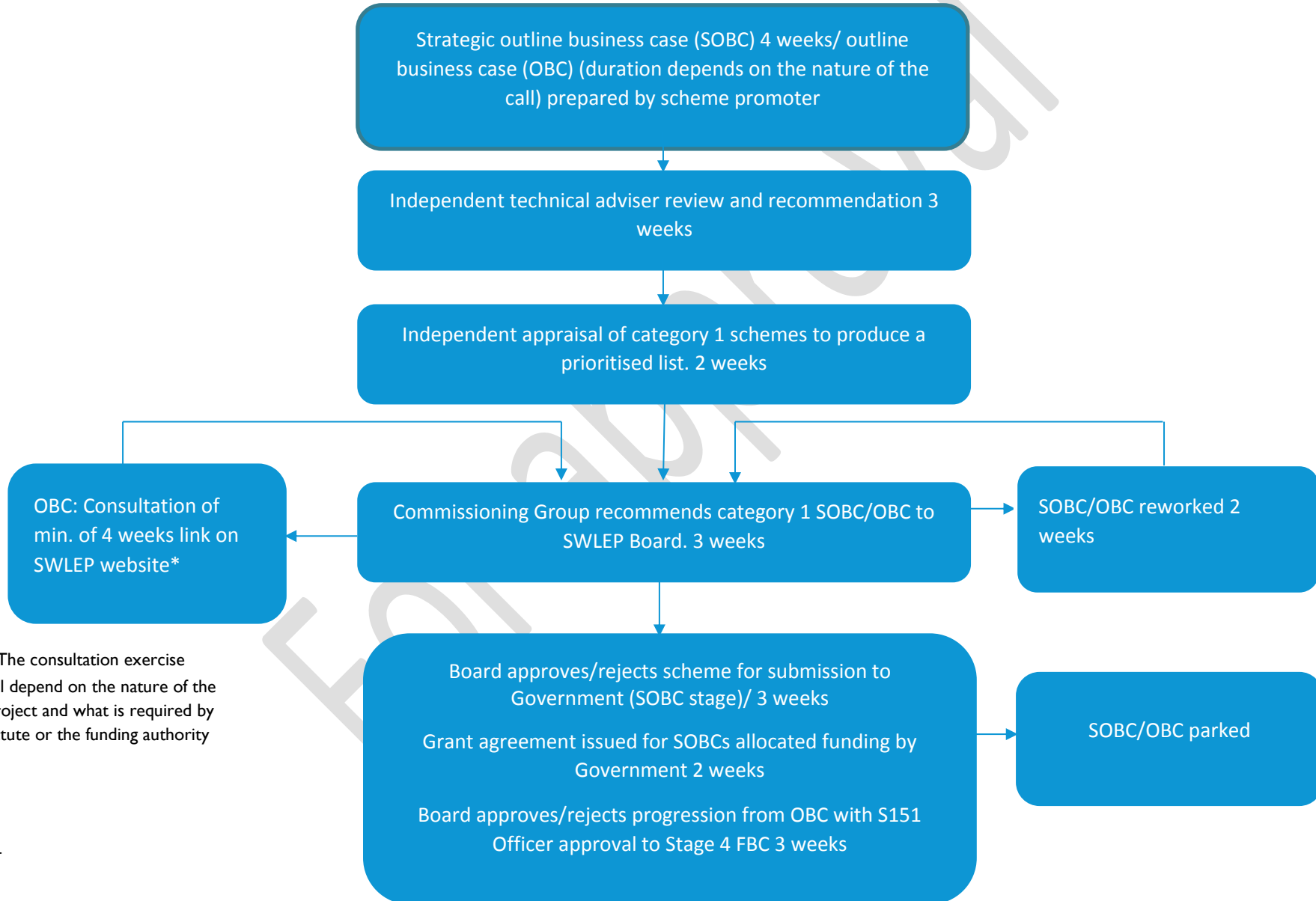
Stage 3: Outline business case

115. 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

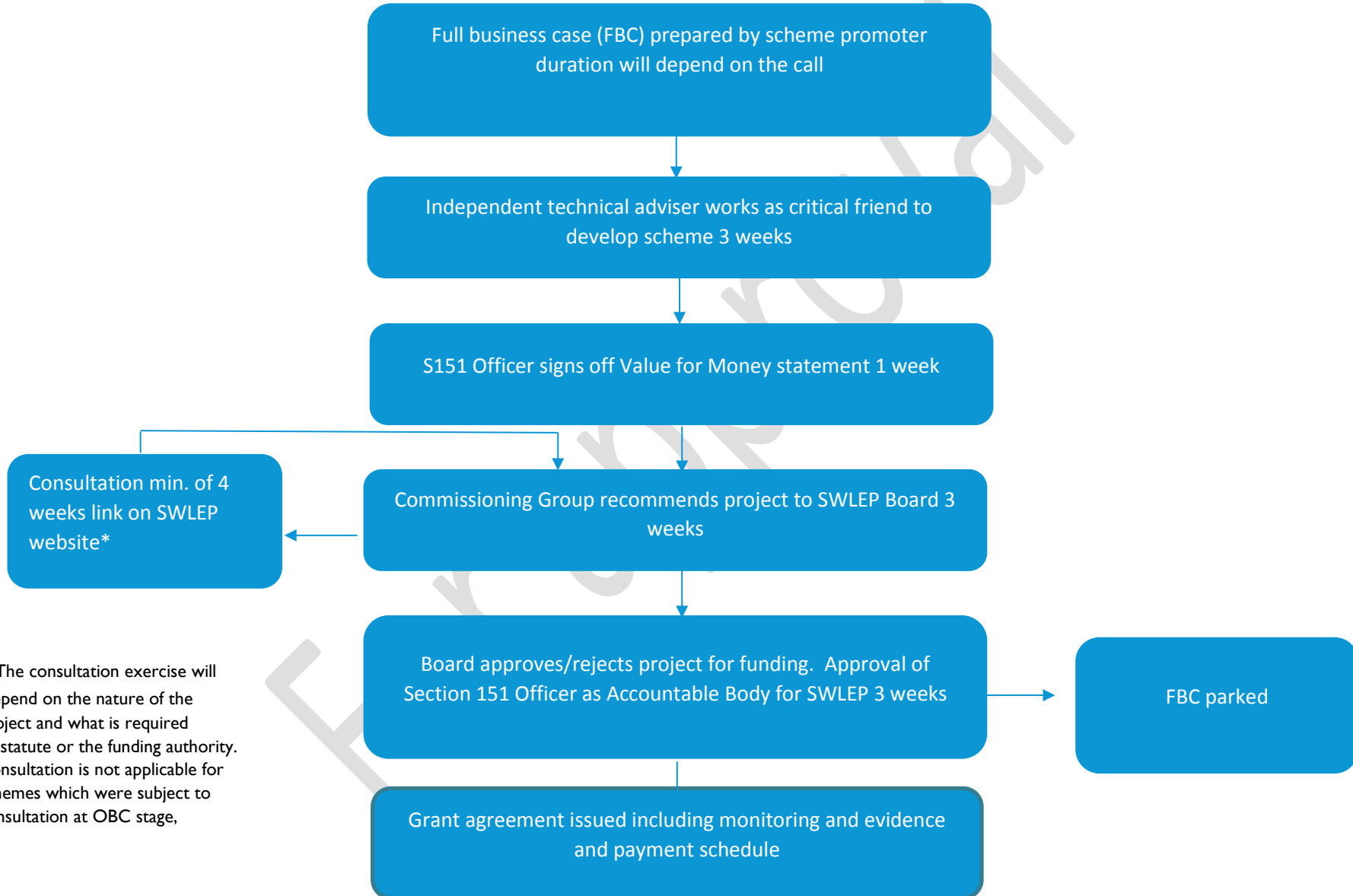
116. If successful in receiving a SWLEP Board approval at Outline Business Case stage, transport scheme promoters will be requested to develop their scheme to Full Business Case (FBC). The development of the FBC has a far greater emphasis on commercial, financial and management cases, ensuring arrangements are appropriate for effective delivery, including necessary statutory and procurement requirements (as appropriate).
117. 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.
118. 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.
119. 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 Heads of Terms Agreement and notifying Government subject to Government's conditions and delegation of grant funding management in this manner.

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,

Value for money

120. 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:
- 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.
121. 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.
122. 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.
123. 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.

124. 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

125. 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.
126. 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.
127. 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.
128. The scheme promoter will be responsible for submitting financial claim forms (signed by the Section 151 officer or equivalent) to the Accountable Body.
129. 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

130. 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.
131. The SWLEP Director 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.
132. 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.
133. 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: Draft Subgroup Terms of Reference

 <p>swindonwiltshire Local Enterprise Partnership</p>	<p>SWLEP Subgroups Terms of Reference</p>
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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 Assurance 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 sub-group 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 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 Sub-Group 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 I: Overview of sub-group activity

Sub-group	Overview
Skills and talent	<p>Development and delivery of the Swindon and Wiltshire Skills and Talent Plan in response to the priority in the SWLEP's Strategic Economic Plan.</p> <p>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.</p>
Transport Infrastructure	<p>Develop the Swindon and Wiltshire Transport Infrastructure Plan in response to the priority in the SWLEP's Strategic Economic Plan.</p> <p>Maintain oversight over SWLEP funded transport projects and the delivery of European and other funded transport projects in 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>

4. Sector Engagement Groups

- The Business Development 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 priority Sub-Groups have been agreed and signed by:

XXXX, Chair

Sub-group

Date

FOR APPROVAL



Appendix B: Transport specific requirements

Reference paragraph 100

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.

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FOR APPROVAL



Appendix C: Exclusion of Access by the Public to Meetings and / or Reports

Reference paragraph 39

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

<p>Three: Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p>	<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. • 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 taken in connection with the prevention, investigation or prosecution of crime</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>
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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.

FOR APPROVAL



Appendix D: Register of Members Interest and Conflict of Interest Policy

Reference paragraph 66

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 A of this form. This policy requires SWLEP Board Members (other than unitary authority members – see paragraph 7 below) to notify the Secretariat in writing of any relevant interests for inclusion in a Register of Interests maintained by the Secretariat.
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. Non-unitary Board Members must notify the Secretariat of any changes or additions to the register at the earliest opportunity.
6. Non-unitary 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.
7. Unitary authority members of the Board will continue to register their interests in accordance with the requirements of their authority's respective codes of conduct, save that they must also declare any additional interests outside their own authority's area but within the SWLEP area.

8. 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 Secretariat 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.

9. It is proposed to publish the Register of Interests of Board Members on the SWLEP web site.

Register of Interests
(Non- Unitary Board Members)

I,

(full name)

being a Member of the Board of the Swindon and Wiltshire Local Enterprise Partnership

GIVE NOTICE that I have the following Relevant Interests as defined in the Board's Conflict of Interest Policy attached as Appendix I included in this document.

(please state 'None' where appropriate)

1. Employment, Office, Trade, Profession or Vocation

- 1.1 You should disclose any employment, office (e.g. *director or trustee*), trade, profession or vocation carried on for profit or gain, including the name and address of any person or body who employs or has appointed you.

2. Sponsorship

- 2.1. You should declare any payment or provision of any other financial benefit (other than from SWLEP) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a Board Member.



3. Securities

- 3.1 You should detail any beneficial interest you have in securities of a body which has to your knowledge a place of business or land in the SWLEP area and **either** the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital, **or** one hundredth of the total issued share capital of any class of shares issued.

4. Contracts

- 4.1 You should detail any current contract under which goods or services are to be provided or works are to be executed and which is made between you (or a body in which you have a beneficial interest) and any body in the SWLEP area likely to be affected by the work of the SWLEP or in receipt of SWLEP sourced funding.



5. Land, Licences and Corporate Tenancies

5.1 Land

You should detail any beneficial interest you have in land within the SWLEP area (including the home which you occupy but excluding any easement, or right in or over land which does not carry the right to occupy or receive income). Please state the address or give a sufficient description of the land or property to ensure that it can be identified.

5.2 Licences and Corporate Tenancies

You should detail any licence (alone or jointly with others) to occupy land in the SWLEP area for a month or longer.

5.3 Corporate Tenancies

You should detail any tenancy where to your knowledge, the landlord is a body likely to be affected by the work of the SWLEP or in receipt of SWLEP sourced funding and the tenant is a body in which you have a beneficial interest.

6. Membership of other bodies

- 6.1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the SWLEP as its representative.

- 6.2 Any body exercising functions of a public nature of which you are a member or in a position of general control or management.

- 6.3 Any body directed to charitable purposes of which you are a member or in a position of general control or management.

- 6.4 Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

7. Disclosure of Gifts and Hospitality

- 7.1 You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £50 which you have received in your capacity as a member of the SWLEP.

Date of receipt of Gift/Hospitality	Name of Donor	Reason and Nature of Gift/Hospitality

8. Changes to Registered Interests

8.1. I understand that I must notify the Secretariat at the earliest opportunity of any changes or additions to my Relevant Interests.

Signed:

Board Member

Date:

Received:

Date:

Signed:

Secretariat

Appendix I Conflict of Interest Policy

Definitions

1. In this policy "Relevant Interest" means 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 LEP sourced funding.

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. Observers must comply with the requirements as to declarations of interests in paragraphs 9 and 10 below.
4. 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.

Register of Interests

5. The Secretariat shall maintain a Register of Board Members' Interests which shall record all Relevant Interests of the Board members. Board members shall supply information to the Secretariat for inclusion in the register (or a nil return if appropriate) as soon as possible following their appointment and shall notify the Secretariat at the earliest opportunity of any changes or additions to their Relevant Interests.
6. The Secretariat 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 Secretariat.
7. 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 Interest.

Conflicts of interest

8. A conflict of interest arises on a matter to be discussed by the Board where a Board member has a Relevant Interest in a matter before the Board and 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, director, contractor, trustee, 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, director, contractor, trustee, 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.
9. Where a Board member or any observer considers that he has or may have a conflict of interest in relation to a matter to be discussed by the Board, 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.
10. Where a Board member or observer makes a declaration under paragraph 9, unless the Board agrees that the matter declared does not fall within the definition of a conflict of interest the Board member or observer shall not participate in or (in the case of a Board member) vote on the relevant matter and may, at the Chair's discretion, be asked to withdraw from the meeting.
11. A disclosure by a Board member or observer under paragraph 9 and all decisions relating to that disclosure shall be minuted.

Draft SWLEP Governance Framework

Document History

Version	Dates	Notes
0	2015	Katherine Hathaway added comments whilst on secondment
1	11/08/16	DS amends to address some of KH comments and to align document to draft Assurance Framework 2016. Heads of Terms section added
2	16/11/16	Code of Conduct added Heads of Terms added
3	06/12/16 15/12/16	Amends throughout to align with revised draft Assurance Framework V3.11 and address more queries raised by KH. PB/DS meeting revisions. Document circulated to Swindon Borough Council and Wiltshire Council Officers for comments and suggested amendments
4	10/01/17 11/01/17 12/01/17	No amends submitted SBC at this stage. Referred to legal team to comment Amends and comments received from Wiltshire Council reviewed by PB/DS Circulated to Officers in Finance and Legal Services for review and comment/
File Name		SWLEP Governance Framework DS amends V4 100117
Original Author(s)		DAC Beachcroft LLP 2013 Document no: 112678868
Current Author(s)		Debby Skellern (SWLEP)

Draft Under Review

Governance Framework V4 10/01/17

Introduction

The Swindon and Wiltshire Local Enterprise Partnership (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. Governance principles
- B. Board Constitution
- C. Conflict of Interest policy
- D. Scheme of Delegation
- E. Finance and commissioning policy
- F. Terms of Reference
- G. Heads of Terms
- H. Code of Conduct
- I. Transparency Procedure

A. Governance principles

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

1. Operates in accordance with its Terms of Reference (Section F) and the SWLEP Assurance Framework.
2. Pursues activities which add value, and in particular activities which do not duplicate the work of its unitary authority members or the roles of other organisations.
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 Heads of Terms (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 (Department of Business Energy and Industrial Strategy Annual Conversation), relevant benchmarking against other LEP; and
 - c. Appropriate transparency through public reporting of:
 - i. Governance arrangements and Assurance Framework
 - 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

- I. 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.

Roles and responsibilities

3. The Board is responsible for the SWLEP's performance of its role in accordance with the Terms of Reference. In particular the Board shall:
 - a. produce a Strategic Economic Plan (SEP) which is reviewed in line with government guidance;
 - b. produce an annual report reviewing progress against delivery of the SEP including a financial overview and setting out priority actions for the forthcoming year; and
 - c. ensure that the SWLEP complies with its Governance Framework and the terms of its Assurance Framework.
4. In making 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.
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 Director or direct the Director 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 Framework (Section H); 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 within the Terms of Reference. 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.
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 Director;
- b. the Corporate Director of Economy, Regeneration & Skills (or equivalent post-holder) at Swindon Borough Council and the Associate 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; 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 Director 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 14 and 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 who will be appointed on a 3 year basis (which can be extended). The Leaders of the two Unitary Authorities and the

Commander of the Military HQ South West are permanent members of the SWLEP Board. . In addition a Board Member representing the education sector will be appointed on a 3 year basis (which can be extended). 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 Framework. 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.

15. 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 Framework. 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:

- Ensure 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.
- Ensure that there is independence between scheme promoter and the decision making body in order to avoid conflict of interest.
- Ensure that official records of proceedings relating to the investment decisions are maintained.
- Ensure that regular progress reports and updates are scheduled with appropriate Government teams.

Board meetings

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

17. 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.

18. 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 21.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 and at both members representing Swindon Borough Council and Wiltshire Council.

19. 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 Framework, 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 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.

20. 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 of information, is it 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 Framework, 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.

21. 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 Director 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. 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 Framework.

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 **Error! Reference source not found.** 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.

22. Discussion and decisions at Board meetings shall be minuted and the draft minutes shall be published on the SWLEP's website no later than fourteen 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

23. 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.
24. 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.
25. Subject to paragraph **Error! Reference source not found.**, the Board may use the resources of the Secretariat and may delegate actions and decisions to the Director in accordance with the Scheme of Delegation. Where the Board delegates any specific actions to the Director, 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 Director shall report appropriately to each Board meeting in accordance with the SWLEP's Assurance Framework on progress in respect of such delegations and commissioned work.
26. 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 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.
27. A Board working group is a group of Board members (minimum of two) and such other members as the Board considers appropriate.
28. 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 Terms of Reference;
 - 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 Terms of Reference 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.

- 29. 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.
- 30. 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.
- 31. The membership of a Board Sub-Group must include a minimum of one Board member (as provided for in paragraph 18.c) who shall usually be the Chair of the Sub-Group.
- 32. 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.
- 33. 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

- 34. 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. 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.

35. Subject to paragraph 34, 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.

Draft Under Review

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 Director 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 Director for inclusion in the register (or a nil return if appropriate) as soon as possible following their appointment and shall notify the Director at the earliest opportunity of any changes or additions to their Relevant Interests.
5. The Director 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 Director.
6. 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, director, 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, director, 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 he has or may have a conflict of interest in relation to a matter to be discussed by the Board, 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.
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 discussion, 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 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.
12. When a complaint is received, the Chair, Director and Vice-Chair will meet to decide whether or not they should make an immediate recommendation to the Board to suspend the member or members 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.

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 Director and the Chair: day to day management

3. The Director 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 at the first instance.

5. The Director 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 Director, and to provide financial authorisations to the Director as provided for in the Finance and Commissioning Policy.

Draft Under Review

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 18 of the Constitution).
8. The Chair shall report to the Board at its next meeting on any decisions or actions made under a delegation within paragraph 7.
9. The Board may delegate authority to a Board working group Group, as defined in paragraph 12, 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 Group rather than convening an additional Board meeting (whether in person or virtually as provided for in paragraph 16 of the Constitution).
10. The terms of any delegation under paragraph 9 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.
11. The Board working group shall report to the Board at its next meeting on all decisions or actions made under a delegation within paragraph 9.
12. The Board working group is a group of Board members which comprises the Chair, the Vice-Chair, a representative of each Unitary Authority and such other Board members as the Board considers appropriate.

Authorisation of actions to implement Board decisions

13. The Board may ask the Director, , individual Board members, Commissioning Group or 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 Terms of Reference.

14. 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 Terms of Reference and in accordance with the SWLEP's Finance and Commissioning Policy.
15. 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 27 of the Constitution or amended by the Board from time to time under paragraph 13.
16. Where any matter is delegated under paragraphs 13 or 14, 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 LEP Assurance Framework.

Draft Under Review

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 Terms of Reference, without prior authorisation or approval from the Board or any other person:
 - a. the SWLEP Director ;
 - 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 Management Framework.

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 Body¹.

¹ 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 Framework.
14. Grant funding will be held by the Accountable Body as set out in full in the Heads of Terms agreement.

Draft Under Review

Draft Under Review

G Heads of Terms

Dated

2015

(1) WILTSHIRE COUNCIL

(2) SWINDON BOROUGH COUNCIL

**(3) SWINDON AND WILTSHIRE LOCAL
ENTERPRISE PARTNERSHIP**

ACCOUNTABLE BODY AGREEMENT

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** 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 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 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 the devolved government funding to relevant projects and programmes.
- D. Swindon and Wiltshire are empowered under Section 1(1) Localism Act 2011.

IT IS AGREED AS FOLLOWS:

I 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 funding including the Local Growth Fund held by Wiltshire as accountable body and to be allocated by SWLEP pursuant to the Assurance 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 Assurance Framework means the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) Assurance Framework dated March 2015, a copy of which is set out in Schedule 2.

- 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 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 Assurance 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 Assurance 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 As the Accountable Body Wiltshire 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 substantially which shall substantially be in the form of Grant Agreement attached in Schedule 3.
- 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, Wiltshire as the Accountable Body 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 monies 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 income and make timely payments for and on behalf of SWLEP;
 - 5.4.4 maintain proper records of all monies 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 public resources 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 income, expenditure and disbursement to SWLEP, funding organisations, central government and external auditor.
- 5.5 Interest shall accrue on the Funding which shall be held by Wiltshire and as agreed between the Parties distributed, taking into account the reasonable costs of Wiltshire for acting as the Accountable Body. The Parties will use their reasonable endeavours to agree a more detailed procedure in relation to such interest during the continuance of the Agreement.
- 5.6 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.

- 5.7 SWLEP and Swindon shall:
- 5.7.1 Co-operate with and assist Wiltshire acting in its role as accountable body in undertaking the day to day responsibility for financial matters;
 - 5.7.2 Co-operate with and assist Wiltshire in regular audit examinations of all operating systems;
 - 5.7.3 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 Parties 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 shall be 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 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 1998 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 the 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 the other Party and lawfully acquired from sources other than the 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 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 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 Assurance 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 other 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 the 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. Neither Party shall have, nor represent that it has, any authority to make any commitments on the other Party's behalf.

16.6 Except as otherwise expressly provided by the Agreement, all remedies available to either 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

.....

**Signed for and on behalf of
SWINDON AND WILTSHIRE LOCAL ENTERPRISE PARTNERSHIP**

Schedule I

Roles & Responsibilities

- I.1 Wiltshire shall:
 - I.1.1 Ensure that the decisions and activities of the SWLEP conform with legal requirements with regard to freedom of information, equalities, the environment and other matters.
 - I.1.2 Ensure (through the Section 151 officer) that funds are 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 (and not for its own purposes or without consent of the SWLEP).
 - I.1.3 Ensure that the SWLEP Assurance Framework is being adhered to.
 - I.1.4 Ensure the official record of SWLEP proceedings is maintained and having access to all relevant SWLEP documents.
 - I.1.5 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.
 - I.1.6 Ensure that there are arrangements for local audit of funding allocated by the SWLEP comparable to Wiltshire Council's own arrangements for local authority spend.
- I.2 SWLEP shall:
 - I.2.1 Comply with the SWLEP Assurance Framework.
 - I.2.2 Develop strategic economic plans and policies, including amendments to the Swindon and Wiltshire Strategic Economic Plan.
 - I.2.3 Identify a prioritised list of schemes within the available budget including under / over programming to enable prudent management.
 - I.2.4 Make decisions based on the scrutiny of individual scheme business cases.
 - I.2.5 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.
 - I.2.6 Using reasonable endeavours ensure value for money is achieved.

- I.2.7 Monitor progress of scheme delivery and spend.
- I.2.8 Use reasonable endeavours to ensure on-time delivery of schemes to the programme.
- I.2.9 Actively manage the devolved budget and programme to respond to changed circumstances.
- I.3 Swindon shall:
 - I.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.
 - I.3.2 Comply with the SWLEP Assurance Framework.
 - I.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

SWLEP Assurance Framework

[insert copy of SWLEP Assurance Framework when approved]

Draft Under Review

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, abide by the 7 principles of public life: as defined in section 28 of the Localism Act 2011²;

1. Selflessness;
2. integrity;
3. objectivity;
4. accountability;
5. openness;
6. honesty; and
7. leadership

On joining the SWLEP Board, all members make a written declaration of their agreement to the Board's Governance Framework which includes this code of conduct.

Gifts and Hospitality – add para from Wilts Council

1. All Members of the Board should follow the gift or hospitality in accordance with the policy of Wiltshire Council as the Accountable Body.

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 Accountable Body using the Accountable Body's complaints procedure³.

² <http://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>

³ <http://www.wiltshire.gov.uk/council/complaints/complaintsmakingacomplaint.htm>

I Transparency Procedure

Draft Under Review