



## **Section F: Assurance Procedures**

**July 2020**



**ASSURANCE  
PROCEDURES**

**Version control: minor update 3 December 2020**

1. Subgroups revised down from four to three through merger of Ideas Subgroup with Infrastructure and Place Subgroup
2. Assurance Procedures: inclusion of an additional paragraph on branding guidelines (paragraph 73)

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# Assurance procedures for the allocation and award of funding

## Part One: Introduction and background

### Introduction

1. The Swindon and Wiltshire Local Enterprise Partnership Limited<sup>1</sup> (SWLEP) is a company limited by guarantee established to play a central role in determining local economic priorities and undertaking activities to drive sustainable and inclusive economic growth. The SWLEP is able to access government funding to channel investment into the area, in particular to support its strategic objectives relating to people, infrastructure and places, business environment and ideas.
2. This document sets out the SWLEP's Assurance Procedures, outlining governance arrangements including the membership, roles and responsibilities of the Board, working arrangements between the partners, and arrangements for the management of delegated funding from Central Government budgets and programmes in accordance with the Central Government's LEP National Local Growth Assurance Framework 2019.<sup>2</sup>
3. This Assurance Procedure will support the developing confidence in delegating funding from Central Government budgets and programmes via a single pot mechanism (such as Local Growth Fund allocations through the Growth Deal programme or other funding programmes which may succeed it) by demonstrating that there are robust local systems in place which ensure resources are spent with regularity, propriety, transparency and value for money.

### Background

4. Central Government requires all Local Enterprise Partnerships (LEPs), as part of their Growth Deal, to agree and implement a single Assurance Procedure covering all Central Government funding flowing through LEPs to ensure robust value for money processes are in place. The SWLEP reviews its Governance Framework annually and publishes each section on its website. The SWLEP Board is required to

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<sup>1</sup> The Swindon and Wiltshire Local Enterprise Partnership became incorporated as a company limited by guarantee on 14 January 2019. Registered number 11766448.

<sup>2</sup> Source:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/768356/National\\_Local\\_Growth\\_Assurance\\_Framework.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/768356/National_Local_Growth_Assurance_Framework.pdf)

agree the finalised Governance Framework ensuring key partners are signed up. The accountable local authority must also sign-off the Governance Framework and write to the Accounting Officer at MHCLG certifying that the Governance Framework has been agreed, is being implemented, and that it meets the standards articulated in the national framework.

### **Strategic objectives**

5. The Swindon and Wiltshire Emerging Local Industrial Strategy (LIS), sets out the SWLEP's vision and aims. The emerging LIS was published by the SWLEP Board in March 2020, following engagement with the public and business community. The LIS is structured around the five foundations of productivity each of which has a set of aims:

**Vision to 2036:** To ensure all of our communities benefit from inclusive and sustainable growth, making the Swindon and Wiltshire area world-renowned for its convergence of innovation, entrepreneurialism and great quality of life.

### **Aims**

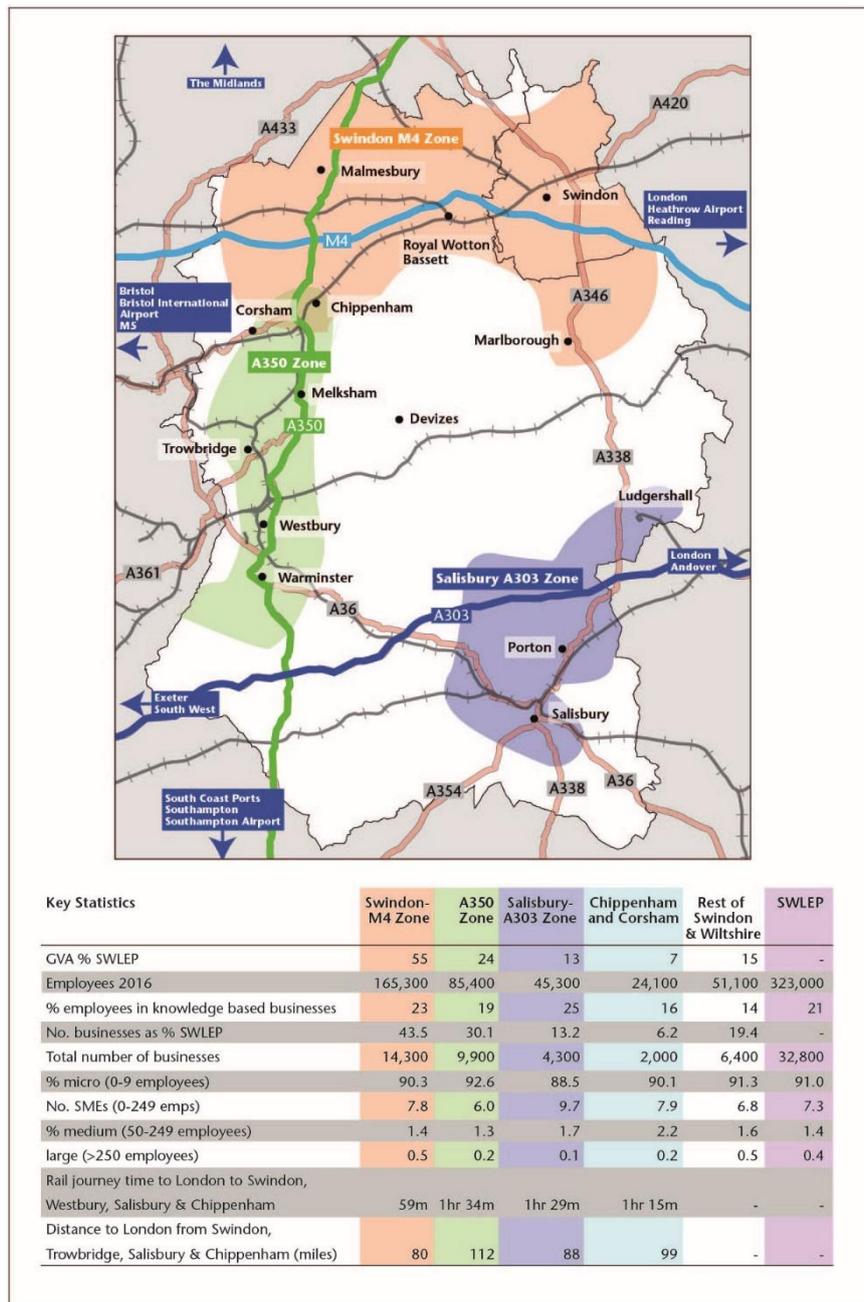
- a. People: address the skills supply and demand imbalance and ensure there is inclusive growth across socio-economic groups;
- b. Infrastructure: further improve digital, road and rail connectivity and tackle capacity constraints in energy, water and waste;
- c. Places: develop resilient, agile and inclusive settlements through a more diversified economy, improved cultural and retail offer and a better understanding of natural capital
- d. Business Environment: attract investment and enable businesses to reach their potential, building on the Growth Hub successes; and
- e. Ideas: grow R&D and innovation activity, building on our strengths (advanced engineering, energy and sustainability, agritech, life sciences) and emerging opportunities (cyber resilience and digitech).

## Part Two: Local Enterprise Partnership governance

### Geography

- The SWLEP covers the same area as its two Unitary Authorities, Swindon Borough Council and Wiltshire Council (Figure 1).

**Figure 1: Map of Swindon and Wiltshire Local Enterprise Partnership area and its Growth Zones**



## The Swindon and Wiltshire Local Enterprise Partnership and Governance

7. In summary, the SWLEP is responsible for driving sustainable<sup>3</sup> and inclusive<sup>4</sup> economic growth across Swindon and Wiltshire; for the development and maintenance of the strategic economic plans; negotiation of City Deal and Growth Deals alongside other funds as they arise 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 26 to 29 and 74 to 85.
8. The SWLEP has a Board with a minimum of 14 and a maximum of 20 Directors 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 Standing Members of the Board. A permanent seat at the Board will be allocated for a Director to represent the Military and another seat to represent the education sector, these seats will not be tied to a specific Military Service or educational institution or organisation. The Military and education sector representatives will be appointed on a three-year basis (which can be extended in accordance with the company's articles of association).
9. Board Directors who are not Standing Members of the Board are appointed for three years, this term may be extended for a further three years with the agreement of the Board i.e. a maximum of six years from the date they were first appointed to the Board, irrespective of the position they may hold or be appointed to during that period. In exceptional circumstances, to support business continuity, this term can be extended annually for up to a further year with the Board's agreement. This annual extension can only happen a maximum of three times i.e. an absolute maximum of nine years tenure in total.
10. The structure of the SWLEP Board is displayed in Table I. Board Directors 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

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<sup>3</sup> Sustainable economic growth means a rate of growth which can be maintained without creating other significant economic problems, especially for future generations. Source: Economics Online [https://www.economicsonline.co.uk/Managing\\_the\\_economy/Sustainable\\_growth.html](https://www.economicsonline.co.uk/Managing_the_economy/Sustainable_growth.html).

<sup>4</sup> Inclusive growth is economic growth that is distributed fairly across society and creates opportunities for all. Source OECD <http://www.oecd.org/inclusive-growth/>

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 Directors**

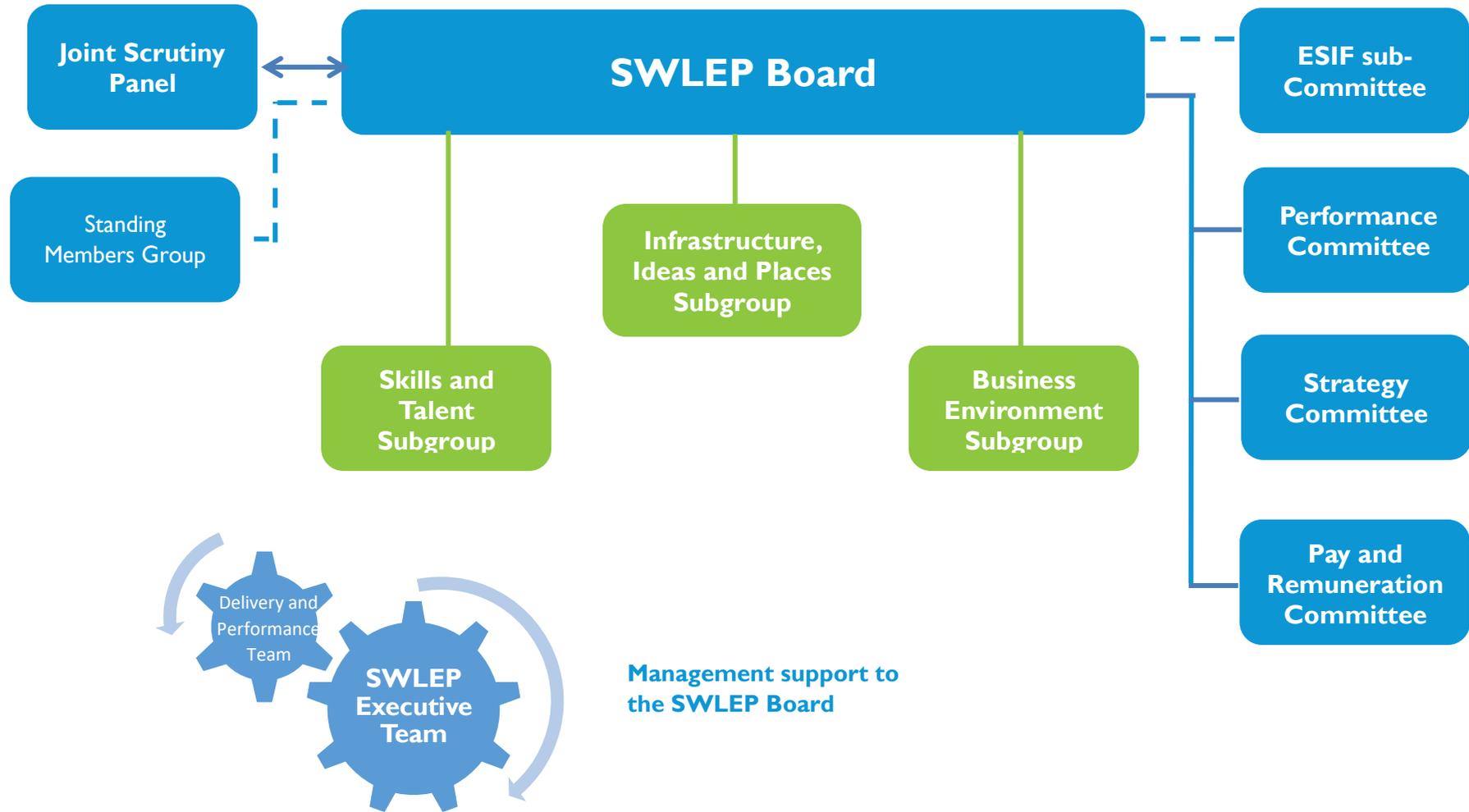
| <b>Role</b>                  | <b>Organisation</b>                       | <b>Appointment</b>  | <b>Length of Tenure</b>                                  |
|------------------------------|---|---|--|
| Chair                        | Private sector (mandated)                 | Voted by SWLEP Board  | 3 years but can be extended for a further 3 year period. |
| Vice Chair                   | Private sector                            | Voted by SWLEP Board  | 3 years but can be extended for a further 3 year period  |
| Chair                        | Private sector                            | Voted by SWLEP Board  | 3 years, but can be extended                             |
| Vice Chair                   | Private sector                            | Voted by SWLEP Board  | 3 years, but can be extended                             |
| Local Authority Board Member | Representative of Swindon Borough Council | Permanent   | Permanent  |
| Local Authority Board Member | Representative of Wiltshire Council       | Permanent   | Permanent  |
| Board Member                 | Military representative                   | Permanent seat reserved for the Military. Director voted by the Board         | 3 years, but can be extended                             |
| Board Member                 | Education sector representative           | Permanent seat reserved for the education sector. Director voted by the Board | 3 years but can be extended                              |
| 8-14 x Board Member          | Private sector                            | Voted by SWLEP Board  | 3 years but can be extended                              |
| Advisor to the Board         | Swindon Borough Council Chief Executive   | Permanent   | Permanent  |
| Advisor to the Board         | Wiltshire Council Chief Executive Officer | Permanent   | Permanent  |

11. The SWLEP Board is responsible for:
  - a. The development, review and refresh of the Local Industrial Strategy (LIS) and related strategies;
  - b. The successful and effective delivery of its programmes for example the Local Industrial Strategy, the Growth Deals and projects resourced by the Growing Places Infrastructure Fund; and
  - c. The approval of scheme funding on the basis of recommendations from the relevant Sub-groups.
12. The Chair and Vice- Chair of the SWLEP and all Directors are elected by the SWLEP Board on a three year rotating basis. 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 Directors including the Chair. Further details of the SWLEP purpose, Board Membership, and Board operations can be found in the SWLEP Constitution, which is published on the SWLEP website.
13. 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, Committees, Sub-groups, the Joint Scrutiny Panel , the SWLEP Executive Team, Standing Members Group, SWLEP Delivery and Performance Team, Accountable Body (Wiltshire Council); and the European Structural and Investment Funds (ESIF) Advisory sub-Committee.
14. 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.

### **SWLEP Board Sub-groups**

15. The SWLEP Board is advised directly by a number of sub-groups which have been established to reflect the strategic objectives of the SWLEP in driving economic growth. Each sub-group operates under a specific terms of reference approved by the Board which will include details on membership and tenure. 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.

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



16. The core three sub-groups are Skills and Talent; Infrastructure, Ideas and Places; and Business Environment. 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.
17. Each sub-group will oversee the development and implementation of its own 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.

**Table 2: SWLEP Subgroups**

| Sub-group                                      | Overview   |
|--|--|
| <p><b>Skills and Talent</b></p>                | <p>Develop and deliver the Swindon and Wiltshire Skills Plan and Annual Skills Report which is SWLEP’s response to People Foundation of Productivity of the Swindon and Wiltshire Local Industrial Strategy.</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> <p>The Chair, to act as the Board Champion for Equality on the SWLEP Board.</p> |
| <p><b>Infrastructure, Ideas and Places</b></p> | <p>Develop and maintain the Swindon and Wiltshire Infrastructure and Places Plan in response to priorities set out in the Swindon and Wiltshire Local Industrial Strategy</p> <p>Maintain oversight over SWLEP funded infrastructure, place shaping and innovation projects inkling GPIF investment in order to inform the SWLEP board of emerging strengths and weaknesses.</p>   |

| Sub-group                   | Overview   |
|-----------------------------|--|
| <b>Business Environment</b> | <p>Develop and deliver the Swindon and Wiltshire Business Environment Plan in response to the priorities set out in the Swindon and Wiltshire Local Industrial Strategy.</p> <p>Take on the role of the Growth Hub Governance Group and maintain oversight over SWLEP's 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>Oversees and delegates work to the Rural Economy Sector Working Group.</p> <p>The Chair, with the support of the Vice Chair, to act as the representative of Small and Medium Enterprises on the SWLEP Board.</p> |

## Governance groups of the Swindon and Wiltshire Local Enterprise Partnership

18. The following groups have been established to provide overall governance of the SWLEP activities:

### SWLEP Executive

19. The key source of advice to the Board is the SWLEP Executive which comprises the SWLEP CEO, the Director of Programmes and the Director for Strategy and Policy. The Executive meets every two weeks to discuss operational, staff and business performance issues. Every four weeks, nominated officers of both Unitary Authorities are invited to attend to facilitate cross-organisational working.

### SWLEP Standing Members Group

20. The SWLEP Standing Members Group meets in order that SWLEP can gain a better understanding of the plans, influences and issues facing permanent members of the Board, which might have a bearing on the SWLEP activities, It comprises representatives of the two unitary authorities, the Military, the education sector, the SWLEP Chair, Vice Chair, Chief Executive Officer. In such a way it:

- a) Offers the opportunity for standing members to discuss with SWLEP emerging influences or changing political contexts which might have a bearing on SWLEP in relation to the delivery of the LIS and its programmes;

- b) Facilitates and enables collaboration between the two Unitary Authorities on economic development and related matters as per the requirements of the national Local Growth Assurance Framework;
- c) Offers the opportunity to develop a closer understanding and working relationship with the Military in the area; and
- d) Recognises the importance of the education sector in facilitating inclusive growth.

### **SWLEP Delivery and Performance Team**

21. The SWLEP Delivery and Performance Team (DPT) leads the programme management activities of the Growth Deal and successor programmes. It meets every two weeks and is chaired by the SWLEP Director of Programmes. The DPT comprises a delegated Growth Deal Programme Manager from each of the Unitary Authorities and the SWLEP Director of Programmes. The SWLEP's Director of Programmes 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 Director of Programmes or by an alternative Project Manager with the agreement of the SWLEP Executive Team (paragraph 29).
22. The DPT forms the key reporting mechanism on progress, risks, issues and benefits realisation and will provide highlight reports to the Board every two months. The DPT will also provide information and detail relating to future schemes and negotiations. In addition, relevant finance (S151 representative), Higher Futures and ESIF leads or their nominees attend the DPT meetings every four weeks.
23. 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 Director of Programmes will identify and agree a Project Manager for each project.
24. 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 and Local Industrial Strategy.

25. These third parties will report through the SWLEP Delivery and Performance Team to the SWLEP Board. Third parties will also be asked to attend SWLEP Board and SWLEP Delivery and Performance Team meetings as and when appropriate.

### **Accountable Body**

26. 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.
27. 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 to SWLEP on a six monthly basis. The relationship between Accountable Body and the SWLEP Board is set out in the Accountable Body Agreement (Section G) which will be reviewed and agreed annually.
28. 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:
- a) 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;
  - b) Ensuring (through the Section 151 officer) that funds are used appropriately;
  - c) Ensuring that the Governance Framework and Assurance Procedures are adhered to;
  - d) Ensuring the official record of SWLEP proceedings is maintained and having access to all relevant SWLEP documents;
  - e) Taking forward and enacting decisions of the SWLEP in approving schemes (e.g. if subjected to legal challenge) as per the Accountable Body agreement and Grant Agreements between the Accountable Body, SWLEP and scheme promoters; and
  - f) 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.

29. In relevant circumstances, the role of Accountable Body and scheme promoter will need to be kept strictly independent of each other to provide assurance that there is no conflict of interest.

### **Role of the Section 151 (s151) Officer**

30. The s151 officer undertakes a range of Accountable Body functions covering both strategic and operational activities.

#### **Strategic activity**

- a) Ensuring effective financial controls are in place and expenditure is used appropriately, economically, efficiently and effectively and where required make recommendations for improvement;
- b) Supporting the development and implementation of the SWLEP's financial plan to deliver its strategic objectives whilst remaining financially sound over the short, medium and longer term;
- c) Compiling an annual declaration of SWLEP compliance with its Governance Framework which includes the Assurance Procedures; and
- d) Making provision for a regular risk and control audit of SWLEP processes and decision making.

#### **Operational activity**

- e) Compiling the financial statement for the SWLEP annual report for funds it holds on SWLEP's its behalf;
- f) Checking that audited accounts are produced;
- g) Undertaking value for money checks and sign-off of full business cases;
- h) Ensuring financial due diligence checks on applicants for GPIF loan agreements are undertaken;
- i) Signing off receipt of LGF funding at the start of each financial year;
- j) Signing off of LGF claims as a true and accurate record of expenditure; and
- k) Attendance and participation in the SWLEP Annual Performance Review with the Cities and Local Growth Unit (CLOG);
- l) Writing a formal statement of the SWLEP's compliance with the Assurance Procedure as part of the Annual Performance Review to be published on the SWLEP website by the end of February each year;
- m) Writing to the Permanent Secretary of the Department of Communities and Local Government by the 28 February of each year confirming the SWLEP's performance against the requirements of the National Local Growth Assurance Framework; and
- n) Holding the SWLEP's register of interests.

## **Joint Scrutiny Panel**

31. The Joint Scrutiny Panel (JSP) acts as an independent, critical friend developing an overview of strategies and plans and provides independent scrutiny of the work of the SWLEP Board. Its role is to assure local democratic accountability for the use of public funds and make constructive recommendations for how future decisions of the LEP can be effectively implemented. It has been established between SWLEP Limited, Swindon Borough Council and Wiltshire Council. The SWLEP is directly accountable to central Government for the use of its public funds through the oversight of the Cities and Local Growth Unit, which spans the Department for Business, Energy and Industrial Strategy and the Ministry of Housing, Communities and Local Government.
32. The JSP is comprised of nine members:
- a) Three business leaders who are members of SWLEP Ltd but are not represented on the Board of the company and will serve a term of 3 years from the date of appointment;
  - b) Three non-executive councillors from Swindon Borough Council appointed for one municipal year; and
  - c) Three non-executive councillors from Wiltshire Council appointed for one municipal year
33. The Chair will be elected from each membership group on an annual rotating basis at the panel's discretion.
34. The Joint Scrutiny Panel will develop and approve an annual forward work programme consisting of long-term review of SWLEP programmes, but allowing enough flexibility and time for the review of other significant decisions as they arise in the year, including (but not limited to) any of the following:
- a) Review the decision making of the SWLEP, and any sub-committees, to ensure due process has been followed and there is a transparent audit trail;
  - b) Review the delivery of SWLEP projects, with the possibility of a "deep dive" exercise on chosen projects or topics if required;
  - c) Review the implementation of the SWLEP strategies, including, but not limited to, the Local Industrial Strategy and its implementation plan and identify opportunities for improvement;
  - d) Review the output and outcomes information of the SWLEP programmes to ensure the SWLEP activities are having a beneficial impact on the economy of the SWLEP area;

- e) Review the governance of the SWLEP to ensure that it is meeting the required standards, as set down by Central Government, and the highest standards of transparency;
- f) Make recommendations to the SWLEP Board, and any other relevant sub-committee, on improvement to the SWLEP's decision making process. All recommendations must be realistic and achievable in order for the Panel to make an impact and to be a credible voice within the assurance framework.
- g) To liaise with other equivalent panels over the development and dissemination of best practice with regards to scrutiny of LEPs.

### **Swindon and Wiltshire ESIF sub-Committee**

35. In 2014, the SWLEP endorsed the Swindon and Wiltshire LEP Structural and Investment Fund (ESIF) strategy which allocated €48.3m to be invested in the area. The ESIF sub-Committee is as an advisory body (and sub-Committee) to the national Growth Programme Board (GPB). The Department for Communities and Local Government carries out the function of secretariat to the sub-Committee on behalf of the GPB. Because of these separate governance arrangements, the sub-ESIF Committee sits outside the scope of SWLEP Assurance Procedure.
36. 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.
37. 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.
38. Updates on the delivery of the ESIF programme will be made regularly to the SWLEP Board, Executive and Delivery and Performance Team.

## Part Three: Transparent and accountable decision making

### Transparency and Local Engagement

39. The SWLEP Board will conduct its business in an open and transparent manner, which will enable interested stakeholders and members of the public to scrutinise and participate in the SWLEP processes. In particular, scheme sifting and prioritisation, and sign off of business cases, will be reviewed at SWLEP Board Meetings and will be covered in the public part of the meeting (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 2.
40. 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.
41. 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:
- a) Constitutional Documents
    - Governance Framework including Constitution, Transparency Procedure and Complaints Procedure
    - Assurance Procedure
    - Accountable Body Legal agreement between SWLEP, Wiltshire Council and Swindon Borough Council
    - Scheme assessment, prioritisation and approval process
  - b) Working Meetings
    - Board meeting papers and minutes which includes financial accounts at each meeting prepared by Accountable Body
    - Subgroup papers and minutes
  - c) Key Documents
    - The Swindon and Wiltshire Local Industrial Strategy, related materials and other strategic economic plans
    - Central Government agreements (e.g. Growth Deal, City Deal)
    - Funding calls
    - Scheme business cases
    - Scheme awards
    - Monitoring and evaluation framework template
    - Evaluations and case studies
    - Major research and data
    - Strategies and plans

- SWLEP Annual Report
- SWLEP Annual Delivery Plan

42. 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.
43. Key stakeholders who are not SWLEP Board Directors are invited to attend SWLEP Board meetings to make a representation on a scheme(s) or agenda item(s) when appropriate. If key stakeholders wish to be invited to additional SWLEP Board meetings to present information, applications should be made via the SWLEP CEO a minimum of 35 clear days in advance of the Board meeting date.
44. 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.
45. 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](mailto: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.
46. 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).
47. 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 46 and 47.
48. In maximising social value, it is important that the public and business community understand the importance of the strategic and prioritised objectives of the Strategic Economic Plan and Local Industrial Strategy. It is against these strategic priority objectives that the strategic case for schemes will be assessed, in part to maximise the social value of investment.

49. 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.
50. 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**

51. The SWLEP Board has a minimum of five scheduled meetings a year to:
  - a) take the initial decision on the prioritisation of the scheme programme based on information provided by the SWLEP Programme Management Team and SWLEP Board Sub-groups;
  - b) consider scheme business cases;
  - c) make scheme approval decisions;
  - d) discuss overall programme delivery; and
  - e) amend the Assurance Procedure as per the legal agreement with the Accountable Body.
52. A special meeting of the SWLEP Board can be held in exceptional circumstances or when an urgent decision is required.
53. 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).
54. Agenda and papers for the SWLEP Board meeting will be made available on the SWLEP website a minimum of five clear working days prior to the relevant meeting. Minutes will be published<sup>5</sup> no later than ten clear working days after the relevant meeting and will be published in draft if they have not been finalised, in which case, they will be published within 10 clear working days of being approved. All Board meetings will be open to the public.
55. An Annual General Meeting of SWLEP Limited will also be held for members of the company.

### **Equality and 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

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<sup>5</sup> This may be in draft pending approval; final minutes of Board meetings will be published within ten clear working days of being approved

[Secretariat, Board and its Subgroups, Committees and JSP, as well as ESIF sub-Committee] will take due regard of the Equality Duty to:

- a) eliminate unlawful discrimination
- b) advance equality of opportunity
- c) 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:

- a) Remove or minimise disadvantages suffered by people due to their protected characteristics.
- b) Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- c) 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 and Human Rights Charter, which ensures that it partakes in promoting equality and tackling discrimination.

59. A member of the Board will have the additional role of Equality Champion whose responsibilities will include playing an active role in Board recruitment; monitoring the diversity of the Board to meet government targets and milestones in terms of representation and reporting this to the Board on an annual basis. This includes the requirement that by 2020 the women on the Board will represent least 30% of the total and 50% by 2023.

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/LIS priority sectors. The SWLEP will work with its partners to engage with the wider business community through a range of media including their business engagement leads at its Unitary Authority Partners.

61. The Chair of the Business Development Subgroup will be act as the named Board Lead for Small and Medium Sized Enterprises.

### **Freedom of information**

62. As the Accountable Body, Wiltshire Council will deal with requests to the SWLEP with regard to the funding it holds on its behalf 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.

63. The SWLEP will adhere to the Local Government Data Transparency Code (available from <https://www.gov.uk/government/publications/local-government-transparency-code-2015>).

### **Data and privacy**

64. SWLEP will adhere to its data and privacy policy which is published on the SWLEP website and Growth Hub landing page. These arrangements are in line with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. SWLEP is also the data controller for Board Director's data and any other data collected including data around projects and programmes. No personal data will be sold by SWLEP for commercial purposes.

### **Conflicts of interest**

65. It is vital that SWLEP Board Directors 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 sustainable and inclusive 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 3). 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 and senior staff (or those staff advising on decisions) of the SWLEP will declare their interests using the SWLEP Register of Members' Interests form in addition to their respective local authority's register of interests. Senior staff of the SWLEP are to review the Register every six months. Elected Members must abide by their respective authority's code of conduct and the SWLEP code of conduct when conducting SWLEP business. In the event of a complaint that an alleged action or actions by a Board Director or a number of Board Directors 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 Director or number of Board Directors 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 Director and member of staff 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 Director of the SWLEP or as a member of staff. This information will be maintained by SWLEP and published on the SWLEP website.

### **Complaints and whistleblowing**

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 Governance Framework. All complaints and whistle blowing will be dealt with by the Accountable Body using the SWLEP's Complaints and Whistle-blowing policies (Sections L and M of the SWLEP Governance Framework).

### **Branding Guidelines**

73. SWLEP LEP will meet Government branding guidelines for projects supported including the branding guidance for the Local Growth Fund or successor funding programmes. SWLEP will ensure that correct branding and wording is used for websites, signage, social media, press notices and other marketing materials.

## Part Four: Accountable decision making

### Legal and Operational Arrangements

74. A legal agreement is in place between Wiltshire Council as the Accountable Body and Swindon Borough Council and the SWLEP and the SWLEP Constitution and the SWLEP Governance Framework including Assurance Procedures have been developed. Combined these documents define the workings of the SWLEP; the financial and operation arrangements associated with the SWLEP Executive Team 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

75. Democratic scrutiny of the SWLEP and its decisions are provided through the Unitary Authority representation on the SWLEP Board, and the Joint Scrutiny Panel. Wiltshire Council will be the Accountable Body for the SWLEP.

76. 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:

- a) Holds devolved funds allocated to the SWLEP, which government specifies should only be held by the accountable body, in separately identifiable Ledger Accounts
- b) Make timely payments in respect of the funding for and on behalf of SWLEP;
- c) Provide the SWLEP with financial statements as required;
- d) Maintain a financial system to account for all Funding received and disbursed on behalf of SWLEP;
- e) Transfer, subject to due diligence, the Funding for the Projects/Programmes on behalf of the SWLEP;
- f) Assure itself that the records held by SWLEP for the revenue funding that is managed by the SWLEP meets all the requirements of the Accountable Body and are in line with the SWLEP Governance Framework. SWLEP being responsible for the internal audit to ensure financial controls are in place;
- g) Maintain proper records of all funding received and disbursed for SWLEP and make such records available for inspection by both internal and external regulators; and
- h) Supply, as necessary, completed statements of Funding received, expenditure and disbursement to SWLEP, funding organisations, central government and external auditor.

77. The Accountable Body will take appropriate steps to:
- a) Ensure (through the Section 151 officer) that Funding is used appropriately using the same checks that Wiltshire Council would of its own funds and in line with any grant conditions in the grant condition letter through a Section 31 Grant Determination.
  - b) Ensure that it will not use the Funding for its own purposes without consent of the SWLEP.
  - c) Confirm that the SWLEP Governance Framework is being adhered to.
  - d) Confirm that the SWLEP has in place the processes to ensure the proper administration of its financial affairs.
  - e) Release funding against a SWLEP agreed contract providing that the requirements meet the terms of the grant and the overall safeguarding of public money requirements and ensure that value for money is achieved.
  - f) Approve the release of Funding in consultation with the Accountable Body Section 151 Officer and in accordance with the Accountable Body Agreement to the relevant scheme promoter in line with any grant conditions in the grant condition letter through a Section 31 Grant Determination.
  - g) Ensure that all the requisite duties set out in s151 of 1972 Act are fully met including the safeguarding of public money, best value and value for money.
  - h) Satisfy itself that arrangements for local external audit of Funding allocated by the SWLEP are comparable to Wiltshire Council's own arrangements for local authority spend.
78. 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.
79. The role of Accountable Body and Wiltshire Council as a scheme promoter will need to be kept strictly independent of each other to provide assurance that there is no conflict of interest. The Accountable Body Agreement will specify the procedures for ensuring no conflict of interest and clarity of roles, responsibilities, communications, monitoring and reporting.
80. The Accountable Body will complete any decision-making and review of any SWLEP Board decision within a reasonable timeframe as defined in the Accountable Body Agreement with SWLEP.
81. 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. 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 Scrutiny Panel 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 whistleblowing 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.

82. 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 Scrutiny Panel 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.
83. 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 Performance Committee 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.
84. SWLEP 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.
85. The SWLEP Board will then reallocate funding aligned with its over-programmed priority list of schemes in accordance with the Accountable Body Agreement and subject to HM Government conditions and delegation of grant funding management in this manner.

### **Audit and scrutiny**

86. As the Accountable Body, Wiltshire Council will assure that SWLEP appoints independent qualified auditors in accordance with the arrangements set out in the Accountable Body Agreement to establish that the SWLEP is operating effectively within the terms of the Assurance Procedure. The SWLEP will consider any recommendations of the auditors and take necessary action to remedy any identified shortcomings.
87. The specific roles of the SWLEP in driving sustainable and inclusive economic growth are to:



- a) Develop strategic economic plans and policies, including amendments to the Swindon and Wiltshire Local Industrial Strategy;
  - b) Identify a prioritised list of schemes within the available budget including under / over programming to enable prudent management;
  - c) Make decisions based on the scrutiny of individual scheme business cases;
  - d) Approve the release of funding in consultation with the Accountable Body Section 151 Officer and in accordance with the Accountable Body Agreement to the relevant scheme promoter in line with any grant conditions in the grant condition letter through a Section 31 Grant Determination;
  - e) Ensure value for money is achieved;
  - f) Monitor progress of scheme delivery and spend;
  - f. Ensure on-time delivery of schemes to the programme; and
  - g. Actively manage the devolved budget and programme to respond to changed circumstances.
88. 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 development, or refresh, of the Local Industrial Strategy, key strategic and prioritised objectives may change.

## Part Five: Ensuring value for money – prioritisation of schemes

### Candidate Schemes

89. To date, the majority of candidate schemes have been identified as part of the Strategic Economic Plan, Local Plan, and Local Transport Plan processes undertaken by Swindon Borough Council, Wiltshire Council and the SWLEP. Henceforth candidate schemes will be identified through the SWLEP running a formal open call for schemes against the priorities in its strategic economic plan or local industrial strategy. In advance of a call, the SWLEP will publish the full methodology and criteria against which schemes will be assessed (based on the strategic objectives of the Emerging LIS 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 call<sup>6</sup>. 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:

- a) Description: a short description of the scheme and the geographical area covered.
- b) 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;
- c) Problems and opportunities: a short description of the identified problems or opportunities being addressed;
- d) Evidence: a short description of the available supporting evidence;
- e) Consultation and public acceptability: an outline of what consultation has taken place and what degree of consensus has been achieved;
- f) Key risks: an outline of the key risks associated with the scheme and its delivery; and
- g) Financial: an estimate of the capital and revenue scheme costs and income (if applicable), and the potential funding sources

90. 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:

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/768356/National\\_Local\\_Growth\\_Assurance\\_Framework.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/768356/National_Local_Growth_Assurance_Framework.pdf)

- a) Is there a strong strategic fit with the SEP/LIS and relevant adopted policies and strategies, and does the scheme solve a recognised problem or help realise opportunities?
- b) What is the indicative amount and source of any non-SWLEP related funding?
- c) Are any associated revenue costs likely to be fundable (e.g. through income receipts, operators, or developer contributions)?
- d) Can the scheme be delivered within relevant funding and planning timescales?
- e) Is the scheme likely to be publicly acceptable and supported by key partners/stakeholders (and any evidence)?

91. 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.

92. 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**

93. 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.

94. 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 Executive Team, Director of Programmes and Scheme Promoters will be expected to work closely together, including identifying and resolving any issues.

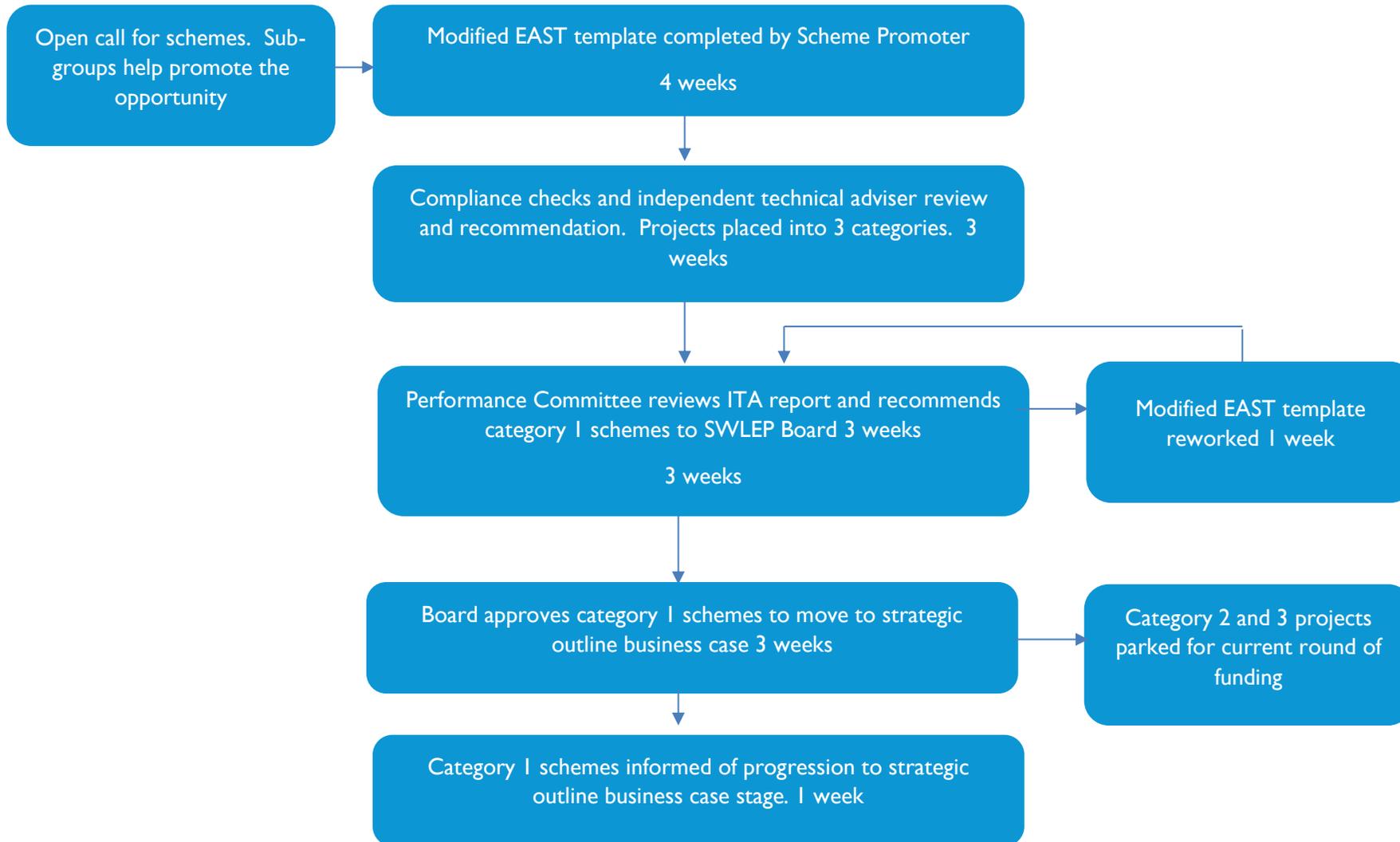
95. Reasonable costs related to the assessment of schemes for scheme sifting and prioritisation purposes and the review of individual scheme business cases by the Independent Technical Advisors will be charged to the relevant scheme promoter.

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 I: Initial scheme assessment, sifting and prioritisation**

96. 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.
97. 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.
98. The 'five cases' are:
  - a) The 'strategic case' – the scheme is supported by a robust case for change that fits with wider public policy objectives;
  - b) The 'economic case' – the scheme demonstrates value for money;
  - c) The 'commercial case' – the scheme is commercially viable;
  - d) The 'financial case' – the scheme is financially affordable; and
  - e) The 'management case' – the scheme is achievable.
99. 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.**



100. 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.
101. 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.
102. 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, development or refresh of the LIS or Local Plan review.
103. 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**

104. 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**

105. 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**

106. 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**

107. 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**

108. 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**

109. 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 1) 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).
110. 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.
111. 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 97). At this stage, the main focus will be on making the strategic economic case for the investment.
112. 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.
113. Completed SOBCs together with the Independent Technical Advisor Strategic Outline Business Case Report should be reviewed and signed off by the Performance Committee before being presented to the SWLEP Board for priority list review and potential approval (Figure 3).

- I 14. 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.
- I 15. If funding is not approved, the scheme promoter may bring the scheme back for Stage 2 reassessment within the financial year. If time does not permit, the SWLEP Board will agree how to reallocate the funding to the over-programmed and prioritised list of schemes or postpone the scheme in accordance with the Accountable Body Agreement and notifying Government subject to Government's conditions and delegation of grant funding management in this manner.
- I 16. 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.
- I 17. 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**

- I 18. 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**

- I 19. 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).
- I 20. 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

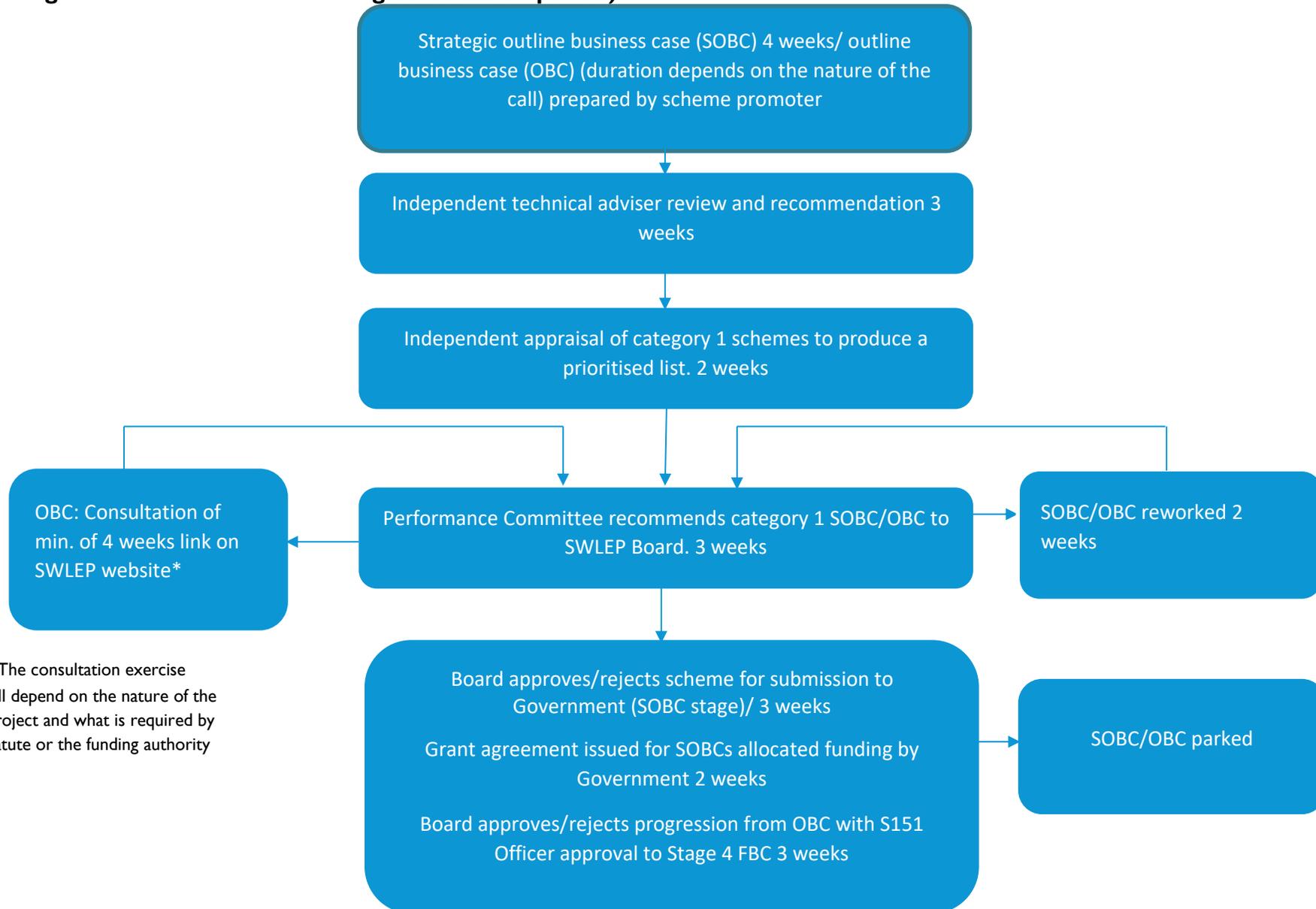
promoters, SWLEP and the Accountable Body Section 151 Officer through a Full Business Case Assessment Report. The Full Business Case Assessment Report will follow the format set out in the Outline Business Case Assessment Report.

121. 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.
122. 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 Agreement and notifying Government subject to Government's conditions and delegation of grant funding management in this manner.

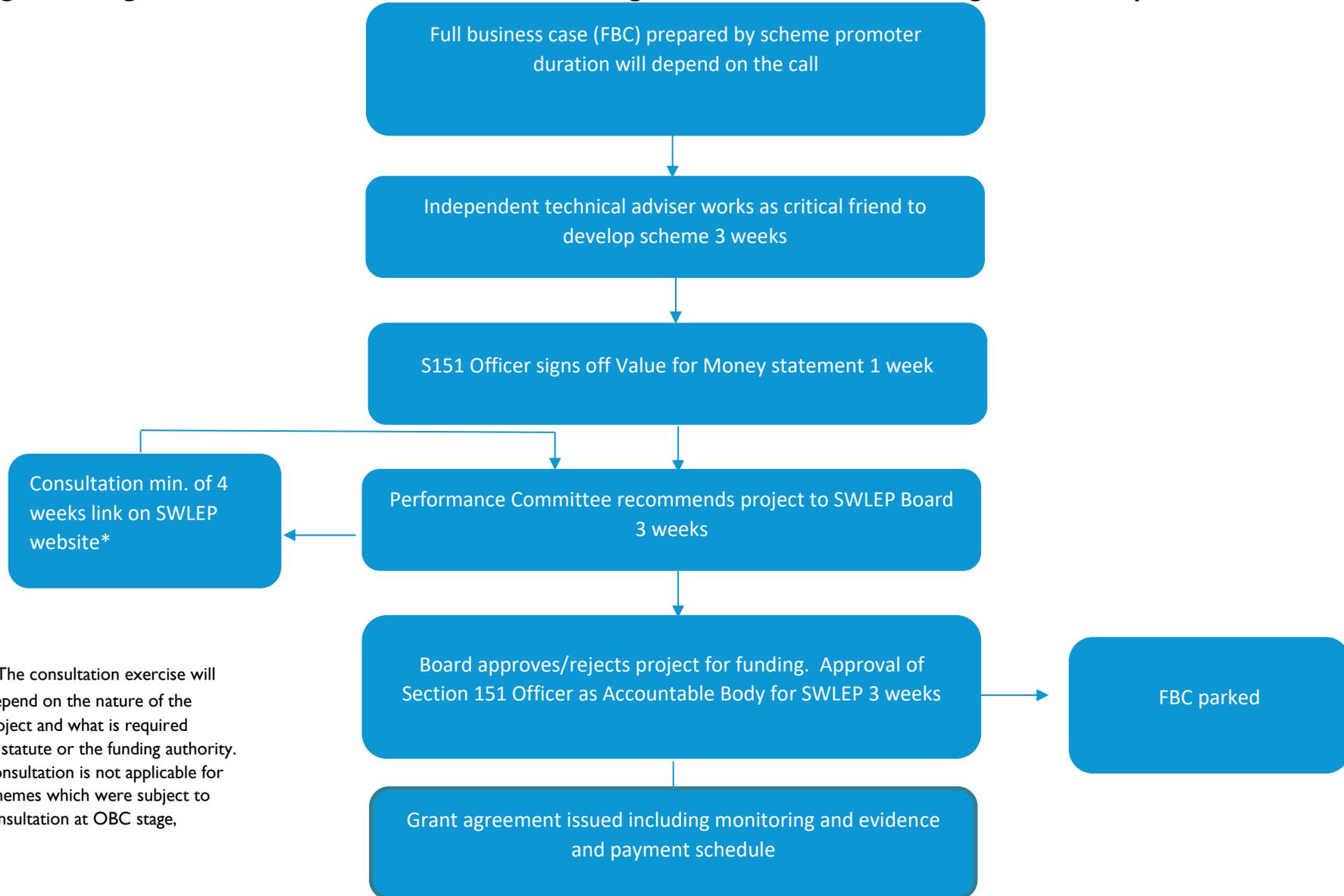
### **Value for money**

123. 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:
  - a. 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).
  - b. 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
  - c. 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.

**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)**



**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,

124. 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.
125. 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.
126. 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.
127. 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**

128. 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, 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.
129. 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.
130. 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.

131. The scheme promoter will be responsible for submitting financial claim forms (signed by the Section 151 officer or equivalent) to the Accountable Body.
132. 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**

133. Scheme promoters will be required to provide an initial programme for each prioritised scheme. The programme should include estimated timescales for the following:
  - a. Production of business cases;
  - b. Completion of associated technical work;
  - c. Progress of outline and detailed design;
  - d. Statutory orders;
  - e. Public consultation;
  - f. Procurement; and
  - g. Construction of scheme.
134. The SWLEP CEO will be the responsible officer for the management of risk within the LGF programme under the scrutiny of the Performance Committee. At an operational level, the SWLEP Director of Programmes 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.
135. 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 Performance Committee meeting and SWLEP Board meeting, including proposed modifications to the programme in the light of scheme progress.
136. 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 I: Transport specific requirements**

### **Reference paragraph 108 of the Assurance Procedure**

1. The modelling and appraisal of schemes contained in business cases must be developed in accordance with the guidance published by the Department for Transport in WebTAG at the time the business case is submitted to the SWLEP for approval.
2. Where applicable, associated transport modelling work should be based on forecasts which are consistent with the definitive version of the Department for Transport's National Trip End Model (NTEM). Alternative planning assumptions may be used and/or required by the SWLEP as sensitivity tests.

## **Appendix 2: Exclusion of Access by the Public to Meetings and / or Reports**

### **Reference paragraph 38 of the Assurance Procedure**

#### **a) 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.

#### **b) 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.

#### **c) 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 publicly disclosed by Court Order.

#### **d) Meaning of Exempt Information**

Exempt information means information falling within the following categories (subject to any condition):

| <b>Category</b>  | <b>Qualification</b>   |
|--|--|
| One: Information relating to any individual  | Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.  |
| Two: Information which is likely to reveal the identity of an individual   | Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information   |
| Three: Information relating to the financial or business affairs of any particular person (including the authority holding that information) | <p>Exempt information if as so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <p style="text-align: center;">a) The Companies Act 1985</p> |

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>b) The Friendly Societies Act 1974</li> <li>c) The Friendly Societies Act 1992</li> <li>d) The Industrial and Provident Societies Acts 1965 to 1978</li> <li>e) The Building Societies Act 1986</li> <li>f) The Charities Act 1993</li> </ul> |
| <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"> <li>a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person, or:</li> <li>b) To make an order or direction under any enactment.</li> </ul> | <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>   |

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.

**e) Exclusion of Access by the Public to Reports**

The SWLEP may exclude access by the public to the whole or any part of a report which relates to items during which, in accordance with B1 to B4 above, the meeting is not likely to be open to the public. Such reports or parts of reports will be marked “Not for Publication” together with the category of information likely to be disclosed.

## **Appendix 3: Register of Members Interest and Conflict of Interest Policy**

### **Reference paragraph 65 of the Assurance Procedure**

#### **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 I of this form. This policy requires SWLEP Board Members (other than unitary authority members – see paragraph 7 below) to notify the SWLEP CEO in writing of any relevant interests for inclusion in a Register of Interests maintained by the Executive.
4. A relevant interest is any company directorship, trusteeship, remunerated post or any significant personal financial interest in an organisation or project likely to be affected by the work of the LEP or in receipt of SWLEP sourced funding.
5. Each Board Member shall review their individual register of interests before each board meeting and decision making committee meeting, submitting any necessary revisions to the LEP and S151/S73 Officer at the start of the meeting. Any recorded interests relevant to the meeting should also be declared at this point.
6. Even if a meeting has not taken place a Member must, within 28 clear working days of becoming aware of any change to the interests specified below, provide written notification to the LEP and S151/S73 Officer, of that change.
7. Board members must not vote or participate in discussions on any matter which relates directly to an organisation or project in respect of which they have a relevant interest.
8. Senior staff of the SWLEP or those staff involved in advising on decisions should also complete the form and report interests and are to review the Register every six months.
9. All members of the SWLEP Board should, in particular, note and observe the following requirements:
  - Dealing with conflicts of interests under paragraphs 8-11 of the Conflict of Interest Policy;
  - Maintaining confidentiality;

*Information provided to a Board member must only be used for the purposes of the SWLEP. Board members must not disclose any information given to them in confidence without the written consent of a person who is authorised to give it, or unless required by law to do so. Board members must seek the advice of the Executive before disclosing any information given in confidence – paragraph 20 SWLEP Constitution.*

- Members should not accept any personal gifts or hospitality from any individual or organisation (including contractors and/or outside suppliers) which has or may have a specific interest in any major scheme.

10. The Register of Interests of Board Members is published on the SWLEP website.

## Swindon and Wiltshire Local Enterprise Partnership: Register of Members' Interests for Board Members and senior staff

From [date] to [date]

As a Board Member/Co-opted Member of the Swindon and Wiltshire Local Enterprise Partnership (LEP), I declare that I have the following disclosable pecuniary and/or non-pecuniary interests. **(Please state 'None' where appropriate, do not leave any boxes blank).**

### Notification of change of circumstances

Each Board Member shall review their individual register of interests before each board meeting and decision making committee meeting, submitting any necessary revisions to the LEP and S151/S73 Officer at the start of the meeting. Any recorded interests relevant to the meeting should also be declared at this point.

Even if a meeting has not taken place a Member must, within 28 clear working days of becoming aware of any change to the interests specified below, provide written notification to the LEP and S151/S73 Officer, of that change.

**\*Spouse/Partner** – In the notice below my spouse or partner means anyone who meets the definition in the [Localism Act](#), i.e. my spouse or civil partner, or a person with whom I am living as a spouse or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest having carried out a reasonable level of investigation. Where your spouse or partner has recently been involved in any activity which would have been declarable, this should be mentioned, with the date the activity ended.

| Section I | Any employment, office, trade, profession or vocation carried on for profit or gain  | Myself | Spouse/partner* |
|-----------|--|--------|-----------------|
| 1.1       | Name of: <ol style="list-style-type: none"> <li>1. your employer(s)</li> <li>2. any business carried on by you</li> <li>3. any other role in which you receive remuneration (this includes remunerated roles such as councillors)</li> </ol> |        |                 |
| 1.2       | Description of employment or business activity.  |        |                 |
| 1.3       | The name of any firm in which you are a partner.   |        |                 |
| 1.4       | The name of any company for which you are a remunerated director.  |        |                 |

| Section 2 | Sponsorship   | Myself | Spouse/partner |
|-----------|---|--------|----------------|
| 2.1       | <p>Any financial benefit obtained (other than from the LEP) which is paid as a result of carrying out duties as a Member.</p> <p>This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (a).</p> |        |                |
| Section 3 | Contracts   | Myself | Spouse/partner |
|           | Any contract for goods, works or services with the LEP which has not been fully discharged by any organisation named at I.1.  |        | None           |
|           | Any contract for goods, works or services entered into by any organisation named at I.1 where either party is likely to have a commercial interest in the outcome of business being decided by the LEP.   |        |                |

| Section 4 | Land or property   | Myself | Spouse/partner |
|-----------|--|--------|----------------|
|           | <p>Any interest you or any organisation listed at 1.1 may have in land or property which is likely to be affected by a decision made by the LEP.</p> <p>This would include, within the area of the LEP:</p> <ul style="list-style-type: none"> <li>a. Any interest in any land in the LEP areas, including your place(s) of residency</li> <li>b. Any tenancy where the landlord is the LEP and the tenant is a body in which the relevant person has an interest</li> <li>c. Any licence for a month or longer to occupy land owned by the LEP.</li> </ul> <p>For property interests, please state the first part of the postcode and the Local Authority where the property resides. If you own/lease more than one property in a single postcode area, please state this.</p> |        |                |

| Section 5 | Securities   | Myself | Spouse/partner |
|-----------|--|--------|----------------|
| 5.1       | <p>Any interest in securities of an organisation under 1.1 where:</p> <ul style="list-style-type: none"> <li>• that body (to my knowledge) has a place of business or land in the area of the LEP; and</li> <li>• either – <ul style="list-style-type: none"> <li>a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>b. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which has an interest exceeds one hundredth of the total issued share capital of that class</li> </ul> </li> </ul> |        |                |

| Section 6 | Gifts and hospitality  | Myself | Spouse/partner |
|-----------|--|--------|----------------|
|           | Any gifts and/or hospitality received as a result of membership of the LEP (above the value of £50). |        |                |

**Other interests**

**Membership of Organisations**

I am a member of, or I am in a position of general control, a trustee of, or participate in the management of:

1. Any body to which I have been appointed or nominated by the LEP:

2. Any body exercising functions of a public nature (e.g. school governing body or another LEP):

3. Any body directed to charitable purposes:

4. Any body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

5. Any local authority (please state any interests you hold as LA leaders/cabinet members for LA land, resources and the LA's commercial interests):

6. Any other interest which I hold which might reasonably be likely to be perceived as affecting my conduct or influencing my actions in relation to my role.

**Member's declaration and signature**

I confirm that having carried out reasonable investigation, the information given above is a true and accurate record of my relevant interests, given in good faith and to the best of my knowledge;

|  |  |
|--|--|
| <b>Date</b>  |  |
| <b>Member's Name</b> ( <i>Capitals – in full</i> ) |  |
| <b>Signature</b>                                   |  |

**RECEIPT BY SWLEP**

|   |  |
|---|--|
| <b>Date received by SWLEP</b>             |  |
| <b>Signature of SWLEP Chief Executive</b> |  |

**RECEIPT BY S151/S73 OFFICER**

|  |  |
|--|--|
| <b>Date received by the S151/S73 Officer</b> |  |
| <b>Signature of S151/S73 Officer</b>         |  |