

## BTVLEP Assurance & Accountability Framework (Version 20.0)

This Assurance & Accountability framework sets out the arrangements for delivering economic growth in Buckinghamshire, via the Buckinghamshire Thames Valley LEP, its various sub-committees and the partner organisations. It has been developed in response to a requirement placed on us by central government to establish a suitable Assurance & Accountability Framework for handling public funds and seeks to build on previous documents developed by the BTVLEP Executive, agreed at the BTVLEP Board and shared with partners.

It recognises that minimum standards are required to ensure local decision making occurs within a framework that ensures value for money is achieved, that sufficient rigour and probity is applied to prioritisation and resource allocation, and that suitable governance arrangements exist to effectively discharge the responsibilities of the LEP and its partner organisations.

It has been agreed by the BTVLEP Board and the S151 Officer in our accountable body (Buckinghamshire County Council). It is likely to be subject to further change, as government releases specific Growth Deal guidance and as our delivery model evolves and matures. This framework is structured in five parts;

- Part 1: The BTVLEP Governance Model
- Part 2: Local authority partnership working
- Part 3: The role of different bodies in the decision making process
- Part 4: Transparent and Accountable Decision Making
- Part 5: Ensuring value for money - prioritisation, appraisal, business case development, procurement and contracting

Version No.	Description / Changes	Date	Author
1.0	First draft based on an amalgamation of terms of reference and assurance frameworks from existing partnerships	12/08/14	JS
2.0	Second Draft to reflect national guidance and discussion at the previous BTVLEP Board	14/09/14	JS
3.0	Third Draft following meeting with BCC Section 151 officer	17/10/14	JS
4.0	Fourth Draft following further feedback	20/10/14	JS
5.0	Fifth Draft following publication of National Guidance	20/01/15	JS
6.0	Sixth Draft following Review of BCC Constitution	25/01/15	JS
7.1	Seventh Draft following addition of complaints policy	10/03/15	JS
8.1	Eighth draft following review by Section 151 Officer and BTVLEP Board approval and delegation to the Executive to finalise	23/03/15	RA
9.1	Ninth draft to implement suggested amends by S151 Officer	24/03/15	JS
10.1	Tenth Draft to include suggested changes to finance policy	25/03/15	JS
11.1	Eleventh Draft to take account of changes suggested by S151 Officer to clarify working audit and scrutiny arrangements	26/03/15	RA/JS
12.0	Version twelve developed after publication of NAO report to take account March 2016 BIS review of our framework	31/03/16	JS/RA/RH
15.0	Version 15.0 developed after publication of revised national assurance arrangements	16/01/17	JS/IB

16.0	Version 16.0 to take into account feedback from BTVLEP Board at its meeting on January 27 <sup>th</sup> 2017 and subsequent clarification from Cities and Local Growth Unit.	21/2/17	IB/RA
17.0	Version 17.0 to incorporate feedback from Bucks CC Audit Review in relation to the process for releasing grant funds. Approved by the BTVLEP board at its meeting on September 22 <sup>nd</sup> 2017	22/09/2017	IB/FM
18.0	Version 18.0 to incorporate Ney Review into LEP Governance & Transparency to include Whistleblowing Policy, clarify policy relating to urgent decisions, update LGF project scrutiny process and extend conflicts of interest policy.	10/11/17	IB
19.0	Version 19.0 to incorporate HM Government recommendations from Best Practice Guidance including code of conduct and publication of meeting agendas – December 2017 and approval at February 2018 BTVLEP Board meeting	9.2.18	IB
20	Version 20.0 to incorporate recommendations from LEP Review in relation to recruitment and terms of office of Board Members and Chair and Deputy Chair – Approved by BTVLEP Board 23.11.18	23.11.18	IB

### Background Information

Department for Transport (DfT) guidance for Local Transport Bodies on Assurance and Governance requirements was published in November 2012 and is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/15176/guidance-localtransport-bodies.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15176/guidance-localtransport-bodies.pdf)

## **1.0 BACKGROUND**

### **1.1 The LEP National Assurance Framework**

1.1.1 In its National LEP Assurance Framework, Her Majesty's Government (HMG) asked all LEPs as part of their Growth Deal to sign up to working with them to develop a single assurance framework covering all Government funding flowing through LEPs, to ensure all LEPs have robust value for money processes in place. The purpose of this LEP assurance framework is to support the developing confidence in delegating funding from central budgets and programmes via a single pot mechanism.

1.1.2 The latest LEP National Assurance Framework was published in December 2016 and can be found at <https://www.gov.uk/government/publications/local-enterprise-partnership-national-assurance-framework> it has been recently enhanced through the publication of a Best Practice Guide published in December 2017.

1.1.3 The LEP National Assurance Framework, informed by LEPs and their accountable local authority sets out what Government expects LEPs to cover in their local assurance frameworks, building on the existing local government system, the Local Transport Body assurance framework, and Skills Funding Agency support offer – all of which underpin this framework.

## **2.0 THE BTVLEP LOCAL ASSURANCE FRAMEWORK**

### **2.1 Introduction**

2.1.1 This document is essentially focussed on establishing an Assurance & Accountability Framework to ensure BTVLEP establishes suitable systems and processes to ensure value for money, greater visibility and transparency of its activities and high quality delivery across the range of interventions;

- 2.1..2 In setting out the above arrangements, the government states *“It is our intention, wherever possible, to build on process and documents that LEPs already have in place”*.
- 2.1..3 In light of the above, we have sought to establish our local assurance arrangements to enable us to effectively discharge our financial, democratic and private sector accountabilities; provide inclusive and appropriately resourced bodies to deliver the strategic priorities; and meet Government’s ‘tests’ for leadership and governance.
- 2.1..4 It’s essential that any assurance arrangements for the growth agenda meet the national regulatory frameworks in which the LEP has to operate, but are also fit for purpose to meet the needs of Buckinghamshire.
- 2.1..5 This Assurance and Accountability Framework is a living document. In accordance with national requirements, BTVLEP will review this assurance framework annually and ask the BTVLEP Board and the Section 151 Officer of the accountable body to sign off the revised local assurance framework, and write to DCLG’s Accounting Officer by 28th February each year certifying that the local assurance framework has been agreed, is being implemented and that it meets the revised standards set out in the LEP National Assurance Framework.

## 2.2 **The rationale underpinning our approach**

- 2.2..1 Our whole approach has been based on seeking to achieve a strong alignment between partners and is predicated on the simple principle that getting into 'high-level' service alignment discussions with a range of organisations will, in itself, NOT generate quick returns and impact to the UK economy.
- 2.2..2 Given this starting point, BTVLEP has concluded that in order to better align our partners collective resources, capabilities and skills in pursuit of shared growth objectives, we need to:
- Develop a shared vision for the local economy which is agreed by all partners and serves to bind them together behind a common set of objectives;
  - Retain BTVLEP as an un-constituted association of public and private sector leaders, to oversee the delivery of this plan, influencing government, aligning their organisations and drawing in other organisations to support the delivery as appropriate. Adopting this approach ensures that the LEP can remain a 'light touch' organisation, working with local leaders to support them to build their long term capacity and draw in the private sector to display stronger civic leadership;
- 2.2..1 However, because BTVLEP is not a formally constituted organisation and the Board is a Strategic Body, we need to put in place an appropriate mechanism(s) for employing our key staff and for overseeing the delivery of our various activities (Growth Implementation Groups).
- 2.2..2 Given our relatively low allocation of funding to date, we want to avoid undue bureaucracy, whilst also ensuring local arrangements are efficient, effective and capable of meeting Government's tests, which can be summarised as:
- Delivering collective decisions, from all local authority leaders, with evidence of robust underpinning partnership arrangements (for example joint contracts). Different arrangements will apply in different places and might include a Joint Leaders Committee, an Economic Prosperity Board, a Combined Authority or other arrangements.
  - Are coterminous with the LEP area, or where this might not be possible have a clear and robust arrangement for engaging those local authorities not formally represented to deliver joint decisions.
  - Build a strong relationship with the business community, as well as engagement with wider local partners.
- 2.2..3 Importantly any local arrangements will need to demonstrate Local Authorities’ ability to discharge democratic accountability and (where appropriate) financial accountability for public funds distributed through the LEP.
- 2.2..4 In addition, the government has asked us to set out how we intend to oversee the development and delivery of future transport schemes, recognising that LEPs, not Local Transport Bodies, will continue to be their key conduit for transport funding.

2.2.5 A model has been developed which is designed to build on what is already working, provide opportunity for wider stakeholder engagement, increased private, public, academic and community sector joint working, and to meet Government's key tests. Importantly, it has also been designed to reflect the strategic priorities of the Strategic Economic Plan, and to ensure that there are specific bodies with responsibility for mobilising the SEP and the European Structural and Investment Fund Strategy.

**2.3 BTVLEP powers under this framework**

2.3.1 The BTVLEP Board, it's Executive and any sub-groups referred to in this document (including Buckinghamshire Business First, Buckinghamshire Advantage and the Skills Programme Board) will exercise their powers and duties in accordance with prevailing legislation, this Assurance and Accountability Framework, and any other operational guidance deemed relevant.

**2.4 Review of this Framework**

2.4.1 The BTVLEP Chief Executive will be responsible for keeping this Assurance and Accountability Framework up to date through consultation with the Section 151 Officer, the BTVLEP Board and wider partners/specialist advice; and making any amendments which are required to reflect any changes, whether made by the BTVLEP Board, the Executive, any Sub-Groups or by legislation.

**3.0 PART ONE: The BTVLEP Governance Model**

**3.1 Introduction**

3.1.1 Our proposed governance model is shown in the diagram below. This model places Buckinghamshire Advantage (BA), Buckinghamshire Business First (BBF) and Buckinghamshire Skills Programme Board (BSPB) at the heart of the BTVLEP delivery model, with;

- BA being responsible for overseeing the management and coordination of BTVLEP's capital investment programme (interventions at the level of place).The role of Buckinghamshire Advantage will be further supplemented by a Programme Management Board which would include a minimum of one Private Sector and one Public Sector Board Member and who would meet on a quarterly basis to review the progress and delivery of Local Growth Projects;
- BBF being responsible for overseeing the management and co-ordination of BTVLEP's business support programme (interventions at the level of the business); and
- BSPB being responsible for the management and co-ordination of BTVLEP's skills programme (interventions at the level of the individual);

**3.2 The Buckinghamshire Thames Valley LEP Board**

3.2.1 The Buckinghamshire Thames Valley LEP Board is the key strategic economic development partnership within Buckinghamshire. BTVLEP is an informal partnership.

3.2.2 BTVLEP is directed by a board made up of five elected members, one from each of the Buckinghamshire local authorities, and up to ten representatives of the private sector nominated through an open and clearly advertised recruitment process to the Buckinghamshire business community.

3.2.3 The board is set at a maximum of 15 members to enable a strong team ethic, fully inclusive debate, and a capacity for rapid decisions.

3.2.4 The Chair and Vice Chair are to be private sector directors and are elected by the members of the board. The Chair, on behalf of the board, represents BTVLEP between meetings or delegates this role to other members. The Vice Chair supports the Chair in their role.

3.2.5 The current board members are:-

<b>Organisation</b>	<b>Director</b>
Buckinghamshire New University	Rebecca Bunting
Harwood Hutton	Adam Stronach

Pinewood Studios	Andrew Smith
Robert Bosch	Eman Martin-Vignerte
Chandler Garvey	Michael Garvey
Aylesbury Vale DC	Cllr Steve Bowles
Buckinghamshire CC	Cllr Martin Tett
Chiltern DC	Cllr Isobel Darby
South Bucks DC	Cllr Nick Naylor
Wycombe DC	Cllr Katrina Wood

- 3.2..6 The five local authorities' BTVLEP Board members should be one of the Leader, Deputy Leader or the Member holding the portfolio for Economic Development. The named alternate is to be drawn from one of the remaining two roles wherever possible and acceptable to the rest of the BTVLEP Board.
- 3.2..7 It is expected that the Business Representatives will collectively bring experience of appropriate geographies, sectors and sizes of business within the county, and have the relevant skills, experience, time and passion to make a big difference to the LEP agenda. Both BBF and the Local Authorities ensure that in recruiting Board Members and Councillors that they recruit a diverse representation of candidates who are reflective of their local business community (including geographies and protected characteristics). In addition, BTVLEP will review its Membership regularly to ensure it is representative of the local community.
- 3.2..8 The role of Chair requires an individual with extensive experience running a private sector business, but also, if possible, with a detailed knowledge and understanding of how the public sector works and of key relationships with other LEPs and Central Government.
- 3.2..9 Prior to the appointment of the private sector Chair and Deputy Chair, there will be a comprehensive consultation process with Government and the Buckinghamshire business community including on open advertisement of any new vacancy on the BTVLEP, LEP Network and Buckinghamshire Business First websites for a minimum of 1 month. The appointment process will include endorsement of any nominees by the Cities and Local Growth Unit prior to ratification by the full BTVLEP board.
- 3.2..10 A Board member shall cease to be a member in the event of:
- such member giving written notice to the BTVLEP Board of their resignation, to take effect on receipt by the Board of the notice of resignation or, if later, the date stated in the notice;
  - such member's death or, being a corporation, its winding up;
  - such member's bankruptcy, making of any arrangement or composition with his creditors, or liquidation, or in the case of an organisation, winding up, liquidation, dissolution or administration or anything analogous to any of the foregoing occurring in relation to a member;
  - such member ceasing to have an office or other base within the BTVLEP Region or ceasing to be employed by such organisation as entitles them to be a member;
  - such member no longer carrying the confidence of a majority of the BTVLEP board.
- 3.2..11 BTVLEP will review its membership regularly.
- 3.2..12 It is recognised that a board of 15 is not able to have direct representation of all interested constituencies within the wider community, therefore sub-groups and task and finish groups will be convened by the board as necessary to oversee or deliver particular activities, with the board agreeing the terms of reference for such sub-groups prior to their formation and monitoring their performance. Such sub groups help inform debate by the board of the LEP's priorities and manage the delivery of the LEP work programme.

<sup>1</sup> Responsible for representing and engaging with the SME business community in Buckinghamshire (both through his role as Chair of Buckinghamshire

- 3.2..13 The Board may meet together for the despatch of business, adjourn and, regulate their meetings as they think fit. Questions arising at any meeting shall be decided by a majority of votes and each qualifying Board member shall have one vote.
- 3.2..14 In case of an equality of votes, the Chair shall have the casting vote.
- 3.2..15 No business shall be transacted at any Board meeting unless a quorum is present. A quorum shall be seven Board members present in person or by alternate Board Member
- 3.2..16 Where the Board considers such attendance worthwhile or necessary to the matters to be transacted at the relevant meeting of the Board, it shall be entitled to invite relevant third parties to attend any meeting of the Board as observers providing that such third parties agree to be bound by obligations of confidentiality reasonably acceptable to the BTVLEP Board but shall not be entitled to vote.
- 3.2..17 In addition to serving on the Board, members may be asked to serve on any ad-hoc committees as required as well as attend other meetings and events on behalf of the LEP.
- 3.2..18 Board members are de-facto ambassadors of the BTVLEP, and as such there will be a number of events and activities throughout the year where some Board member attendance may be required, which will be agreed in advance.
- 3.2..19 It is expected that a Board member will do their best to support BTVLEP when their assistance is required
- 3.2.20 There may be occasions when an urgent decision by the Board is required but within a timescale which does not allow for a Board meeting to be arranged. When this occurs the Chair may decide to seek agreement to a proposed decision via email. An email will be circulated to each Board member setting out the proposed decision and seeking the Board Member's agreement to it within a specified timescale. The responses will be collated and the majority view acted upon, provided that the total number of responses meets the requirements for a quorate meeting. All decisions taken this way will be reported to the next available Board meeting.
- 3.2.20 All private sector board members will serve no more than 2 x 4 year terms of office. The term of office for the Chair and Deputy Chair will be 4 years.

### 3.3 **Buckinghamshire County Council**

- 3.3.1 Buckinghamshire County Council is the Accountable Body for all BTVLEP contracts with central government.
- 3.3.2 Local Growth Fund resources will be paid via a Section 31 grant determination to BCC as lead local authority (accountable body). The proper use and administration of this funding will be set out through the grant funding letter/agreement, this assurance framework and the wider implementation summary. It is important to note that it is the Government's expectation that accountable bodies cannot use this funding for their own purposes, or without any clear mandate from the LEP.
- 3.3.3 BCC, working with relevant BTVLEP officers, will need to put in place appropriate arrangements for the proper use and administration of funding, building on the existing local government systems, and which fall under the annual audit of the local authorities accounts. The accountable local authority will also be responsible for ensuring that decisions are made in accordance with the local LGF assurance framework.

### 3.4 **Buckinghamshire Business First (BBF)**

- 3.4.1 BBF is an independent not-for-profit private company limited by guarantee (Registration No: 04107584), with an entrepreneurial private sector Board who have invested circa £100K of private funds, have a contract with BCC to deliver economic development support in the County, and is focussed on what businesses need.
- 3.4.2 The current directors of Buckinghamshire Business First are :-

<b>Organisation</b>	<b>Director</b>
Hiren Gandhi	Blaser Mills
Pinewood Studios	Andrew Smith
Mark Walker	Ashridge Group Ltd
Chandler Garvey	Michael Garvey
Buckinghamshire Business First	Philippa Batting
University of Buckingham	Alistair Lomax
Robert Bosch	Eman Martin-Vignerte
Thomas International UK Ltd	Martin Reed
ANT Telecommunications	Klaus Allion
Harwood Hutton	Adam Stronach
Lindengate	Michael Harris
Buckinghamshire New University	Rebecca Bunting

3.4.3 With diverse business membership, a professional research and evidence base and capability, BBF provides a clear conduit through which all businesses in the county can impact effectively with the Local Authorities on strategic business matters. Every Bucks based business is entitled to join BBF without charge.

3.4.4 BBF remains separated from BTVLEP in much the same way as the LAs are involved as a partner but are also separate entities in their own right.

### 3.5 **Buckinghamshire Advantage (BA)**

3.5.1 Buckinghamshire Advantage is a not for profit private company, limited by guarantee (Registration No: 05271232), with the company being jointly owned by Wycombe District Council, Chiltern District Council, South Bucks District Council, Aylesbury Vale District Council, Buckinghamshire County Council and Buckinghamshire Business First. Each of the Member organisations detailed above can appoint one Director and there is a minimum of six or a maximum of 12 Directors.

3.5.2 The Members acting jointly have agreed to appoint a further 5 private sector Directors and the Managing Director of the Company shall also be appointed as a Director. At the time of writing the members of the Board are;

<b>Organisation</b>	<b>Director</b>
MD, Ingman Capital Partners	Phil Ingman
Group Development Director, FCC Environment	Richard Belfield
Chiltern District Council	Steve Bambrick
South Bucks District Council	Bob Smith
Wycombe District Council	Karen Satterford
Aylesbury Vale District Council	Andrew Grant
Buckinghamshire County Council	Neil Gibson
Buckinghamshire Business First	Michael Garvey

BTVLEP	Richard Harrington

3.5.3 The Board will also appoint a Board Chair from the appointed Directors. Each Member Organisation is entitled to appoint an alternate Director to attend any Board Meeting or otherwise to vote on any decision provided the Board have had sufficient notice.

3.5.4 Each Member can also appoint a representative "observer" to attend Board meetings in a nonvoting capacity. Board resolutions are decided by a majority vote and in the case of an equality of votes the Board Chair does not have a second or casting vote and the matter will be referred to the Members for their approval. The number of Directors required for a Board meeting to be quorate is 6

3.5.5 BA will review its membership annually and will consider whether membership should be expanded, on the proviso that democratically-elected members will retain a majority voting share.

### 3.6 The Buckinghamshire Skills Programme Board (BSPB)

3.6.1 The Buckinghamshire Skills Programme Board has been established as an un-constituted partnership to develop the Buckinghamshire Skills Strategy and implement the various workstreams within that strategy. BTVLEP is currently initiating an open and transparent recruitment drive to refresh its Board Membership, which we are aiming to build around the framework set out overleaf;

Representing	Person
Bucks New University	Rebecca Bunting (Chair)
HS2 Lts	Mark Warrilow
Reaction Engines	Mark Wood
Health Education Thames Valley	Emma Wilton
Bucks County Council	Cllr Mike Appleyard & Gill Harding
DWP	Jan Walker
Buckinghamshire Business First	Heather Dean
Buckinghamshire College Group	Karen Mitchell
GE Healthcare	Ruth Nash
Creative Media Skills	Ailie Smith
The Misbourne School	Jo Melloni
Adviza	Sue Gale
Thomas International	Martin Reid
BTVLEP	Ian Barham / Jackie Campbell
Global Infusion	Tony Laurenson
University of Buckingham	John Spoerry
McAfee	Dave Oxley

3.6.2 The Buckinghamshire Skills Board's current work programme is focussed on:

- Making Apprenticeships work for Employers in Bucks;
- Developing a new model for Information Advice and Guidance in Bucks;
- Developing a ' Bucks gold standard' for employability skills;
- Labour Market intelligence; Future thinking; and
- Supply side planning.



3.6.3 In order to address this last issue, it has established a Collaborative Planning sub-group.

### 3.7 The Buckinghamshire Local Transport Body (BLTB)

3.7.1 The Local Transport Body will be known as the Buckinghamshire Local Transport Body, referred to as BLTB throughout the remainder of this document. The geographical boundary of the BLTB will be the administrative boundary of Buckinghamshire County Council (BCC).

3.7.2 Membership of the BLTB consists of a core decision-making board with voting rights, and a wider interest group to ensure sufficient input from strategic stakeholders as necessary. Voting Members will be:

- BCC Cabinet Member Transportation (LTB Chair)
- BCC BTVLEP Board Member
- Private Sector BTVLEP Board Member

3.7.3 Each voting member will need to nominate a substitute in the event that they are unable to attend a meeting. Membership will be subject to regular review and members will be subject to the usual rules and regulations regarding conflicts of interest, gifts and hospitality etc.

3.7.4 It is also proposed that there will be a further non-voting BCC member, to be nominated, to offer advice and guidance in line with the County Council's ETL Select Committee recommendations.

3.7.5 Wider interest group membership will vary depending on circumstance, but is likely to include District Councils and the Highways Agency plus other agencies by invitation as required.

3.7.6 BLTB will review its membership annually and will consider whether membership should be expanded, on the proviso that democratically-elected members will retain a majority voting share

### 3.8 Aylesbury Vale Enterprise Zone:

**The following summary of Governance Arrangements are extracted from the Aylesbury Vale Enterprise Zone Memorandum of Understanding dated 31<sup>st</sup> March 2016 between Secretary of State for Communities and Local Government; BCC; AVDC & BTVLEP.**

1. The Local Authorities (BCC/AVDC) agree to:
  - Organise and promote a Governance Group for the EZ which is able to make strategic and operational decisions and which shall meet at least quarterly.
- a) BTVLEP Board is responsible for the overall governance and strategic direction of the AVEZ;
- b) The BTVLEP Board delegates the day to day responsibility for the governance and management of AVEZ to a **Strategic Board** comprised of representatives from each Local Authority and BTVLEP. The intention is that the Local Authority Representatives (AVDC & BCC) on the Aylesbury Vale Advantage Legacy Board together with a BTVLEP Board Member and the BTVLEP Chief Executive will form the AVEZ Strategic Board.
- c) Each Strategic Board Member will have a single vote
- d) AVEZ Strategic Board Members are currently:-
  - Leader & Chief Executive – AVDC (2);
  - Deputy Cabinet Member (Planning & Environment) & Executive Director (Transport Economy & Environment) BCC (2);
  - Board Member and Chief Executive BTVLEP (2) Michael Garvey & Richard Harrington

2. The role of the Strategic Board is to:-
- Manage the delivery of the strategic vision, objectives and priorities of AVEZ;
  - Guide the investment model for the EZ and make decisions on the use of income , financial incentives and interventions, and projects;
  - Supervise the Executive Team of AVEZ;
  - Monitor the performance of the EZ against key measures including financial targets and economic outputs;
  - Oversee 3 Operational Boards which will be established to manage the EZ operations on each site and which will include the landowner partners;
  - Alongside the Accountable Body monitor and account to government for the proper and responsible use of EZ funds;

3.8.1 The Local Authorities (BCC/AVDC) agree to appoint one of the Local Authorities as an Accountable Body for AVEZ:

- a) The Accountable Body for AVEZ is AVDC;
- b) The role of the Accountable Body is to:-
- Act as the collecting authority for all business rates within the Aylesbury Vale Enterprise Zone area;
  - Establish suitable systems for monitoring and reporting on funds collected;
  - Ensure government subsidies provided for the Enterprise Zone (including the subsidy provided under this Memorandum of Understanding and the Regulations) are used for the objectives of the Enterprise Zone and in compliance with relevant laws; and
  - Distribute the funds according to the priorities agreed in this MOU and the Strategic Board;
- c) AVDC working with relevant BTVLEP officers will put in place appropriate arrangements for the proper use and administration of funding, building on the existing local government systems, and which fall under the annual audit of the local authorities' accounts.
- d) Government's expectation is that Accountable Bodies cannot use Business rates Funding generated from within an Enterprise Zone for their own purposes, or without any clear mandate from the LEP.
- e) Dispute Resolution – In the event that there is a dispute within the Strategic Board on a matter requiring a unanimous decision and in the event of any dispute arising between BTVLEP and the Accountable Body:-
- the BTVLEP CEO and Local Authority Chief Executives or Section 151 Officer as the case may be will seek to resolve any such issue amicably.
  - Should the dispute remain unresolved within 14 days of the matter first being referred to the CEO/Section 151 Officer, the parties may refer the matter to the BTVLEP Chair and Local Authority leaders with a request for them to attempt to resolve the dispute by agreement within 28 days, or such other period as may be mutually agreed by both parties;
  - Depending on the nature of the dispute BTVLEP's Chair may ask for support from other Relevant Local Authority Officers, as appropriate.
  - In the absence of agreement, the parties may seek to resolve the matter through mediation under the CEDR Model Mediation Procedure (or such other appropriate dispute resolution model as is agreed by both parties). Unless otherwise agreed, the parties shall bear the costs and expenses of the mediation equally;

### 3.9 Cross LEP Working

3.9.1 As far as cross LEP working is concerned, BTVLEP has established a number of mechanisms for working with other LEPs around the country, on cross boundary issues;

- The LEP Network – BTVLEP is active in helping to establish and steer the ‘refreshed’ LEP Network. This provides us – and all the LEPs around the country – with an ideal mechanism to identify opportunities and implement a range of collaborative activities;
- The GTV – BTVLEP has been instrumental in establishing the GTV, a network of LEPs in the Greater Thames Valley area, whose Chairs and Chief Executives meet regularly to explore opportunities to collaborate;
- SEMLEP – BTVLEP has established an MOU with SEMLEP, setting out how we will work together on joint activities, which is reviewed regularly
- Oxford to Cambridge Growth Corridor – Collaborative working across the Oxford to Cambridge Growth area incorporating the development of a cross corridor economic vision together with OXLEP, SEMLEP and the Cambridge and Peterborough Mayoral Combined Authority.

## 4.0 PART TWO: Local authority partnership working

### 4.1 Introduction

4.1.1 Central government wants to be confident that there are strong underpinning local authority partnership arrangements in place to facilitate joint decision making and collaboration on growth and economic development between all local authorities in each LEP area.

4.1.2 Given the above, central government has stated that it believes that;

- It is important that local authorities across the LEP area don't just 'support' growth priorities but actively play a part in ensuring their delivery - by aligning strategic plans, through use of their powers and competencies and through pooling and aligning of local resources and efforts.
- Areas should seek to develop an arrangement which enables collective engagement of local authority leaders in decision-making on growth priorities, ideally with the LEP represented, supported by strong collaboration and joint delivery at executive level.

4.1.3 In order to address this issue the BTVLEP Board will operate in such a way which enables local authority leaders to proactively and collectively debate and discuss their economic development and growth priorities, encouraging collective decision-making and resource planning, where appropriate.

4.1.4 In addition, the BTVLEP Board will provide regular opportunities to enable local authorities to share their corporate plans, their medium term plans, their service plans and their evolving business models – in such a way which enables partners to explore how plans, resources and capabilities might be better aligned.

## 5.0 PART THREE: The role of different bodies in the decision making process

### 5.1 The BTVLEP Board

5.1.1 The BTVLEP Board is responsible for strategic leadership of the economic development/growth agenda in Buckinghamshire. The BTVLEP Board is also responsible for prioritisation and technical appraisal of schemes pre-award of any funding, although it may choose to delegate the technical appraisal of schemes to one of its delivery bodies, an independent external specialist, or any combination of these, if considered beneficial and/or financially expeditious.

5.1.2 The key purpose of the BTVLEP board is to provide 'helicopter' direction for economic development interventions in Buckinghamshire and manage strategic/operational risk within the BTVLEP delivery programme. Key functions of the board are to ensure economic development activity in the county

is well co-ordinated, that duplication is avoided, and that regular updates on projects and initiatives are undertaken.

5.1.3 The BTVLEP Board has the following strategic objectives;

To work with public and private sector partners to develop a shared vision for the future of the local economy and use the LEP Board as a forum for collective discussion and decision making on strategic growth priorities.

- To agree a prioritised list of investments within the available budget drawn from the agreed resources and bid for additional funding, according to the approach set out in this framework.
- To make decisions on individual scheme approvals, investment decision making and release of funding, including scrutiny of individual scheme business cases, according to the approach set out in this framework.
- To identify, monitor and evaluate strategic risks to funded projects/the delivery of key objectives

5.1.4 The BTVLEP Board will operate as a strong public-private sector governance, accountability and decision making unit. The LEP board will agree the finalised local assurance framework ensuring all key partners are signed up.

5.1.5 At all times the imperative for the BTVLEP is to focus on actions to help businesses thrive. It is recognised that economic development is a complex agenda that is hugely important to Buckinghamshire, and no single body is able to provide everything that is needed to deliver the best result for employers, residents and taxpayers.

5.1.6 There is an implicit obligation on the LEP to lead in avoiding duplication of effort. Clear two-way communication between all partners involved in economic development and sharing of information avoids potential overlaps. Because of this, the BTVLEP Board will regularly explore the potential to align, pool and/or share assets.

5.1.7 All partners to the LEP agree to work together in a win/win partnership to deliver what is best for Bucks as a whole and for its constituent parts.

5.1.8 As a matter of Board policy, all meetings of the Directors must have a predefined purpose, be furnished with action-oriented information, have a focussed agenda, and allow reasonable time for adequate debate and considered decisions.

5.1.9 With this objective in mind, prior to meetings of the Board;

- Papers will be circulated and published on the BTVLEP Website a minimum of five days in advance of the Board meeting.
- The Board meeting will be conducted on the assumption that Board members have read Board papers prior to the meeting.
- Each paper will be annotated to the effect that it is for 'discussion', 'decision', or 'information.
- 'Any other business' items should be raised with the Chairman prior to the Board meeting. Items tabled at the meeting will only be accepted in exceptional circumstances. □ A timed agenda will be laid out in advance.

### **Role and Responsibility of the Chair**

5.1.1 The role of the Chair is to lead the Board in defining vision and direction, and in delivering the desired outputs, whilst ensuring that appropriate procedures for governance and management of resources are in place.

5.1.2 The key responsibilities of the post are to:

- Ensure the BTVLEP's Vision, Direction and Strategy are understood and influenced by key Stakeholders.

- Take charge of key relationships at the stakeholder and political levels, and function to prevent stress in the relationship at an operational level while building strong partnerships.
- Comply with any reporting requirements of the accountable body (BCC).
- Provide regular reports on the on-going delivery of projects, highlighting any risks and outputs achieved.
- Build a strong complementary relationship with the Secretariat.
- Ensure that the principles of good practice on appointments, openness, codes of conduct and practice, and conflicts of interest are defined, monitored and adhered to.  
Ensure that individual Board members and the Board develop as a team.
- Regularly review succession planning for the positions of Chair, Vice Chair, and Board members.

### **Role and Responsibility of the Vice Chair**

5.1..22 The role of the Vice Chairman of the Board is to support the Chairman in all their Board dealings, and to deputise for him if possible when asked to do so. The key responsibilities of the post are to:

- Chair meetings of the Board when the Chairman is unavailable.
- Support and assist the Chairman in upholding his responsibilities.

### **Role and Responsibility of Board Members**

5.1..23 Board members have a responsibility to uphold high standards of integrity and probity. They should support the Chairman and Vice Chairman in instilling the appropriate culture, values and behaviours in the boardroom and beyond.

5.1..24 Board members should take into account the views of other stakeholders, because these views may provide different perspectives on the LEP and its performance.

5.1..25 The duties and responsibilities of a Board member are to:

- Contribute to setting of clear Vision, Mission, Objectives and Strategy
- Collectively be the ultimate strategic policy-makers for BTVLEP through decision-making on the Strategic Economic Plan and other core policies
- Be involved in the decision-making and accountability processes of BTVLEP
- Maintain the highest standards of conduct and ethics at all times.
- Invest appropriate time to keep abreast of key developments
- Recognise collective responsibility. Adhere to, and support Board decisions.
- Elect, from their number, a Chairman and Vice Chairman.
- Act in a non-parochial manner on behalf of all residents and businesses in Bucks

5.1..26 Board Members will have such rights of access to all documents and information necessary for proper discharge of their functions in accordance with the law.

5.1..27 Board Members will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a member or officer entitled to know.

- When carrying out your LEP duties you must make all choices, such as making appointments, awarding contracts or recommending individuals for rewards or benefits, based on evidence.
- You are accountable for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your position. You must be as open as possible about both your decisions and actions and the decisions and actions of the LEP. In addition, you should be prepared to give reasons for those decisions and actions.
- You must declare any private interests, both pecuniary and nonpecuniary, including membership of any Trade Union, political party or local authority that relates to your LEP duties. Furthermore, you must take steps to resolve any conflicts arising in a way that protects the public interest. This

includes registering and declaring interests in a manner conforming with the procedures set out in the section 'Registering and declaring pecuniary and non-pecuniary interests'.

- You must, when using or authorising the use by others of the resources of your LEP, ensure that such resources are not used improperly for political or personal purposes (including party political purposes).
- You must promote and support high standards of conduct when serving in your LEP post, in particular as characterised by the above requirements, by leadership and example.

### **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a Board Member or co-opted, notify your LEP Chief Executive and Accountable Body's S151/S73 Officer of any disclosable pecuniary interest, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a spouse, or as if you were civil partners.

In addition, you must, within 28 days of taking office, notify your LEP Chief Executive and Accountable Body's S151 Officer of any nonpecuniary interest if you are to fulfil your duty to act in conformity with the Seven Principles of Public Life. These non-pecuniary interests will necessarily include your membership of any Trade Union.

Board members should review their individual register of interest before each board meeting and decision making committee meeting. If an interest has not been entered onto the LEP's register, then the member must disclose the interest at any meeting of the LEP at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.

Following any disclosure of an interest not on the LEP register or the subject of pending notification, you must notify the LEP Chief Executive and S151 Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest. Additionally, you must observe the restrictions your LEP places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your LEP.

5.1..28 Because BTVLEP is an un-constituted partnership, Board members indemnity falls to being the responsibility of their employer/host organisation.

## **5.2 The BTVLEP Executive**

### **The Role and Responsibility of the Chief Executive**

5.2..1 The BTVLEP Chief Executive will;

- Ensure that relevant decisions and activities of BTVLEP, BA, BBF and the Buckinghamshire Skills Programme Board conform with legal requirements with regard to equalities, environmental, EU procurement etc., seeking third party advice where appropriate;
- Develop an annual/three year BTVLEP revenue budget for Board approval every year, setting out the proposed split of resources between BTVLEP, BBF, BA and the Skills Programme Board.
- Report to the BTVLEP Board, where he/she considers it appropriate to do so, on the manner in which the discharge of BTVLEPs functions is to be co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of officers.

- Grant dispensations to BTVLEP Board Members in respect of any conflict of interest other than a disclosable pecuniary Interest to allow them to participate in discussion and debate during meetings and/or seek external legal advice on such matters, where necessary.
- Ensure that this Accountability and Assurance Framework is kept up to date and amended to reflect changes in legislation, BTVLEP Board decisions and changes of fact.

After consulting with the Section 151 Officer (BCC) where practicable, report to the BTVLEP Board if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- Contribute to the promotion and maintenance of high standards of conduct (in accordance with the gov.uk guidance “The 7 principles of public life”<sup>1</sup>). The Chief Executive will ensure that all board members and staff sign up to a code of conduct based on the Nolan Principles listed below. This code of conduct will be published directly on the BTVLEP Website and will be updated annually.

1 Selflessness

Holders of public office should act solely in terms of the public interest.

2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6 Honesty

Holders of public office should be truthful.

7 Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- Ensure that Executive decisions, together with the reasons for those decisions and relevant reports and background papers, are made publicly available as soon as possible.
- Advise whether proposed decisions of the BTVLEP Board are in accordance with the budget and policy frameworks in consultation with BCC’s Section 151 Officer.
- Seek external legal advice, as appropriate, on any issues relating to the scope of the BTVLEP Boards/Board Members powers and authority to take decisions, maladministration, financial impropriety, probity, regulatory (equalities, social value, environmental, State Aid, procurement etc.) and budget and policy issues.

- Ensure business cases are appropriately scrutinised, prior to being considered by the BTVLEP Board
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### **The role of the Senior Management Team**

- 5.2.2 As BTVLEP is an un-constituted body, the BTVLEP secretariat, administrative and technical support will be provided by staff employed by Buckinghamshire Advantage, Buckinghamshire Business First, Buckinghamshire County Council, the 4 District Councils and/or local skills providers. Such resources will be under the direct operational control of BTVLEP through its staffing structure.
- 5.2.3 The BTVLEP Board, and/or a Remuneration and Appointment sub-committee formed of BTVLEP Board members, will be responsible for the appointment and dismissal of the Chief Executive. **The role of the wider Executive**
- 5.2.4 BTVLEP has delegated the appointment, discipline and dismissal of all other staff to the Chief Executive.
- 5.2.5 Subject to the availability of budget, the BTVLEP Chief Executive may appoint such staff and contractors he/she considers to be appropriate for the discharge of its functions.
- 5.2.6 Because BTVLEP staff are employed by a host of organisations, staff indemnity against any expenses liability, loss claim or proceedings whatsoever arising from their neglect, act, error or omission also falls to being the responsibility of their employer/host organisations

### 5.3 **Buckinghamshire County Council**

- 5.3.1 As Accountable Body for BTVLEP, BCC is responsible for ensuring appropriate arrangements are in place for the proper use and administration of funding, building on the existing local government systems, which fall under the annual audit of the local authorities accounts. The accountable local authority is also responsible for ensuring that decisions are made in accordance with the local LGF assurance framework.
- 5.3.2 As the accountable body for Local Growth Funding, BCC will:
- Ensure (through their Section 151 Officer) that the funds are used appropriately, including the ability to account for these funds in such a way that they are separately identifiable from the accountable body's own funds;
  - Sign off the local assurance Framework, and write to the Accounting Officer in DCLG certifying that a local assurance framework is agreed, is being implemented and that it meets the standards articulated in the national framework.
  - Support the independent scrutiny assessment and whistleblowing policies of the operation and performance of BTVLEP
  - Ensure that the BTVLEP assurance frameworks is published on the BTVLEP website, and reviewed annually to ensure transparency in decision making.
  - Ensure that the BTVLEP assurance framework is being adhered to;
  - Maintain the official record of BTVLEP proceedings, ensuring all relevant documents are retained for future inspection;
  - Be financially responsible for the decisions of BTVLEP Board in approving schemes (for example if subjected to legal challenge).
- 5.3.3 BCC will achieve the above objectives by;
- Collaborating on the development of, and signing off this Local Assurance Framework;
  - Ensuring the Section 151 Officer attends the BTVLEP Board Meetings as an Observer;
  - Asking BCC's S151 Officer to commission an annual audit of BTVLEPs financial controls and systems, to ensure the BTVLEP has put in place sufficiently robust systems to ensure appropriate



arrangements are in place for the proper use and administration of funding. **Role and Responsibility of the Section 151 Officer in Buckinghamshire County Council**

5.3.4 The Section 151 Officer will be responsible for;

- Ensuring financial prudence of decision making - After consulting with the BTVLEP Chief Executive, where practicable, the Section 151 Officer will report to the BTVLEP Board (in relation to an Executive function), if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is likely to cause a loss or deficiency or if BTVLEP is about to enter an item of account unlawfully.
- Administration of financial affairs - Will have responsibility for the administration of the financial affairs of BTVLEP; leading the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
- Contributing to corporate management - Will contribute to the corporate management of BTVLEP, in particular through the provision of professional financial advice, and be actively involved in all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and aligned with BTVLEP's financial strategy.
- Providing advice - Will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members and will support and advise members and officers in their respective roles.
- Certifying the robustness of BTVLEP's Estimates - will have responsibility for certifying the robustness of BTVLEP's Budget estimates and the adequacy of BTVLEP's reserves.

#### 5.4 **Buckinghamshire Advantage**

5.4.1 In July 2013, the BTVLEP Board agreed that it would like to establish a delivery mechanism to oversee the day-to-day management and co-ordination of its capital programme, and - where appropriate - deliver capital projects on the LEPs behalf.

5.4.2 Buckinghamshire Advantage has the following strategic objectives:

- Actively managing the BTVLEP devolved budget and programme to respond to changed circumstances (scheme slippage, scheme alteration, cost increases etc.)
- Responsibility for ensuring value for money is achieved; and
- Monitoring progress of scheme delivery and spend;

5.4.3 Buckinghamshire Advantage is responsible for oversight of BTVLEP's capital programme, much of which is likely to be delivered by a range of different project sponsors. In undertaking this role, Buckinghamshire Advantage will be responsible for ensuring local growth funds are invested to maximum effect; any emerging risks are mitigated or referred to the LEP Board for resolution; and the local delivery capability of partners is aligned behind the core programme. The role of Buckinghamshire Advantage will be supplemented by a Programme Management Board who would meet on a quarterly basis to support the detailed review and assessment of the Buckinghamshire Local Growth Fund Programme, this board would include a minimum of 2 main board members with one being drawn from the public sector and one from the private sector ;

5.4.4 Buckinghamshire Advantage is ideally placed to provide a centralised, cost effective oversight and management support service of the BTVLEP Capital programme, because its board composition encompasses a mix of public/private specialist development expertise and its executive possesses considerable experience of delivering large scale capital programmes.

5.4.5 In certain circumstances, Buckinghamshire Advantage may also bid to be directly involved in the delivery of part of its capital programme, where it feels the scheme risks, timing, affordability, market failure and/or any other key issues might necessitate BA taking a more direct delivery role than might ordinarily be desirable. In such circumstances BTVLEP will need to satisfy itself that operating in this way offers good value for money, improved outcomes/impact etc. and that this assurance and accountability framework is being complied with.

## 5.5 **Buckinghamshire Business First**

5.5.1 Buckinghamshire Business First's role within BTVLEP is to bring a well evidenced, non anecdotaly reliant, collective business voice to the table, supporting business and jobs growth; augmenting and shaping the strategic economic development work being undertaken by the partners, facilitating better practice and assisting LAs where possible.

5.5.2 Buckinghamshire Business First is also responsible for the delivery of Buckinghamshire's Local Growth Hub, which - as its name suggests – is intended to sit at the heart of a diverse and buoyant business services marketplace. This, combined with its strong business membership, its experienced executive and robust back office systems (business database, email contacts etc.) means it is ideally placed to provide a cost effective management, oversight and central support service for BTVLEP's business support programme.

5.5.3 At the very heart of the national proposition for Local Growth Hubs is the principle that they should;

- Engage in discussions with and involve as partners in the Growth Hub all key local bodies involved in business support (which will typically include the LEP, LAs, business groups such as Chambers of Commerce and the FSB, universities and others). In practice, this means Growth Hubs should establish strong working links between all of the institutions involved in providing business, innovation and trade support in their area (national, local, public and private), with effective leadership under the strategic governance of the LEP and formal agreements with the partners;
- Publish clear and inclusive governance arrangements under the oversight of the LEP with appropriate business representation, and a clear plan for delivering and sustaining the Growth Hub, including other sources of funding and match funding where possible.
- Actively promote all forms of business support available in their area, aligning with the Business is GREAT campaign and provide a diagnostic and signposting service for all businesses which covers all available business support across the LEP area (national, local, public and private). This should help businesses understand what support would help them most and connect them to that support. This service is likely to be provided through a range of different mediums - a website, telephone line, face-to-face advice, account management - but will provide a consistent level of information to businesses. This function should wherever possible make use of existing national assets, such as GOV.UK and the Business Support Helpline.
- Support the integration of national and local business support so that it works seamlessly together.

5.5.4 In certain circumstances, BTVLEP may also ask Buckinghamshire Business First to directly deliver part of its business support programme, particularly where it feels the task needing to be undertaken is particularly consistent with the role and/or sustainability of a Local Growth Hub (as opposed to stimulating market based delivery). In such circumstances BTVLEP will need to satisfy itself that operating in this way offers good value for money, improved outcomes/impact etc. and that this assurance and accountability framework is being complied with.

## 5.6 **Buckinghamshire Skills Programme Board**

5.6.1 As indicated previously, the Buckinghamshire Skills Programme Board has been established as an informal partnership to develop the Buckinghamshire Skills Strategy and implement the various work-streams within that strategy. Buckinghamshire Skills Board is responsible for the day-to-day management and oversight of BTVLEP's skills programme.

5.6.2 Whilst we do not envisage – as an informal partnership – that the Skills Board will ever ask BTVLEP to directly deliver skills projects on the Board's behalf, we do envisage that this will necessitate its Executive being employed by or contracted to a partner organisation, and that any projects will need to be tested for value for money/impact etc. and that this assurance and accountability framework is being complied with.

## 5.7 Buckinghamshire Local Transport Body

- 5.7.1 The sole focus of the Local Transport Body is to allocate the remaining £6.2m of allocated Local Transport Majors Funding. Moving forward, scheme prioritisation and appraisal of transport projects will be the responsibility of the LEP Board, acting on the advice of Buckinghamshire County Council, as the only local Transport Authority in the LEP Area. As stated above, the BTVLEP Board may choose to delegate the technical appraisal of any transport schemes to one of its delivery bodies, an independent external specialist, or any combination of these, if considered beneficial and/or financially expeditious.
- 5.7.2 The primary role of BLTB is to prioritise where the remaining £6.2m of Local Transport Majors 'allocated' Funding that Buckinghamshire has been awarded will be invested. Because future funding of major new transport infrastructure is largely assumed to be competitive, and likely to be driven through LEPs, we have assumed that all future major transport infrastructure investment decisions are likely to be taken at the BTVLEP Board.

## 6.0 PART FOUR: Transparent and Accountable Decision Making

### 6.1 Documents which guide LEP policies and actions

6.1.1 As a LEP, BTVLEP operations are framed by a number of key documents, which help guide our decision making. These documents include;

- **Strategic Economic Plan (SEP)** – The SEP sets out what BTVLEP is aiming to achieve through a vision, set of aims, medium to long term objectives;
- **Infrastructure Investment Plan** – The Infrastructure delivery plan prepared by Buckinghamshire Advantage;
- **Buckinghamshire Growth Strategy 2017-2050** – Providing the framework for economically led Growth across the county up to the period 2050;
- **Growth Deals** -The various Local Growth Deals government will agree with LEPs over the period 2014-2021.
- 
- **Implementation Plan** – The evolving Local Growth Deal implementation plan, which sits as a document between central government and BTVLEP, setting out the key delivery milestones, outcomes, outputs and impacts associated with the Local Growth Deals;
- **Monitoring and Evaluation Plan** – The Plan BTVLEP has agreed with government for monitoring their Local Growth Deal;
- **Strategic Communications Plan** – The Communications Plan BTVLEP has agreed with government for promoting Local Growth Deal related activities;
- **Revenue Budget** – The Annual/Three Year Budget prepared by the Chief Executive for deploying BTVLEP revenue funding in pursuit of the goals of the Strategic Economic Plan and the Local Growth Deals;
- **The Buckinghamshire ESIF Strategy** – The Strategy developed under the direction of government, for defraying EU Structural Funds in Buckinghamshire between 2014-2020;
- **The BTVLEP Annual Report** – summarising the previous year's delivery and including a summary of our annual accounts, which will be published on our website within 3 months of year end;

6.1.2 In addition to these documents, BTVLEP will put in place Service Level Agreements, or Memoranda of Understanding with its key sub-boards (Buckinghamshire Business First, Buckinghamshire Advantage and the Skills Programme Board) and its Accountable Body (Buckinghamshire County Council) to set out what responsibility it is delegating to these bodies on an annual basis, and the budget that will flow to discharge these responsibilities.

6.1.3 Through these documents, the Executive Staff responsible for leading these sub Boards (The MD of Buckinghamshire Business First, the MD Buckinghamshire Advantage and the BTVLEP Strategic Skills

Manager) will have delegated to them all the powers required to manage and deliver the BTVLEP work programme. This delegation is subject to:

- These officers using these funds solely for the purposes described in the documents set out above;
- Such protocols as may be approved by the Chief Executive from time to time;
- Any consequent expenditure being already included in the BTVLEP's revenue budget or approved Local Growth Deals;
- The requirements of BTVLEPs Financial Regulations and (where appropriate) Buckinghamshire County Council's Contracts Standing Orders;
- Legal advice, where deemed necessary, by the Chief Executive or BCC's section 151 Officer;
- Relevant guidance issued as a result of audit arrangements, whether by appointed government auditors or BCC's Audit team

6.1.1 These Executive Staff and other relevant senior delegated officers shall, only with the written agreement of the Chief Executive, make arrangements within their respective services to determine what further delegations are necessary to ensure the efficient day to day operation and management of the services, provided that such delegations are specific to identifiable posts within their management structure and are formally recorded.

6.1.2 The Chief Executive shall maintain a central record of such delegations.

6.1.3 In the case of an absent or vacant Executive post, the Chief Executive shall make arrangements to cover the vacancy by either appointing a person in an acting capacity or determining other temporary arrangements.

6.1.4 Any person or persons temporarily fulfilling the responsibilities of a post shall be entitled to exercise the delegated authority referred to in this Article as if they were the permanent post holder until such time as a permanent appointment is in post or other permanent arrangements are made and agreed by the Council.

6.1.5 In addition to these key documents, the work of the LEP will also be guided by a number of partner plans and strategies.

## 6.2 **Principles of decision making**

6.2.1 All BTVLEP decisions will be made in the overall interest of delivering the sustainable development of the Buckinghamshire economy;

6.2.2 In order to guard against the possibility of successful legal challenge to decisions made by the BTVLEP, their Executive and their sub-Boards, it is necessary to demonstrate (where relevant):

- that the decision was taken in accordance with BTVLEPs aims, strategies and policies;
- that BTVLEP's operating procedures have been complied with;
- that decisions were taken with the benefit of professional advice from relevant officers or appropriate external expertise;
- that all relevant matters were fully taken into account in reaching decisions;
- that in any decision, the action was proportionate to the desired outcome;
- That BTVLEPs Financial Regulations and (where appropriate) Buckinghamshire County Council's Contracts Standing Orders were complied with;
- that the relevant schemes of delegation have been complied with;
- that decisions have been taken in an open and transparent manner;
- that the reasons for specific decisions having been taken are clearly articulated;
- that the decisions have taken into account wider legal provisions;
- that any Board Members involved have considered whether they have any declarable interest in the particular item and, if necessary, made a declaration of interest, and that no Board Member shall participate in a decision where they are precluded from doing so by virtue of a disclosable interest; and

- that decisions are properly recorded and published within the appropriate timescales, together with any declarations of interest and background papers.

6.2..1 Compliance with the above means;

- A clear audit trail of decision making must be maintained and kept available for future reference.
- The Chief Executive, with support from his Senior Management Team and appropriate external expertise, shall advise Board members and officers on these issues, ensure that BTVLEP's decision making processes meets the requirements of the law and of good governance, and is responsible for the proper implementation of these procedures.

### 6.3 **Transparent Decision Making**

6.3..1 BTVLEP meetings, and the meetings of its various delivery bodies, will not be held in public, but - in order to maintain transparency and openness - relevant papers, meeting minutes, scheme business cases, funding decision letters and regular programme updates will be routinely published and available on the BTVLEP webpages. Through this website BTVLEP will;

- Enable partners and local residents to access key documents etc.;
- Publish progress on implementing the Growth Deal;
- Publish arrangements for making, and recording decisions;
- Ensure that Freedom and Information and Environmental Information Regulation requests are dealt with in line with relevant legislation
- Publish a conflicts of interest policy for all Board members and senior staff, register of interests covering any decision makers, and published complaints policy.
- Ensure that there is appropriate local engagement – both with public and private stakeholders to inform key decisions and with the general public around future LEP strategy development
- Publish arrangements for developing, prioritising, appraising and approving projects, with a view to ensuring that a wide range of delivery partners can be involved; and

Clearly set out the LEP's priorities and mechanisms for maximising the social value of its investment funding and activities so that partners and beneficiaries can play an active role in the programme (see Appendix 8). **Freedom of Information Act 2000**

6.3..2 BTVLEP is committed to:

- Promoting a positive attitude to dealing with requests for information
- Maintaining information in an orderly and efficient fashion and disposing of information that is no longer required.
- Increasing awareness and understanding of the implications of the Act, both amongst its employees and amongst members of the public.
- Ensuring that a regular annual assessment of the membership of the Board and its sub-groups to ensure that the overall membership reflects the diversity of the Buckinghamshire community, and that there are no barriers to participation as a result of gender, race, disability or sexual orientation.
- Our constitution ensures that all geographies within the county are represented through local authority membership and that our private sector members represent a mix of both SME and larger businesses.

6.3..1 In compliance with the Freedom of Information Act 2000, BTVLEP will respond to any requests for information.

6.3..2 There is no charge for responding to requests for information covered in the bullet points above, other than 'disbursement' costs. However, a charge is made if it exceeds the Government's advisory fee level.

#### **Records of key decisions**

6.3..3 Draft minutes of a decision are only confirmed as a correct record of a decision when:

- Approved as a correct record at the next convenient meeting of the body (BTVLEP Board, subboard or committee); and
- Signed as a true and accurate record by the Chair

6.3.4 BTVLEP will prepare and make available on request, draft minutes of Board Meetings within 5 days of all full board meetings, but such draft minutes should not be relied on as a correct record until it they have been confirmed as such.

#### **Confidential and Exempt information**

6.3.5 Where BTVLEP believes the public interest in maintaining confidentiality is outweighed by the public interest in disclosure, such information may be redacted from publication.

6.3.6 Confidential information means information given to BTVLEP by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.

6.3.7 Certain information may also be exempt from publication whenever it is likely that a decision on an item at a meeting will determine any person's rights or obligations, or adversely affect their possessions, as defined under Article 6 of the Human Rights Act 1998. Information is exempt information where it falls within any of the following categories:

- Information relating to an individual.
- Information which is likely to reveal the identity of an individual.
- Information relating to the financial or business affairs<sup>2</sup> of any particular person (including the public authority holding the information), except where the information is required to be registered under certain prescribed statutes including the Companies Act 1985 and the Charities Act 1993.
- Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter<sup>3</sup> arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority.
- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- Information which reveals that BTVLEP proposes: to give under any enactment a notice, under or by virtue of which requirements are to be imposed on a person; or to make an order or direction under any enactment.
- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

6.3.8 The BTVLEP Chief Executive shall determine which reports or parts of reports are unlikely to be published due to issues of confidentiality or exempt information.

6.3.9 BTVLEP Board members shall not disclose or quote in public the contents of any agenda, report or other document which is marked "Confidential" or "Not for Publication" unless the document has already been made available to the public or the press on behalf of BTVLEP.

#### **6.4 Accountable decision making**

6.4.1 Local Growth Fund resources will be paid via a section 31 grant determination to a lead local authority (accountable body) in all cases regardless of the differing legal set ups that exist.

6.4.2 Buckinghamshire County Council, as the lead local authority (through their Responsible Financial Officer - the Section 151 Officer), will be accountable for the proper use and administration of all Local Growth Funding, all of which will fall under the annual audit of the local authorities' accounts, and for ensuring that decisions are made in accordance with the local LGF assurance framework.

6.4.3 The BTVLEP Board have a vital leadership role to play, responsible for developing and maintaining the Strategic Economic Plan and determining the key funding priorities to which LGF and other resources

<sup>2</sup> "Financial or business affairs" includes contemplated, as well as past or current activities.

<sup>3</sup> "Labour relations matter" means any matter which may be the subject of a trade dispute, or any dispute about any such matter (ie a matter specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.

should be directed. Democratic accountability for the decisions made by the LEP is provided through local authority leader representation, with accountability to the business community flowing through the business leaders.

- 6.4.4 The use of LGF resources will be subject to the usual local authority checks and balances - including the financial duties and rules which require councils to act prudently in spending, which are overseen and checked by the Responsible Chief Finance Officer - the 151 Officer or their appointed alternate – who will attend BTVLEP Board meetings as an observer.
- 6.4.5 When the LEP awards funding for a project there will be a clear written agreement between the accountable local authority and the delivery agent clearly setting out the split of responsibilities and include adequate provisions for the protection of public funds (e.g. arrangements to suspend or claw back funding in the event of non-delivery or mismanagement).
- 6.4.5 A summary of all annual financial position including all revenue funding will be included within the BTVLEP Annual Report which is published on the BTVLEP website. A summary of current Local Growth Fund expenditure will be reported at each board meeting ahead of the quarterly government submission and the annual accounts including all Local Growth Fund expenditure are published at the last board meeting of the financial year.

## 6.5 Types of Decision Making

### Strategic Decisions

- 6.5.1 All strategic decisions are made by the BTVLEP Board. Members of the Board are collectively responsible for the decisions made by the Board and responsible for decisions they make individually.
- 6.5.2 Strategic Decisions include;
- Decisions which raise new issues of Strategy or policy;
  - Decisions which set the Revenue Budget for BTVLEP and the Sub-boards;
  - Decisions which result in BTVLEP incurring expenditure which is, or the making of savings which are, significant in comparison to the agreed budget to which the decision relates;
  - Decisions which are deemed to be significant in terms of their effects on businesses operating in an area;
  - Decisions which are not consistent with the agreed revenue budget and capital programme approved by BTVLEP;
  - Decisions which are in conflict with a policy, plan or strategy approved by BTVLEP or a BTVLEP Sub-board;
  - Decisions which will give rise to the need to appoint additional permanent staff for which there is no budget provision;
  - Decisions which requires the acquisition or disposal of any land or interest in land in excess of a value of £500,000;
  - Decisions which relate to bids of over £500,000 which may require the approval of a Minister of the Crown;
- 6.5.3 The BTVLEP Board will be responsible for the adoption of its annual budget and the policy framework as set out in the document. Once a budget or a policy framework is in place, it will be the responsibility of the Sub-boards to discharge the Cabinet functions within that budget and policy framework.
- 6.5.4 Where the BTVLEP Board is responsible for a Strategic Decision, they may delegate such a decision to a BTVLEP Sub-board or to a member of staff, by prior agreement of the Board. Even where the Board has delegated decisions to another body/person, this does not prevent the discharge of delegated functions by the person or body who made the delegation.
- 6.5.5 The BTVLEP Board may amend its scheme of delegation to sub-boards at any time during the year. To do so, the BTVLEP Board must give written notice to the Chief Executive and to the person, body

or sub-board concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or sub-board. Where the proposal provides for a change in delegation to a local committee, joint committee or other joint working arrangement the Chief Executive will present a report to the next board meeting setting out the changes made. In all other cases, the appropriate amendments to this Accountability and Assurance Framework will be made by the Chief Executive.

6.5..6 Where the BTVLEP Board seeks to withdraw delegation from a sub-board, notice will be deemed to be served on that sub-board when the Board has served it on its Chairman. **Delivery Decisions**

6.5..7 The BTVLEP Sub-boards (BBF, BA and the Skills Programme Board) will be responsible for;

- Considering draft reports to the BTVLEP Board with the relevant member of the BTVLEP Senior Management Team and/or other relevant staff;
- Determining how expenditure on services should be undertaken within approved budgets to meet BTVLEP's agreed priorities and outcomes as set out in agreed SLAs/Contracts.
- Agreeing content to input into annual reports;
- Approving service delivery plans for the relevant Sub-boards and any other such agreements which set out the required services and standards to be undertaken by each Sub-board and monitor the performance of delivery
- Monitoring the budget for particular outcomes including services;
- Developing strategies and/or policies for particular services, for subsequent ratification by the BTVLEP Board
- Taking decisions on any significant change to an existing BTVLEP delivery model where this power has been delegated by the BTVLEP Board or to make recommendations to the BTVLEP Board on a decision on these matters.
- Agreeing responses to consultation papers,

6.5..8 Subject to the provisions of this Assurance and Accountability Framework, the sub-boards, any members of staff, local committees or joint arrangements discharging BTVLEP functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to the budget approved by BTVLEP Board, then that decision may only be taken by the BTVLEP Board.

6.5..9 If the sub-boards, any members of staff, local committees or joint arrangements discharging BTVLEP Board functions want to make such a decision, they shall take advice from the BTVLEP Chief Executive and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the policy framework, or the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the BTVLEP Board for decision.

6.5.10 There may be occasions when an urgent decision by the Board is required but within a timescale which does not allow for a Board meeting to be arranged. When this occurs the Chair may decide to seek agreement to a proposed decision via email. An email will be circulated to each Board member setting out the proposed decision and seeking the Board Member's agreement to it within a specified timescale. The responses will be collated and the majority view acted upon, provided that the total number of responses meets the requirements for a quorate meeting. All decisions taken this way will be reported and endorsed at the next available Board meeting.

### **Executive Decisions**

6.5..10 Staff may make decisions under their delegated powers. Where a member of BTVLEP staff takes a decision in connection with the discharge of a function which is normally the responsibility of the Board, the officer must produce a written statement of the decision together with reasons for making that decision, and retain a note of the decision for future scrutiny;

### **The Accountable Body**



6.5.11 As the accountable Local Authority, Buckinghamshire County Council's Section 151 Officer will be responsible for:

- Ensuring that the funds are used appropriately;
- Ensuring that the local LEP assurance framework is adhered to;
- Holding copies of BTVLEP Board proceedings and all relevant LEP documents relating to LGF funding;
- Ensuring that there are arrangements for local audit of funding allocated by LEPs;
- Confirming that the LEP and accountable body have agreed timescales and operating practices to support the effective implementation of decisions. This should include, for example, a means for monitoring delivery and to provide clarity about and what information it would expect to receive from scheme promoters and delivery agents.

## 6.6 Overview and Scrutiny of Finances and Financial Controls/Systems

### Financial Management

6.6.1 The management of BTVLEP's financial affairs will be conducted in accordance with the BTVLEP Financial Regulations.

### Annual Statement of Accounts

6.6.2 BTVLEP's finances will be subject to annual audit, with the resultant reports submitted to our key stakeholders, as part of an Annual Reporting process.

### Assessment of Financial Controls and Systems

6.6.3 The S151 Officer (BCC) will commission the BCC audit team to annually review assurance arrangements, including the internal control arrangements and adherence to this assurance framework.

### Contracting

6.6.4 Every contract made by BTVLEP will comply with the BTVLEP Procurement Regulations.

### Dispute Resolution between BTVLEP and the Accountable Body

6.6.5 In the event of any dispute arising between BTVLEP and the Accountable Body, the BTVLEP CEO and Section 151 Officer will seek to resolve any such issue amicably.

6.6.6 Should the dispute remain unresolved within 14 days of the matter first being referred to the CEO/Section 151 Officer, either party may refer the matter to the BTVLEP Chair with a request for them to attempt to resolve the dispute by agreement within 28 days, or such other period as may be mutually agreed by both parties. Depending on the nature of the dispute, BTVLEP's Chair may ask for support from other Local Authority Officers, as appropriate.

6.6.7 In the absence of agreement, the parties may seek to resolve the matter through mediation under the CEDR Model Mediation Procedure (or such other appropriate dispute resolution model as is agreed by both parties). Unless otherwise agreed, the parties shall bear the costs and expenses of the mediation equally.

## 7.0 PART FIVE: Ensuring value for money - prioritisation, appraisal, business case development, procurement and contracting

### 7.1 Introduction

7.1.1 BTVLEP is committed to ensuring its activities deliver good value for money. BTVLEP's systems underpinning scheme prioritisation, appraisal, business case development, procurement, contracting and financial management have been built around this goal, and the need to deliver the programme to specification, on time and on budget.

7.1.2 For the purposes of clarity, we set out here how these processes operate.

## 7.2 **Scheme Identification**

7.2.1 Candidate schemes will be identified from a range of sources including BTVLEP priorities, existing strategy documents and plans, development-led infrastructure needs and through ongoing community consultation and engagement. Any 'calls' for potential economic development projects which might be included in the BTVLEP work programme will be published on the BTVLEP website

## 7.3 **Options appraisal and scheme prioritisation**

7.3.1 The BTVLEP Board will be solely responsible for agreeing which schemes are submitted to government for any future funding bids.

7.3.2 However, in order for the BTVLEP Board to receive well evidenced, fully risk assessed schemes, which are well thought through and capable of being delivered, it recognises that scheme lists may need to be worked on by a range of partners prior to submission to central government for funding.

7.3.3 Because of this, the process for appraising and selecting schemes for submission to government will generally involve a three stage process;

- **STAGE ONE: INITIAL SCHEME APPRAISAL & PRIORITISATION:** Firstly, an initial sift will be completed to prioritise schemes for further development. This initial prioritisation process will be undertaken by an appraiser that is independent from the scheme promoters.
- **STAGE TWO: SCHEME DEVELOPMENT:** Secondly, those schemes that are considered viable in the first phase of the appraisal process (but that could benefit from further development) will be provided with feedback about how they might improve their scheme and be asked to provide supplementary/additional information;
- **STAGE THREE: FINAL PRIORITISATION:** Once the initial prioritisation has been undertaken – and supplementary information provided by scheme promoters – the independent appraiser will be asked to undertake a more detailed (final) assessment of the schemes and provide a report to the BTVLEP Board setting out their suggested scheme prioritisation. The BTVLEP Board will be solely responsible for agreeing which schemes are submitted to government for any future funding bids.

7.3.4 When prioritising schemes BTVLEP and its executive Boards and Sub-groups will base their decisions on clear objectives using a robust and evidence based approach. In order for this process to produce the most cost effective delivery models and scheme designs, it may be necessary for the initial sift of schemes to pass through a number of BTVLEP delivery bodies and/or partner agencies, prior to submission to the BTVLEP Board.

7.3.5 Priorities may be shared with neighbouring LEPs prior to finalising in order that strategic and cross-border interventions can be aligned effectively.

7.3.6 In order to be considered eligible for funding from the devolved pot, a scheme will need to be suitably resolved in its scope to allow for meaningful assessment. It is the intention that this also safeguards against funds being targeted at loosely defined schemes – minimising risk and potentially abortive spend.

7.3.7 All schemes will be required to demonstrate value for money, and there is a clear expectation that schemes which unlock economic growth are likely to be linked to development and thus that third party contributions are utilised to co-fund schemes i.e. schemes are not 100% funded by the BTVLEP.

7.3.8 As far as infrastructure requirements are concerned, BTVLEP is developing an Infrastructure Investment Plan to inform this prioritisation of local Infrastructure needs, ensuring continuity and minimal duplication of effort/resource. Following agreement/sign off by the BA and BTVLEP Boards, this Infrastructure Investment Plan will reflect recognised and agreed local challenges and opportunities that the LEP seeks to address. The purpose of the plan is to accurately align planned infrastructure proposals with the delivery of strategic development and the wider objectives of the LEP, whilst addressing local challenges, such as tackling congestion hot-spots and pinch-points, enhancing connectivity and achieving a sustainable investment plan for our community.

- 7.3..9 The process for developing the plan is consistent with the principle of the Department for Transport's (DfT's) East Assessment and Sifting Tool (EAST) and Treasury's Green Book appraisal process in that it will provide a comprehensive, high-level appraisal of each infrastructure scheme against a robust assessment framework.
- 7.3..10 The scope of the plan will allow for consideration of all infrastructure types and is therefore able to consider the high-level benefit and potential costs of a range of infrastructure types, providing a proxy for value for money at the early option assessment stage. This will be refined through the outline business case process and supplementary feasibility work once the initial list has been rationalised. The tool and business case template also allows for the identification of future resources and provides an early lead-in to future programmes of work. The infrastructure investment plan will provide a range of high-level outputs, including impact against objectives, delivery risk, affordability (based on indicative costs and high level benefit) and governance.
- 7.3..11 Since BCC is the sole transport authority within BTVLEP it is not considered relevant to mandate a minimum local contribution in order to ensure sufficient commitment from the promoting local authority.

#### 7.4 **Business Case Development for Prioritised Proposals**

- 7.4..1 Once the BTVLEP Board has completed its prioritisation process, detailed business cases will be worked up for each scheme to enable detailed assessment and appraisal. Appraisal of business cases will be undertaken by a variety of people depending on their size and focus. In accordance with our agreement with the SFA, Skills Capital Projects will be appraised by the SFA, with all other business cases being appraised by a suitable independent appraiser.
- 7.4..2 Once funding has been allocated by central government, the BTVLEP Board will be responsible for assessing the business case and determining whether or not to provide funding for a particular scheme.
- 7.4..3 Given that BTVLEP is a partnership body, it's highly likely that the scheme promoter for some future schemes will be members of the BTVLEP Board - and therefore it will be critical to ensure that BTVLEP receives independent advice as to the technical merits of the business case so that it can make an informed decision.
- 7.4..4 BTVLEP will appoint consultants to audit the work of the promoting authority through the detailed business case stage and provide comment and advice to the BTVLEP Board. BTVLEP will determine the most appropriate method to secure an independent assessment to accord with the government's assurance requirements, and will make such assessment available to the public.
- 7.4..5 In order to allow for development of business cases and an ability of the BTVLEP to retain sufficient oversight to change its priorities as needed (should a business case not prove sufficiently compelling for example), a staged approach will be adopted whereby the BTVLEP Board reviews progress and has an opportunity to revise decisions prior to any irreversible commitment of funds.
- 7.4..6 The three stages of BTVLEP review will be:
- STAGE ONE: Initial Prioritisation (allowing initiation of business case development/preparation work);
  - STAGE TWO: Business Case (conditional) Approval (assessment of business case); and
  - STAGE THREE: Final Approval (final authorisation for implementation with detailed costs finalised etc.)
- 7.4..7 At each of the above stages of the business case development process, scheme promoters must make clear how they intend to fund the next stage of the business case development process. BTVLEP will not be liable for funding any stage of the business case development process, unless formally agreed by the BTVLEP board and enshrined in a formal contract to do so.
- 7.4..8 Where a scheme promoter aspires to retrospectively charge any costs of STAGE ONE or STAGE TWO of their business case development costs to a potential or actual funding award made by central government or BTVLEP, they must provide a clear and detailed breakdown of these costs at each

stage in the process and agree to allowing BTVLEP to monitor the actual costs of business case development against their proposed profile. Where a scheme promoter is hoping to retrospectively charge such costs to a potential future award for funding, they do so at their own risk. Again, in such circumstances, BTVLEP will not be liable for funding any stage of the business case development process, unless formally agreed by the BTVLEP board and enshrined in a formal contract to do so.

7.4..9 Scheme promoters are required to publish and publicise business cases before a funding approval decision is made (ideally for at least 3 months) so that external comment is possible. Opinions

expressed by the public and stakeholders must be available to relevant members or boards of Local Enterprise Partnerships when decisions are being taken. BTVLEP will make public how they have taken external comments on business cases into account

7.4..10 As far as the day to day implementation of any prioritised schemes is concerned, BTVLEP will delegate responsibility for oversight of the delivery of its work programme to The LGF Programme Management Board, Buckinghamshire Advantage, Buckinghamshire Business First and/or the Buckinghamshire Skills Programme Board, with these bodies operating within approved, delegated budgets and reporting back to the BTVLEP board on progress/risks..

7.4..11 As far as transport schemes are concerned, appraisal will be carried out against the five cases as defined in WebTAG in order to ensure robust and comparable assessment using the WebTAG approach of proportional assessment for smaller schemes. In cases where a scheme exceeds £5m, a more detailed appraisal will be completed along the lines of the previous 'major scheme business case' requirements as defined by DfT (in accordance with WebTAG). All mandatory DfT requirements will be met, with a proportionate appraisal approach expected except for schemes where full business cases are required due to the value being in excess of £5m as outlined above. This will include the use of the National Trip End Model (NTEM) for forecasting in accordance with DfT stipulation. A WebTAG-compliant Value for Money (VfM) statement will be produced by the scheme promoter for all schemes put forward for approval. This will be independently audited and compliant with DfT requirements.

7.4..12 All documents relating to appraisal and assessment will be shared with applicants, to enable them to learn from the process . In accordance with local government principles, all reports will be made available unless issues of commerciality restrict their publication.

7.4..13 BTVLEP will only approve schemes that achieve a high VfM score, except in exceptional circumstances. In any such instance, the reasons for deviating from this approach will be clearly identified, prioritisation will be tested via public consultation and discussed with government officials as appropriate. This is to ensure that devolved funding meets minimum standards on VfM while according with localism principles.

7.4..14 The BTVLEP CEO will provide written acceptance of the VfM statement; and this statement will be reported and published at each stage of assessment. This approach ensures no conflict of interest. The VfM statement will then feed into revisions to the business case at each stage.

## **7.5 Process for release of Funds**

Officers will follow the process outlined in **Appendix 6** to ensure that the appropriate checks are made, documents are received and filed ahead of the release of any grant or loan funds.

## **APPENDICES**

Appendix 1: Complaints Policy

Appendix 2: Employment Policy

Appendix 3: Procurement Policy

Appendix 4: Contract Management Policy  
Appendix 5 : Risk Management Policy  
Appendix 6 : Finance Policy  
Appendix 7: Conflicts of Interest Policy  
Appendix 8: Social Value Policy  
Appendix 9: Whistle Blowing Policy

## Appendix 1: Complaints Policy

BTVLEP aims to provide the best possible service for the benefit of the residents of Buckinghamshire.

BTVLEP takes complaints very seriously. While we try to provide a good service, we know that sometimes things go wrong. We have developed a complaints procedure in response to this.

BTVLEP will aim to sort out complaints quickly and fairly and we will try to sort out any mistake or misunderstanding straight away. Sometimes it may take longer, but we will tell you how long it will take.

BTVLEP will keep records of all the complaints we receive and monitor them regularly. This helps us to:

- identify areas of service where we need to make changes and improvements; and
- make sure we are dealing with complaints effectively and consistently.

BTVLEP's complaints policy has three stages;

- **Stage one** - The people who can best deal with a complaint are those who provide the service. You should speak or write to the member of the team that you have been dealing with and explain the reasons you are unhappy with the BTVLEP. We can usually sort out mistakes and misunderstandings quickly and informally at this stage. We will acknowledge your complaint in three working days. We will investigate your complaint and we will respond within 10 working days. If we cannot do this, we will let you know when you can expect a reply. Our response will include details of who to complain to if you are not happy with the response at stage one.
- **Stage two** - If you are not happy with the response provided at stage one, you can complain to the BTVLEP Chief Executive by emailing: [Richard.harrington@btvlep.co.uk](mailto:Richard.harrington@btvlep.co.uk). It is best to let the Chief Executive know which parts of our response at stage one you are not happy with. We will investigate your complaint respond to you within 15 working days. An investigation may take longer than this but if it does we will explain the reasons why and let you know when you can expect a full reply. In our response to your stage two complaint, we will provide contact details for the BTVLEP Chairman – you will need to contact them if you are not happy with our response.
- **Stage three**- If you're still not happy, you can contact the Chairman. They are independent of the service you are complaining about and can carry out a full review of your complaint. It will help the investigation if you explain why you are not satisfied and what you expect from a further review. The Chairman's Office will reply within 20 working days. They will let you know if there are any delays.

We cannot investigate your complaint if it is something you knew about more than 12 months before contacting us for the first time. However, we may make an exception in some circumstances.

The above process covers the general complaints and enquiries procedure for the BTVLEP. We have separate procedures for a number of areas as follows:

- Complaints in relation to specific funding programmes which you may be involved in will, generally, follow the same process as outlined above. However, there may be some differences to this procedure, including the relevant evaluation panel reviewing your complaint and in these cases, if there are differences to the above procedure, the appropriate process for complaints will be notified in the relevant guidance document for the funding stream to which you are applying.
- Complaints or enquiries in relation to the BTVLEPs accountable body (Buckinghamshire County Council) will need to follow standard Council procedures. This will include enquiries such as Freedom of Information Requests.

### Confidentiality

If a member of the public or a third party wants to make a confidential complaint or raise a concern, it will be treated in confidence and every effort will be made to protect the person's identity if they wish to remain anonymous. The LEP will investigate all complaints or allegations.

### Anonymous Allegations

The LEP takes all complaints and concerns raised by members of the public and third parties seriously. We will investigate anonymous allegations but remind complainants that when people put their names to an allegation the ability to investigate and therefore reach firm conclusions is strengthened. Concerns expressed anonymously will be considered at the discretion of the LEP. When exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

The Department of Communities and Local Government may request information arising from this process if they have concerns regarding a LEP or have been approached with similar complaints. The expectation is that this information will be provided on an anonymous basis, but it may be necessary to provide personal details to progress a complaint.

Where details are gathered, the LEP will put in place appropriate data protection arrangements in line with the Data Protection Act 1998.

### **Confidential Complaints Procedure**

The LEP is aware that the organisation's ordinary complaints procedure may not be suitable if someone wants the complaint to remain confidential. If you would like to make a confidential complaint please write or email to:

Richard Harrington, BTVLEP Chief Executive Officer [richard.harrington@btvlep.co.uk](mailto:richard.harrington@btvlep.co.uk) and or Ian Barham, Designated Complaints Officer [ian@btvlep.co.uk](mailto:ian@btvlep.co.uk)

State that you want the complaint to remain confidential.

The designated complaints officer will raise your concern and investigate the complaint. You can expect the officer to:

- Contact you within 10 working days to acknowledge the complaint and discuss the appropriate course of action.
- Write to you within 28 working days with findings of the investigation. If the investigation has not concluded within 28 working days, the officer will write to you to give reasons for the delay in resolving the complaint.
- Take the necessary steps to rectify the issue.

If you are unhappy with the outcome of the complaint or the complaint involves those responsible for the confidential complaints procedure:

You can escalate your concerns through other organisations mentioned in the normal complaints procedure e.g. the LEP's Accountable Body Buckinghamshire County Council. These organisations will have their own confidentiality procedures.

If you are either unable to raise the matter with the LEP or you are dissatisfied with the action taken you can report it direct to the Cities and Local Growth Unit in the Department of Communities and Local Government and the Department of Business, Energy and Industrial Strategy, at the following email address:

[LEPPolicy@communities.gsi.gov.uk](mailto:LEPPolicy@communities.gsi.gov.uk) or by writing to LEP Policy Deputy

Director, Cities and Local Growth Unit, Fry Block, 2 Marsham Street, London, SW1P 4DF. You should clearly mark your email or letter as "Official - complaints".

## Appendix 2: Employment Policy

The recruitment, selection and dismissal of BTVLEP executive staff will comply with the guidelines set out in this policy.

Where BTVLEP proposes to appoint the Chief Executive or a Strategic Director and it is not proposed that the appointment be made from among its existing officers, the BTVLEP Board will be responsible for

- Drawing up a role and responsibilities statement specifying:
  - o the duties of the officer concerned, and
  - o any qualifications or qualities to be sought in the person to be appointed;
- Making arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- Making arrangements for a copy of the roles and responsibilities statement to be sent to any person on request.

Where a post has been advertised as provided in accordance with the above arrangements, BTVLEPs Remuneration and Appointments Committee shall:

- Interview all applicants for the post, or
- Select a short list of such applicants and interview those included on the short list; or
- Where no qualified person has applied, make arrangements for the re-advertisement of the post.

The appointment and discipline of a Chief Executive or a Strategic Director shall be made by BTVLEPs Remuneration and Appointments Committee. All other appointments, disciplinary and dismissal procedures will be undertaken by the Chief Executive or a member of BTVLEP staff.

Canvassing of members of the BTVLEP Board, or any sub-board or committee of the BTVLEP Board - directly or indirectly - for any employment under BTVLEP shall disqualify the candidate for such appointment.

A member of the BTVLEP Board shall not seek for any person any employment with BTVLEP, or recommend any person for such appointment or for promotion; but this shall not prevent a board member from giving a written testimonial of a candidate's ability, experience or character for submission with an application for appointment with BTVLEP.

Candidates for any appointment to BTVLEP who know that they are related to any board member or member of staff shall, when making application, disclose that relationship. A candidate who fails to do so shall be disqualified from appointment and, if appointed, shall be liable to dismissal without notice. Persons shall be considered to be related if they are: father or mother; husband or wife or partner; son or daughter; son-in-law or daughter-in-law; grandson or granddaughter; brother or sister; nephew or niece of the board member or the member of staff or his/her spouse/partner.



## **Appendix 3: Procurement Policy**

### **Introduction**

We will use a variety of approaches to commissioning projects. This will include internal delivery, co-commissioning (with other LEPs), commissioning, competitions, and traditional 'procurement' approaches.

For the purposes of definition, the phrase 'contract' in this Framework includes:

- Any contract for goods, works or services, including disposals;
- Any order for goods, works or services;
- A grant given or received by the BTVLEP;
- A contract managed on behalf of BTVLEP by third party consultants;
- A contract appointing consultants;
- Any partnership arrangement;
- Any commercial agreement;
- Contracts relating to the disposal or purchase of land and buildings.

Generally speaking BTVLEP's purchasing and disposal procedures must:

- Achieve best value for public money spent;
- Be consistent with the highest standards of integrity;
- Ensure fairness in allocating public contracts;
- Comply with legal requirements;
- Ensure that non-commercial considerations do not influence any contracting decision;
- Comply with BTVLEP's corporate and service aims and policies;
- Comply with BTVLEP's Financial Policies, Risk and Assurance and Health and Safety requirements;
- Be able to demonstrate that the BTVLEPs and BCC's interests have not been prejudiced or exposed to undue or unmanaged risks.

### **Achieving Value of Money in Procurement and Contracting**

As quasi-public sector organisations it is important that the BTVLEP complies with all relevant legislation, is open and transparent and ensures value for money is demonstrated through a competitive environment for all business opportunities, and that ongoing robust supplier management is in place to ensure ongoing value for money is achieved.

### **The role of the Accountable Body in Procurement**

As Accountable Body for LEP Funds, Buckinghamshire County Council Finance Staff will;

- Ensure adequate systems are available, and are maintained, for the recording of all income received by, and due to BTVLEP.
- Ensure that all key contract information is entered onto the Council's Contract Management Register.
- Ensure that all income BTVLEP requests to be claimed is invoiced correctly, collected, receipted and banked in a timely manner
- Ensure the operation and maintenance of effective systems for the payment of creditors and the collection of monies from debtors across the range of BTVLEP Services.
- Maintaining BTVLEP's tax records, making tax payments, receiving tax credits and submitting tax returns by their due date (With the exception of PAYE (as above);
- Advising the BTVLEP Chief Executive Officer on all taxation issues that affect the Council in the light of relevant legislation as it applies and guidance issued by appropriate organisations;
- Ensure that all contract documentation including any variations are kept in the contract management system.

BCC's Section 151 Officer will sign off funding approvals and any government claim forms as per normal operating procedures. This is to ensure appropriate use of funds.

## **The role of BTVLEPs Chief Executive in Procurement**

In common with any Strategic Director at BCC, BTVLEP's Chief Executive will:

- Ensure they have the authority to continue procurement in accordance with the Scheme of Delegation for decision making;
- Ensure that there is full budgetary provision for the contract and that the sources of funding are fully detailed before starting the contract process;
- Ensure that expenditure is fully contained within the approved budget/cash limit unless prior approval has been obtained from the BTVLEP Board;
- Maintain an up to date financial scheme of delegation in accordance with requirements as set out by the S151 Officer, defining the staff who have been given the necessary authority to authorise and sign contracts;
- Ensure that BTVLEP staff comply with the BTVLEP Assurance and Accountability Framework;
- Ensure that each contract has a named contract manager;
- Ensure that all appointments are made in accordance with BTVLEPs policies and procedures;
- Ensure that adequate budget provision exists for all appointments of employees; all permanent and temporary variations in relation to staff employment; and all engagement of self-employed persons.
- Ensure that all income due to BTVLEP is identified, and charged for correctly and on a timely basis.
- Consult with and seek advice from the Section 151 Officer on the potential tax implications of any new initiatives for the delivery of BTVLEP services.
- Seek advice from the Section 151 Officer and Legal and Democratic Services at an early stage;
- Ensure that the approval of the BTVLEP Board is obtained before any negotiations are concluded;
- Ensure that all agreements and arrangements are properly documented;
- Provide information to the Section 151 Officer required for the Council's Statement of Accounts;
- Consult on the financial and governance implications of all projects involving funding from external sources;
- Ensure that all funding received from external organisations or associated parties is properly recorded in BTVLEP's accounts;
- Ensure that key conditions of funding and any statutory requirements are met;
- Ensure that any match-funding requirements and future liabilities are given due consideration prior to entering into long term agreements;
- Ensure that and proposals to deliver work for third parties are costed properly before an agreement is reached to do work for a third party and a formal contract or a memorandum of understanding is drawn up prior to any work commencing;

## **Staff responsibilities in Procurement**

In common with BCC staff, all BTVLEP staff will;

- Comply with the BTVLEP Assurance and Accountability Framework, BTVLEP Financial Policies together with all UK and European Community legal requirements;
- Use any relevant Corporate Contract which is already in place;
- Keep the records to show a clearly documented audit trail as set out in instructions issued by BCC. Any staff have a duty to produce such records when requested to do so by the S151 Officer, or their representative;
- Ensure that agents and consultants acting on their behalf comply with the BTVLEP Assurance and Accountability Framework, BTVLEP Financial Policies, and all UK and European Community legal requirements. Such agents or consultants must not make any decision as to whether to award a contract or who a contract should be awarded to;
- Take all necessary legal, financial and professional advice;

## **Requirements to Ensure Competition**

Where the total value of the contract is less than EU thresholds as set out below BTVLEP may identify potential bidders using the most cost-effective and reasonable methods. This may include searching for registered

suppliers via BCC's e-Sourcing System, catalogues, business directories etc. Additionally, staff may use an existing Framework Agreement providing BCC is legally entitled to use it. Staff are also encouraged to consider the use of local SME's when selecting potential suppliers.

Where the estimated value of a contract is:

- **Less than £25,000:** A minimum of one written quotation is required. This can be a written confirmation by a member of staff or an oral quotation. The aim of the member of staff responsible for the contract shall be to obtain the best value for money for BTVLEP.
- **Between £25,000 and the EU thresholds:** A minimum of 3 written quotations must be requested for:
  - Supplies: EU limit applies
  - Services: EU limit applies
  - The procurement of 'Works' contracts under these Orders will be subject to the Supplies and Services tender threshold
- **Procurement over the EU Procurement thresholds:** Contracts must be advertised according to EU Procurement. The exception to this is where it is proposed to use suitable Framework Agreement which the Council is legally entitled to use. In any such instance the staff responsible for the contract must before starting the contract process obtain advice from a BCC's Procurement Team and Legal & Democratic Services.

Regardless of financial thresholds, BTVLEP will be required to demonstrate the procurement principles of "non-discrimination, equal treatment of suppliers, transparency, mutual recognition and proportionality" remain. This is in line with UK legislation in relation to value for money in public procurement as well as those requirements defined in the EU Directive on Public Contracts.

### **Short-listing Suppliers and Pre-Qualification Requirements**

Where the total value of the contract is between £25,000 and the EU thresholds, BTVLEP staff must follow best practice guidance to ensure that potential bidders are asked to provide sufficient detail to ensure that they are financially stable, ensure that they have appropriate technical ability to undertake the sort of contract they wish to be considered for.

Where the value of the contract is over EU thresholds pre-qualification requirements must use the standard format in line with the Public Contracts Regulations.

Where approved lists are used, BTVLEP Staff may undertake the short-listing in accordance with the relevant criteria as stated when the approved list was advertised.

### **Use of an Approved List**

As an alternative to advertising contracts, BTVLEP staff may use BCC's approved lists to select tenderers. However, approved lists cannot be used where the total value of the contract exceeds the EU procurement threshold.

Potential bidders for the list must be asked to provide details, which will enable BTVLEP to: a)

ensure that they are financially stable;

b) ensure that they have appropriate technical ability to undertake the sort of contract they wish to be considered for;

c) check their health and safety record;

d) check that there have been no breaches of money laundering and bribery regulations.

The list will be the responsibility of the relevant Managing Director within BCC.

An accredited government scheme (subject to approval by BCC's Procurement Team) is also considered to be an approved list for the purpose of these arrangements.

### **Invitations to Tender/Quotations**

All invitations to tender and quote must:

- Clearly specify the goods, services or works that are required. The specification must describe the requirements in sufficient detail to ensure the submission of competitive bids which may easily be compared;

- Not disadvantage suppliers in favour of a particular supplier;
- Specify the award procedure on which tenders/quotes will be evaluated;
- Include the conditions of contract which must be enclosed with the invitation to tender;
- Include a requirement for suppliers to complete fully and sign all tender documents;
- State that BTVLEP is not bound to accept any quotation or tender;
- Be issued with the same information at the same time and be subject to the same terms. Any additional information or amendments to the specification and documents must be provided to the bidders on the same basis.

### **Evaluation Criteria and Evaluation of Quotes or Tenders**

BTVLEP staff must ensure that the evaluation criteria on which quotes or tenders are to be assessed takes into consideration all factors relevant to the requirement.

BTVLEP staff must ensure that technical/financial evaluation is conducted by suitably qualified people and in accordance with the published evaluation criteria.

The arithmetic in compliant quotes or tenders must be checked. If arithmetical or clerical errors are found they should be notified to the tenderer. The tenderer will be requested to confirm the correct figures/wording or withdraw its tender.

Quotes or Tenders must be compared against the pre-tender estimate within the signed-off business case. All differentials must be considered.

Confidentiality of tenders/quotations and the identity of tenderers must be maintained at all times. Information about one tenderer's response must not be given to another tenderer.

In situations whereby Buckinghamshire Advantage or Buckinghamshire Business First is tendering for a BTVLEP contract, there must be a clear division between the two parties, with no advantage ensuing for the 'internal tenderer'.

BTVLEP staff who are responsible for evaluating the quotes or tenders should complete a tender evaluation scoring matrix recording the details of the tenders and the process for selecting the successful tenderer.

### **Clarification Procedures**

After the quote or tender opening, it may become apparent that one or more of the potential contractors that have submitted bids have misinterpreted the specification. If it is clear that this is a result of an error or ambiguity in the specification, BTVLEP staff must consult BCCs Procurement Team and Legal Services as to whether all the contractors should be provided with revised specifications and given the opportunity to revise their tender.

No material changes must be made to the proposed arrangements and terms and conditions post-tender.

### **Award of Contract**

Where a key decision is required to authorise the creation of a contract the contract must not be awarded unless the BTVLEP's decision procedure has been fully complied with.

Contracts let under EU Procurement Regulations may only be signed after the mandatory standstill period has elapsed without a challenge from an unsuccessful tenderer.

Contracts may only be signed by the Chief Executive

Where a Call-Off contract is entered into under a BCC Framework Agreement which has been set-up by the Council and no new terms are being introduced (e.g. under mini-competition) the resulting Call-Off contract does not have to be signed or sealed (unless required in accordance with the terms of the Framework Agreement).

Where a Call-Off contract is entered into under a BCC Framework Agreement which has been set up by the Council and new terms have been introduced (e.g. following a mini-competition), the resulting Call-Off contract must be signed or sealed as set out under BCC Standing Order 15.2 unless otherwise advised by the Procurement Team or the Group Solicitor.

Where a Call-Off contract is entered into under a Framework Agreement which has been set up by a third party, the resulting Call-Off contract must be signed or sealed in accordance with BCC Standing Order 15.2 unless otherwise advised by the Procurement Team or the Group Solicitor.

Every contract must be in writing and must clearly state:-

- The goods, works or services to be provided;
- The agreed programme of delivery;
- The price and terms of payment;
- All other terms that are agreed;
- Exit procedures, for when the contract comes to its natural end; and
- Termination procedures for early termination of the contract including when the contractor has not fulfilled his contractual obligations.

Every contract must comply with this Assurance and Accountability Framework, BTVLEPs Financial Regulations and EU Procurement Regulations, where necessary.

### **Partnership Working**

Both BTVLEP and BCC have a leadership role within the community, bringing together contributions from the various stakeholders, maximising funding opportunities and promoting the economic, social and environmental well-being of the area.

This may involve the establishment of partnership agreements, joint ventures, community transfer of assets, pooled budgets, externally funded projects or local authority companies. In such arrangements, it is necessary to ensure in the interests of good governance that the responsibilities, obligations and commitment for such arrangements are properly managed and accounted for.

Where BTVLEP projects are to be delivered through such arrangements, contracts must be prepared and agreed by the Chief Executive and the Section 151 Officer in advance of the contract start date. These contracts must comply with accounting standards, ensure proper financial stewardship and be consistent with the principles of financial management as set out in the BTVLEP Assurance and Accountability Framework.

The Chief Executive is responsible for approving BTVLEPs participation in all significant partnerships / joint working arrangements with other local public, private, voluntary and community sector organisations. Following advice provided by the Section 151 Officer, the BTVLEP Chief Executive should advise the Board on the key elements of arrangements for significant partnerships/ joint working arrangements as follows:

- Scheme appraisal for financial viability;
- Risk appraisal;
- Governance arrangements;
- Resourcing, including taxation issues;
- Audit requirements;
- Carry forward arrangements.

Staff considering utilising a partnership arrangement<sup>4</sup> must, at the earliest opportunity before starting the contract process, obtain professional advice from the BTVLEP Chief Executive, BCC's Head of Legal Services, and the Section 151 Officer. They will advise on the partnership options available to ensure a workable partnership including appropriate governance arrangements, prior to proposals being put forward for Board decision.

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<sup>4</sup> Partnership arrangements can include projects run by a variety of entities such as a, Local Authority Trading Company, Mutual, Social Enterprise, Joint Venture, Charitable Company and other arms-length organisations or any similar arrangements established by the Council to deliver services.

## **Appendix 4: Contract Management Policy**

BTVLEP staff should ensure continuous effective contract management, in order to deliver ongoing efficiency savings and to ensure continued high quality service provision.

Contract Management is the process we use to ensure our delivery partners deliver their project plans to ours and government's satisfaction. It includes all those actions that affect the successful delivery of projects. We define contract management simply as: "taking action in response to actual performances to make outcomes better than they would otherwise be". That action may be at individual, team, or service level.

Our contract management processes across a range of programmes follow a plan-do-review-revise framework;

- **PLAN:** Based on current performance, prioritise what needs to be done, identify actions that need to be taken and plan for improvement.
- **DO:** make sure that the proper systems and processes are in place to support improvement, take appropriate action, manage risk and help people to achieve better performance.
- **REVIEW:** understand the impact of our actions, review performance, speak to users and stakeholders about their experience of performance.
- **REVISE:** use the lessons learned from review to change what we do so that future action is more efficient and effective. Through this framework, learning can be harnessed in a continuous cycle of improvement.

Contract management is about both the systems and culture that turn ambition into delivery and implies a number of steps which link to this plan-do-review-revise framework to answer:

- What do we want to do? What needs to be done (strategy aims, objectives, priorities and targets);
- How do we intend to do it? Delivery Plans for ensuring that it happens (improvement, action or service plans);
- How well are we doing it? Daily, weekly, monthly, quarterly assessment if this has been achieved (performance measures);
- What should we do next? Information reaching the right people at the right time (performance reporting) so decisions are made and actions taken.

Arrangements for quality assuring the projects that BTVLEP funds can include:

- Mapping activities into monthly targets with outcomes, outputs and milestones;
- Monthly meetings with relevant delivery staff, supported by monthly reports from sub-contractors, to review progress against targets, expenditure, overall performance, feedback from participants and forward planning;
- Analysis of regular management reports and on-going assessment of target market needs in consultation with partners;
- Consultation with partners on new project development, assessing the effectiveness of the programme, identifying employer priorities from feedback and partner consultation - enabling project review and adjustment where necessary;
- Regular audits to monitor administrative procedures, setting and monitoring budgets across the partnership to identify any significant discrepancies. This also enables us to monitor cost effectiveness and ensure best value.

Our Contract Management Processes are based on tried and tested PRINCE2/Managing Successful Programmes (MSP) methodologies. In common with these methodologies, our Contract Management processes cover a range of sub-processes.

### **Contract Initiation**

During the Contract Initiation phase of a project, we will produce the project objectives, scope, purpose and deliverables and – depending on the procurement approach to be utilised – either procure the supplier or encourage our suppliers to put in place the project team/project office and undertake a review of the project, to gain approval to begin the next phase.

In establishing the Contract, the operating procedures are developed and project-specific forms produced (including partner agreements, letters of appointment, quality/environmental management paperwork, project

review forms, financial reporting templates, project reports, monitoring arrangements etc.). For efficiency, we will re-use operating instructions developed for other projects where practicable.

In our experience, this stage in the Contract Management Life Cycle is vital for building good relationships with the supplier and aligning the service to our requirements. It's also vital that minutes of meetings or emails are retained and decisions shared between the BTVLEP Contract Manager and the supplier.

If not determined at the delivery planning stage, project performance measures and reporting requirements will be defined at this stage. The process for delivering these will be developed, together with the process for retaining project records.

### **Contract Delivery and Managing Performance**

Regular review meetings will take place with the supplier to gain feedback, address any particular concerns and/or identify any potential service enhancements. The results of reviews and measures will be discussed at these meetings.

The effectiveness of the existing procedures will be regularly reviewed and amended - applying established document management procedures and the Control of Records processes - and opportunities for continuous improvement sought out

BTVLEP will identify areas of good and poor performance and establish mechanisms for implementing corrective action. The colour coding of performance indicators will help identify the areas of good and poor performance.

When an indicator is red the Contract Manager will meet with the Project Sponsor to agree on appropriate action(s). When an indicator is amber the directorate should normally make plans to improve performance in that area.

### **Project Completion**

When a project achieves completion our Contract Manager will meet with the supplier and other service stakeholders to ensure that the supplier has delivered the project to our satisfaction, to identify any remaining requirements and agree actions during the close-out phase of the project. Once the project has closed, we will seek formal feedback on the project (as part of our Monitoring Strategy) and use this feedback to inform further project planning. This feedback will be used by the Contract Manager in the post-project review, identifying what went well, what could have been improved, and the main lessons learned.

### **Audit**

We will conduct monthly reviews of LGF projects to determine whether or not delivery conforms to the planned arrangements for service delivery and is effectively implemented and maintained.

This audit process is designed to identify best practice and non-conformities to the planned systems and to put in place actions and to improve.

The scope of the audits is planned in liaison with the suppliers or delegated representatives, taking into account any previous issues and any current areas of concern. Any actions required as a result of the audit are highlighted, and plans for corrective actions agreed with the relevant staff.

An audit programme will be drawn up by the relevant Contract Manager every six months to cover key aspects of the programme, with a sample of projects within the programme normally being audited. Audit criteria will be agreed in advance with the staff affected by the audit.

The Suppliers Project Manager in the area being audited will be responsible for ensuring that actions are taken within an agreed time to overcome identified non-conformities. Reports should be reviewed periodically to ensure corrective action has been taken and it can be demonstrated that improvement has been made to the particular area of work under review. Identified best practice will also be shared.

We will regularly monitor and measure our own Contract Management processes to ensure they are achieving the planned results and to identify where corrective actions need to be taken or best practice shared.

We will monitor and measure the programme service characteristics to verify that agreed service levels are being met. Measurements will be made where contractually agreed and where they are appropriate to monitor service quality and delivery. These will include:

- Contractual service level agreements;
- Performance against agreed targets;
- Outcomes for programme participants;
- Performance of specific activities and suppliers.

### **Controlling non-conformance**

Non-conformities themselves may be identified by an individual in the BTVLEP team - through our day to day operations or through our regular service audits - or by an external stakeholder. As and when non-conformities are identified, the manager responsible for this area of service delivery will investigate the matter and implement a corrective action as identified above, whilst keeping all potentially affected individuals informed of developments.

Whilst our core processes have been designed to prevent non-conformances, should they arise we will communicate with relevant staff to preclude any further use of the non-conforming product; and take action to eliminate the detected non-conformity.

If it's not possible to effect a correction immediately, a senior member of BTVLEP staff will seek the Local Growth Team's agreement to continue to run the non conforming service, for a specified timescale.

When a non-conformity is corrected, any changes will be agreed by the Chief Executive and/or the Local Growth Team as appropriate. Records of non-conformities and corrective actions will be maintained by BTVLEP, who will analyse trends that can drive continuous improvement in the programme.

### **Changes to Contracts**

Where provided for in the contract the change control procedure must be followed. Changes to contracts falls into one of two categories:

Operational changes will:

- not increase the costs incurred by either party, or will only do so to an immaterial extent i.e. up to an amount that could be fixed by the parties;
- not impact the scope of the contract;
- not impact or require amendments to the terms of the contract;
- not affect the risk profile of either contracting party.

Contractual changes include:

- new service obligations;
- anything impacting existing pricing;
- anything requiring new pricing;
- anything impacting on the scope of the contract;
- anything impacting or requiring amendments to the terms of the contract;
- anything impacting the risk profile of either contracting party.

Advice must be sought from BCCs Legal Services Team when considering contractual changes to contracts.

### **Contract Extensions**

Where a BTVLEP member of staff wishes to exercise an option to extend a contract an options appraisal must first be undertaken to assess the benefits against other courses of action.

The BTVLEP member of staff must ensure that appropriate technical and financial staff are involved in appraising extension options.

### **Termination of Contract**

A BTVLEP member of staff shall not terminate a contract over EU thresholds prior to its expiry date without first obtaining advice from BCCs Legal Services Teams.

### **Technical Amendments**

The S151 Officer has the authority to make technical amendments when necessary, to ensure that the framework relating to Contracts remains consistent with legislation, BTVLEP's organisation and structure and generally with



best practice. These amendments shall be subject to consultation with the BCCs Head of Legal & Democratic Services

### **Land and Property**

This framework relates to the acquisition and disposal of land and property including leases which are for a fixed term of more than seven years.

All valuations and negotiations shall be the responsibility of the BTVLEP Chief Executive and/or the Managing Director of Buckinghamshire Advantage. Anyone undertaking the negotiations on his/her behalf must have appropriate written delegation and must be a qualified Member of the Royal Institution of Chartered Surveyors or equivalent professional competence.

All valuations prepared for the purpose of a transaction must be accompanied by evidence of the values or comparable properties in the locality, or if possible evidence of recent, similar transactions carried out by BTVLEP. All reports which concern or may concern the creation, acquisition, disposal or modification of any legal or other interest in land or buildings, shall contain an appraisal setting out the implications in terms of property rights and interests arising from the proposals contained within the report.

A BTVLEP member of staff shall, wherever practicable, seek the approval of the BTVLEP Chief Executive and/or the MD of Buckinghamshire Advantage to any such proposals at a consultative stage prior to the preparation of such reports.

### **Monitoring and Evaluation**

BTVLEP has developed an Evaluation and Monitoring Plan, working in partnership with its scheme promoters.

Each scheme will have an evaluation plan produced prior to final approval, and will be monitored in accordance with this plan. This monitoring will be done according to government guidance and will, where appropriate, include the 1 and 5 year reports.

All subsequent evaluation reports will be published on the BTVLEP website and made available to other LEPs in order to encourage the sharing of best practice. If such evaluation reports are produced by Scheme Promoters, BTVLEP will secure an independent review of such plans to provide scrutiny, audit and challenge where needed. All evaluation will comply with government and BTVLEP guidance.

Throughout the duration of a contract, the designated Contract Manager must monitor the contract/contractor. BTVLEP staff must seek advice from the BTVLEP CEO and BCCs Procurement, Finance & Legal & Democratic Services Teams if significant non-compliance or performance issues occur during the life of the contract.

Where appropriate BTVLEP will have the results of any evaluation and mentoring reviewed independently of the scheme promoter.

BTVLEP will also prepare an evaluation 'handover pack' as part of the appraisal process that documents all key assumptions so that those responsible for scheme evaluation can fully understand how appraisal estimates were produced and can examine the potential drivers of any differences between forecasts and outturns.

## Appendix 5 : Risk Management Policy

It is fundamental that robust, integrated systems are in place and maintained for the identification and evaluation of all significant strategic and operational risks. It is essential that those responsible for the planning and delivery of services proactively participate in this.

All work we undertake is subject to risk assessments at the bid and inception stages and risk management, including re-assessment, is performed during the lifetime of the contract. In managing any contract we adopt a risk management approach which is constantly re-evaluating risk and attempting to minimise its impact by mitigation steps or at looking for a different approach with less risk. This helps us to ensure delivery is made to time, quality, cost.

These policies comply with current management best practice and (where appropriate) the prevailing UK and EU legislation.

Buckinghamshire Advantage, Buckinghamshire Business First and/or the Buckinghamshire Skills Programme Board will ensure that programme risk is managed as part of its monitoring responsibilities, and will require risk registers to be produced and maintained for individual schemes once these are approved.

In order to identify, access and manage any potential risks we encourage our suppliers to undertake pre-program and in program risk assessments.

- Through their pre-program risk identification and assessment processes, we seek to encourage suppliers to identify and assess the key risks they envisage might impact, at the outset of the project. We ask suppliers to record the risks they have identified on a risk register. This has been developed from a model risk register supplied by DCLG and supplemented by a brainstorming session amongst our project team, which brought our extensive experience of undertaking similar activities to bear.
- Through their in-program risk identification, assessment and management processes, we also encourage them to develop a risk Log, which the Project Manager should update on a regular basis as new risks emerge. We would expect the Project Manager in our supplier would periodically review the risks on the Risk Log and transfer any to the Risk Register that are deemed sufficiently high risk, to warrant ongoing monitoring. This Risk Log, and the Risk Register, will be reviewed periodically at Project Team Meetings, to ensure the impact and probability of the various risks occurring are considered and appropriate management actions relating to each risk are discussed by the team. Where Risks are deemed to have a significant impact on the performance of the project, we will escalate them to the Local Growth Team for discussion/further consideration. We will utilize our own Risk Management processes more actively during the start-up and closure phases of any projects, as experience tells us these are the phases of the project that are generally higher risk. That is not to say risk management will be ignored during the earlier phases - merely that Risk Management is a particularly strong focus during set up.

Reports to support strategic policy decisions and initiation documents for all major projects will require a risk assessment.

The BTVLEP CEO is also required to ensure that:

- procedures to ensure assessment of all risks are operating effectively within their services and that their risk register(s) and management action plans are regularly updated;
- managers are aware which risks they are responsible for managing and receive the relevant information;
- an ongoing monitoring process is in place to review the effectiveness of risk reduction strategies;
- prompt notification is given to the Section 151 Officer of all new risks, including financial, property, equipment or vehicles, which may require BCC insurance cover and of any new activities or changes, including contractual or partnership risks, which may impact upon BCC's existing risk profile.

## **Appendix 6: Finance Policy**

This Finance Policy is part of the overall governance framework within which BTVLEP operates. They are designed to provide a robust framework for managing the BTVLEP's financial affairs. The objective of this document in conjunction with others is to ensure that BTVLEP:

- manages its available resources (which includes all resources – monetary, physical assets, human resources, etc.) to ensure financial stability in both the short and medium term:
- in conjunction with key partners plans its finances effectively to deliver its strategic priorities:
- achieves value for money in the delivery of services and in the management of its asset base:
- complies with financial and external reporting requirements on a timely basis and meets the needs of stakeholders: and
- has a pro-active approach to managing its risks including partnership risks together with a sound system of internal control.

### **The Status of this Finance Policy**

This Finance Policy applies to all members and officers of the BTVLEP and anyone acting on its behalf.

The financial control framework can be seen as a hierarchy as set out below:

- Financial Regulations and Policy: Approved by Buckinghamshire County Council and BTVLEP
- Financial Instructions: Approved by the Section 151 Officer
- Schemes of Delegation: Approved by BTVLEP Chief Executive and BCCs Section 151 Officer The BTVLEP Chief Executive and BCCs Section 151 Officer are responsible for:
  - reviewing this Finance Policy;
  - the submission of any additions or changes to the BTVLEP Board for approval;
  - carrying out duties in accordance with s.151 Local Government Act 1972;
  - reporting, where appropriate, breaches of BTVLEPs Financial Regulations to the BTVLEP Board.

### **Further Assistance and Feedback**

BCCs finance staff provide advice and support to BTVLEP on all aspects of financial management and financial control. In particular, BTVLEP staff must seek advice if they are intending to create a new financial procedure, or amend an existing one.

### **Financial Management Responsibilities**

Financial management includes all financial accountabilities relating to the running of the BTVLEP, including the requirements set out in the policy framework, supporting financial strategies, policies, procedures and budget.

The role of key various bodies and officers in respect of financial control processes is set out in earlier sections of this framework.

The Section 151 Officer shall determine the nature and format of all accounting procedures and financial records. They will ensure that accounting procedures reflect recommended professional practice, comply with appropriate accounting principles and legislative requirements. He/she will review accounting procedures as necessary in consultation with the BTVLEP CEO to ensure that the necessary information is available without duplication of records.

The BTVLEP Chief Executive and the Section 151 Officer are responsible for:

- Ensuring that the Annual Statement of Accounts is prepared by the statutory date in accordance with relevant legislation and accounting standards and that the accounts present a true and fair view of the financial position of BTVLEP and its expenditure and income;
- Completing the Statement of Accounts and the arrangements for the audit of these;
- Ensuring procedures are in place to provide adequate documentation to support the Statement of Accounts. This will include reconciliations with financial ledgers, copies of grant claims and other working papers which demonstrate the substantive basis for the data within the Statement of Accounts.

## Financial Planning and Control

Financial planning enables BTVLEP to deliver its priorities through the allocation of resources to services.

- The revenue budget provides an estimate of the annual income and expenditure requirements for all activities and sets out the financial implications of BTVLEP's policies. It provides staff and sub-boards with authority to incur expenditure and a basis on which to monitor the financial performance of BTVLEP.
- Capital expenditure is an important element in the development of BTVLEP's services since it represents major investment in new and improved assets.

### The Financial Planning Process

BTVLEP's objective is to ensure that financial and corporate planning processes are integrated, are risk assessed and managed and incorporate strategic planning for all other resources such as assets and human resources.

### The Policy Framework including Consultation

The BTVLEP Board is responsible for agreeing the BTVLEP's policy framework and the budget which is proposed by the Senior Management Team.

The key elements of financial planning are set out in the following documents:

- **Strategic Economic Plan (SEP)** – The SEP sets out what BTVLEP is aiming to achieve through a vision, set of aims, medium to long term objectives.
- **Local Growth Deal(s)** – The various Local Growth Deals government will agree with LEPs over the period 2014-2020;
- **The Annual/Three Year Revenue Budget** – The Annual/Three Year Budgets prepared by the Chief Executive for deploying BTVLEP revenue funding in pursuit of the goals of the Strategic Economic Plan and the Local Growth Deals;
- **Sub-Board Business/Delivery Plans** – setting out how delegated budgets will be deployed by various elements of the BTVLEP governance structure
- **Service Level Agreements** - between BTVLEP, Buckinghamshire Advantage, Buckinghamshire Business First and the Skills Programme Board.

BTVLEP will involve partners in the financial planning process in order to help shape and deliver its organisational and shared objectives.

### The BTVLEP Annual/Three Year Revenue Budget

Annually, through consultation with the BTVLEP Chief Executive, each member of the Senior Management Team shall review and develop a one year/three year financial plan (capital and revenue). This will be a statement of the resources required to deliver the planned service activities over a three year period. It should be developed in accordance with guidance prior to being submitted to the BTVLEP Board for approval. Such forecasts should be developed as an integral part of BTVLEP's overall business planning process.

The Chief Executive of BTVLEP will determine the format of the financial plan and the timing of reports, subject to any overriding requirements of the BTVLEP Board.

Each member of the SMT shall include the financial effects of:

- all known commitments (part year and full year)
- the impact of unavoidable growth, such as legislative requirement
- efficiency savings
- the scope for additional income generation
- the delivery of BTVLEP priorities; and
- any service reductions

The Section 151 Officer is responsible for providing advice and support to members of the SMT on the form of financial information to be included in the plans.

SMT members are responsible for:

- the identification of risks that may impact on business objectives and assessment of the best ways to manage them;

- contributing to the development of corporate and service targets and objectives and performance information;
- ensuring that service plans are clearly aligned with budgets for the purpose of delivery of service priorities;
- ensuring that targets identified within the service plans are included in service business plans and as performance management targets for the relevant staff.
- ensuring that budgets are robust and sufficient to deliver the stated priorities.

In the event that new un-ringfenced revenue funding of £0.5 million or below becomes available after the revenue budget has been agreed by the Board, approval for the use of that funding within the revenue budget can be made by the BTVLEP Chief Executive, following advice from the S151 Officer, having regard to any statutory or non-statutory obligations imposed or implied by any conditions of award and after discussion with other relevant Board/SMT members. The use of funding allocations above £0.5 million is to be approved by the BTVLEP Board.

If in the opinion of the S151 Officer, the decision on the use of new un-ringfenced funding requires consideration by the BTVLEP Board, they may refer the matter to the Board, as appropriate.

### **The Capital Programme**

BTVLEP's Capital Programme will be developed in accordance with the policy framework, particularly the Strategic Economic Plan, Local Growth Deals, the Infrastructure Investment Plan and the Buckinghamshire Advantage Business Plan. These documents will ensure that capital investment is targeted to achieve best value and maximum effect on priorities, needs and outcomes for local communities.

The BTVLEP Capital Programme agreed annually by the BTVLEP Board provides in principle support for individual projects. However, the release of funds to facilitate each project is subject to an appropriate robust business case being agreed by the BTVLEP Board, in line with the Assurance and Accountability Framework.

The BTVLEP Chief Executive is responsible for:

- ensuring that capital proposals reflect agreed service plans;,,
- capital proposals are prepared in accordance with guidance issued and are realistic in both financial and delivery terms;
- ensuring that risks have been identified and assessed; and
- developing business cases and undertaking option appraisals in accordance with Financial Instructions.

### **Financial Control**

Expenditure may only be incurred if it is within the budget approved by the BTVLEP, subject to the provisions of BTVLEPs and BCCs Financial Regulations and for the purposes for which the budget was established. This is subject to any other requirements of the BTVLEP Board.

The Chief Executive must monitor income and expenditure against budgets for which they are responsible and provide forecast outturn information on a regular basis. The Section 151 Officer will provide financial advice to assist the BTVLEP Chief Executive to fulfil their responsibilities.

The BTVLEP Chief Executive is responsible for ensuring that expenditure and income are correctly coded and that budget profiles are accurate. All expenditure, income and forecasts must be recorded on a single computerised financial management system, as a minimum in summary form.

At the start of each financial year, the Section 151 Officer will set out the budget monitoring process. It will include timescales and the responsibilities of all officers involved in the process. The Senior Management Team are responsible for ensuring that they meet the timescales so that prompt and accurate information can be provided to Board Members.

If net expenditure exceeds an approved budget for a project or service the member of the Senior Management Team will as soon as possible report it to the BTVLEP Chief Executive and the Section 151 Officer and take all appropriate mitigating action. This also applies if expenditure in excess of the approved budget is incurred due to an emergency.

## **Virements & Budget Adjustments**

A virement is a movement of budget either within or between budget headings. A budget heading relates to an agreed division of a service (i.e. activity, project, service unit department).

Virements may be necessary under a number of circumstances, for instance:

- where the organisation or management of services has been restructured;
- where the political portfolio priorities and objectives have changed;
- where significant budget pressures arise which can be offset by other budget underspends or contingencies;
- where income projections change, matched by changes in expenditure.

A budget adjustment is defined as:

- a budget movement required in order to better reflect in budget terms a policy decision agreed and documented in accordance with this framework; or
- a budget movement over which the BTVLEP has no control, for example where statutorily or through the requirements of Government grant conditions, BTVLEP is obliged to make a budget adjustment; or
- a budget movement required to correct an error, i.e. where the budget showing in the financial management system does not match the Budget agreed by BTVLEP.
- a budget movement required to reflect an allocation from contingency funds in line with financial instructions.

For the avoidance of doubt, any budget movement which does not meet the definition above (or where there is uncertainty about whether the movement meets the definition), will be deemed to be a virement

A budget adjustment can be implemented by agreement between the Section 151 Officer and the BTVLEP Chief Executive, without need for further approval via the virement provisions set out above

All budget adjustments must be reported by BCC as part of the monthly budget monitoring process.

The approval of the BTVLEP Board and the Section 151 Officer is necessary in advance if virements:

- involve resources not being used for the purposes approved by the BTVLEP Board; or
- result in an addition to commitments in future years beyond any agreed allocations; or
- in the opinion of the S151 Officer, require approval by the BTVLEP Board

Members of the Senior Management Team are encouraged to minimise the number of virements through effective budget profiling and management. All virements must be reported as part of the monthly budget monitoring process.

## **Year End Balances/Carry Forwards**

The provision for carrying forward of BTVLEP year end balances is set out below, but is subject to the overriding needs of BTVLEP, as advised by the Chief Executive.

All BTVLEP revenue budget overspending subject to BTVLEP Board approval will be carried forward to the following year. BTVLEP has no responsibility for any Sub-Board overspends and will not carry forward any overspends in their revenue budgets.

All BTVLEP revenue budget underspends will be carried forward for the purposes intended.

The BTVLEP Board advised by the Chief Executive and the S151 Officer shall decide how any retained surpluses are deployed in subsequent financial years to support the delivery of BTVLEP Plans.

## **Capital Projects**

The Chief Executive will annually report the outturn of expenditure on individual schemes within the Capital Programme for each financial year.

Underspends on schemes/projects/blocks must be returned to the overall BTVLEP capital funds available. Slippage of capital spends on projects within the overall project allocation will be carried forward between financial years, although slippage should be avoided wherever possible.

Overspends on capital budgets must be managed within the overall approved BTVLEP capital programme within year or future years. If overspends cannot be managed within approvals then the BTVLEP Chief Executive could make a revenue virement to provide an additional revenue contribution to capital from its revenue resources, or apply for a supplementary capital approval from its GPF allocation.

### **Maintenance of Reserves**

Reserves are monies set aside in one year's accounts, which can be spent in later years, for future policy purposes or to cover contingencies. Some types of reserve (earmarked) can only be spent if the conditions which created them are met.

The Section 151 Officer is responsible for advising the BTVLEP Chief Executive on a prudent level of reserves as part of the annual budget setting process. The advice provided will have regard to the assessment of the financial risks facing BTVLEP.

The Three Year Financial Plan should ensure BTVLEP achieves or maintains the recommended level of reserves. Requests for earmarked reserves are subject to the approval of the BTVLEP Chief Executive and the Section 151 Officer, who will provide advice and guidance on the setting up and maintenance of such reserves

### **Contingent Liabilities**

A contingent liability arises where an event has taken place that gives rise to a possible financial obligation, the existence of which will only be confirmed by the occurrence of uncertain future events or where a provision would otherwise be made but either it is not probable that an outflow of resources will be required or the amount of the obligation cannot be measured reliably.

The Chief Executive and the Section 151 Officer are responsible for reviewing at least annually the existing contingent liabilities and ensuring that a balance sheet provision is made where necessary in accordance with accounting standards.

BTVLEP Staff with delegated budgets are responsible for;

- Reviewing at least annually his/her service activities for contingent liabilities;
- Informing the BTVLEP Chief Executive of any new contingent liabilities and of any changes in the circumstances in relation to existing contingent liabilities.

### **Internal Control**

Internal Control relates to the systems of control implemented by management to help ensure achievement of the BTVLEP's objectives in a way that ensures economical, efficient and effective use of resources. In addition, the systems of control ensure that BTVLEP's assets are kept secure and interests are protected.

Best practice in LEP assurance and accountability guidance suggests every LEP should conduct a review at least once a year of the effectiveness of its system of internal control and shall publish an Annual Report prepared in accordance with proper practices. The BTVLEP Board has delegated this responsibility to the BTVLEP Chief Executive.

The BTVLEP Chief Executive is responsible for;

- Ensuring effective systems of internal control exist. These arrangements must ensure compliance with all relevant statutes and regulations and other relevant statements of best practice.
- Ensuring compliance with BTVLEP policies & procedures, codes of conduct and any statutory requirements;
- Providing assurances for BCC's Annual Governance Statement that financial and operational control processes are in place in order to achieve objectives and manage significant risks; □ Maintaining up-to-date documented procedures for key systems.

The Section 151 Officer is responsible for advising on effective systems of internal control.

These arrangements for ensuring a sound internal financial control are vital in order to:

- manage risks;
- achieve continuous improvement, economy, efficiency and effectiveness; □ achieve financial and operational performance targets.

## **Audit Requirements**

The Accounts and Audit Regulations 2006 require every local authority to maintain an adequate and effective internal audit. The following regulations apply:

BCCs Internal Audit team have authority to enter any premises or land used by BTVLEP at any time and have access to all BTVLEP correspondence, documents, books, property or other records related to BTVLEP business. The Section 151 Officer shall be entitled to receive explanation as he/she considers necessary to establish the correctness of any matter under examination.

BCCs Internal Audit Team will comply with standards outlined in the CIPFA Code of Practice for Internal Audit in Local Government (2006) and the Auditing Practices Board of the Consultative Committee of Accountancy Bodies. The Accounts and Audit Regulations 2006 require that at least once a year a review should be conducted of the effectiveness of the system of internal audit.

The Section 151 Officer should be notified immediately of any financial irregularities or suspected irregularities, or any circumstances which may suggest the possibility of irregularities in any of the BTVLEPs activities. Any investigation will be undertaken in accordance with the BCC's Anti-Fraud & Corruption Strategy (which incorporates the Fraud Response Plan) and the Whistle Blowing Policy.

The basic duties of the external auditor are governed by Section 15 of the Local Government Finance Act 1982, as amended by Section 5 of the Audit Commission Act 1998.

The Council may be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, who have statutory rights of access

## **Separation of Duties**

Financial procedures must be undertaken whenever possible using different members of staff to undertake different parts of a sequence of operations in order to ensure that no one individual authorises the whole of one transaction. Where possible at least two, if not three people should be involved in parts of the operation.

## **Retention of Records**

Accounting and other related records including contract documentation must be retained for periods which comply with all relevant legislation and any funding requirements.

## **Prevention of Fraud and Corruption**

It is the responsibility of every BTVLEP employee, member and external stakeholder (e.g. suppliers, contractors, service providers, agencies, and partner Councils) with whom BTVLEP deals:

- to act with integrity at all times;
- to comply with legal requirements, rules, procedures and good practice to minimise the risk of fraud; and
- to report suspected fraud, corruption or other irregularity in accordance with these Financial Regulations, the Whistle Blowing Procedure and the Anti-Fraud and Corruption Strategy.

The BTVLEP Chief Executive must follow BCC's Anti-Fraud Corruption Strategy which provides detailed guidance in relation to dealing with irregularities and suspected fraud.

BCC's counter fraud arrangements and performance will be assessed against professional guidance, best practice and the findings of internal reviews. The BTVLEP Chief Executive is responsible for strengthening systems and procedures in response.

The BTVLEP Chief Executive shall take steps to minimise the risks of financial irregularities occurring. In addition they will review and monitor compliance with codes and procedures, and report any material findings.

## **Investments and Treasury Management**

The BTVLEP Chief Executive and the Section 151 Officer are responsible for the arrangements for managing BTVLEP's cash flow, its borrowing activities and its lending activities, in accordance with policies agreed by the BTVLEP Board, and BCC as BTVLEPs accountable body.

The Section 151 Officer will keep these arrangements under review. Any loan proposals, whether borrowing, or lending, must be submitted to the Section 151 Officer at an early stage. No loan arrangements may be entered into on behalf of the Council, without the prior written consent of the Section 151 Officer.



## **Systems and Procedures**

Sound systems and procedures are essential to an effective framework of accountability and control.

The Section 151 Officer is responsible for the form of accounts and supporting financial records.

The BTVLEP Chief Executive is responsible for the proper operation of financial processes and for ensuring they comply with this assurance and accountability framework and any Financial Instructions, guidance or procedures provided by the Section 151 Officer.

The BTVLEP Chief Executive must also ensure that staff are aware of their responsibilities under freedom of information legislation.

BTVLEP will undertake financial management via a single computerised system with income and expenditure reported to the Senior Management Team on a regular basis. This will allow us to update monitoring spreadsheets regularly and provide a variance analysis for the purposes of monitoring and controlling income and expenditure.

Adopting this approach will enable us to give highly functional, efficient and accurate financial management information.

The BTVLEP Chief Executive must ensure that where appropriate, computer and other systems are registered in compliance with data protection legislation.

### **Process for release of funds:**

The following process shall be followed for the release of all loans and grant funding administered by BTVLEP.

#### **1. SEP Finance Meetings**

- 1.1. LEP Board approves a project
- 1.2. Fully signed loan / grant agreements are filed in the BTVLEP folders in the N drive.
- 1.3. Claims agreed in SEP Finance meetings (supporting evidence brought to meetings includes Certificate of Works with Project Summary and invoice).
- 1.4. Any claims would be approved subject to previous LEP Board approvals.
- 1.5. LEP Management monitor projects on an ongoing basis therefore confirm in meeting that work has been done to a satisfactory standard and in accordance with the offer letter issued by the LEP to the recipient.
- 1.6. The Claims are signed by the LEP CEO / delegated Senior Officer and the Claimants approved signatory.
- 1.7. Signed claims are saved in BTVLEP folders on N drive (BCC).
- 1.8. Senior Management Accountant sends instructions to [lep@buckscc.gov.uk](mailto:lep@buckscc.gov.uk) for payment of claims to external parties or for journal entries if BCC.
- 1.9. Journals are sent to TEE FD to approve where they impact reserves.
- 1.10. Capital Programme Manager is also notified of claims to be processed to ensure any updates to budgets are made to capital programme if required.

#### **2. Fully signed loan/ grant agreement**

- 2.1. LEP Board approves a project; LEP Management and BCC then facilitate a loan / grant agreement for the project.
- 2.2. Signed loan/ grant agreement saved in BCC N Drive (BTVLEP folder).
- 2.3. Senior Management Accountant sends instructions to [lep@buckscc.gov.uk](mailto:lep@buckscc.gov.uk) to initiate payment per loan agreement.
- 2.4. A meeting with the LEP Finance support team takes place to agree required actions.
- 2.5. Entries are then made to reimburse paying revenue cost centre from reserves

## **Appendix 7: Conflicts of Interest Policy**

Because of the administrative model operated by BTVLEP, clear delineation between technical and administrative support will need to be established on a scheme by scheme basis, to ensure the BTVLEP Board receives appropriate advice - independent of scheme promoters - and potential conflicts of interest are avoided.

Where the Chairman has a conflict of interest he/she should ensure that he/she does not influence the decision and the decision is taken by a Board Member who does not have such a conflict.

If every member of the BTVLEP Board has a conflict of interest, consideration should be given to delegating the decision to an appropriate Sub-committee or member of the Executive or to seek a dispensation.

Board Members have a key role in commissioning services from delivery units which may be internally or externally run through a variety of service models. Where such a service is commissioned by a Board Member from an external delivery unit, Board Members should be mindful of potential conflicts of interest arising from also sitting on the board (or similar governance structure) of that delivery unit. This is because Board Members may also be acting as company board directors (who under the Company Act 2006 have a legal duty to act in the best interests of the company) and may be unable to fully fulfil their role as a strategic decision-maker in making commissioning decisions on the contract arrangements with that company or in their role in holding the external delivery unit to account. In such circumstances, Board Members should seek advice from the Chief Executive prior to sitting on any external board (or similar governance arrangement) in order to fully consider any implications arising from potential conflicts of interest.

In addition, where any of BTVLEP's delivery bodies are directly involved in the delivery of particular schemes, or elements of particular schemes, a clear rationale for adopting an 'internal' delivery model will need to be clearly spelt out.

Any Conflicts of interest will be noted at the start of any meeting and where such conflicts materially affect a member's ability to vote without prejudice, such a member will withdraw from the vote and may provide a substitute if such conflicts are known in advance.

A register of personal interests is maintained for every Board and senior Staff Member and available for scrutiny on the BTVLEP website. Voting members will declare any hospitality or gifts relevant to the board's activities, and this list will be maintained by the BTVLEP secretariat.

The BTVLEP Board may, at any time authorise a person to be involved in a situation in which the person has or may have a direct or indirect interest which conflicts or may conflict with the interests of the BTVLEP Board ("a conflict of interest") provided that the conflict of interest at the time is declared to them and the person subject to the conflict of interest shall not vote.

In the event that there is a pecuniary conflict of interest the person so conflicted shall immediately declare the nature of the conflict or potential conflict and withdraw from any business where the conflict would be relevant.

Whenever a person has an interest in a matter to be discussed at a meeting the person concerned will not be:

- entitled to remain present at the meeting during discussion of that matter
- counted in the quorum for that part of the meeting;
- entitled to vote on the matter.

A Register of Board and Senior Staff Members' Interests will be maintained & published on the BTVLEP website.

If a member has any uncertainties about the provisions of the Code of Conduct or about whether he/she has a Disclosable Personal Interest in a matter, he/she should consult the BTVLEP Chief Executive.

Every member shall submit details of his/her interests to the Board Secretary who shall maintain a Register of Members' Interests. The Register shall be published on BTVLEP's website. The Register will also record any dispensations granted against each Members' register entry.

The Board Secretary will also maintain a record of any staff member's prejudicial interest in any contracts, and this register shall be available during office hours for inspection by any member

## **Appendix 8 BTVLEP Social Value Statement**

Buckinghamshire Thames Valley Local Enterprise Partnership will consider how economic, social, and environmental well-being may be improved by LEP procurement and investments.

The LEP will seek, through the allocation of its resources to enable communities to become more resilient and reduce demand on public services. The LEP aims to provide employment opportunities within Buckinghamshire, make its communities stronger and more effective.

Buckinghamshire Thames Valley LEP is fully committed to this approach and defines social value as:

“Outcomes, measures and activity that will create strong and well-connected public, private and social sectors that enable communities to be more resilient”.

The four key social value outcomes for Buckinghamshire Thames Valley LEP are:

- An increase in community resilience through the development of local skills and jobs;
- A reduction in the demand for public services;
- An increase in the number of new community businesses developed and the impact they have in communities;
- An increase in the level of private sector investment and the impact this has in communities;

Buckinghamshire Thames Valley LEP will, where relevant, seek to achieve these key social value outcomes through the delivery of the Strategic Economic Plan and associated functions.

In procurement activities this will include the LEP using these social value outcomes to ensure proportionate and relevant inclusion in the specification for the service required and evaluating tenders in accordance with those social value outcomes and measures and that specification.

Where appropriate, the LEP will ask bidders to detail and demonstrate the social value outcomes and measures that they can deliver when providing the service. Where appropriate, the LEP will include an appropriate weighting in our tender evaluation model to assess the social value offer submitted by bidders.

Buckinghamshire Thames Valley LEP will also ensure, where appropriate, that the delivery of programmes utilising public sector funding will contribute to the key social value outcomes.

Buckinghamshire Thames Valley LEP will work with beneficiaries to ensure, where possible, that the maximum social impact is realised.

## **Appendix 9**

### **Whistleblowing Policy**

Buckinghamshire Thames Valley Local Enterprise Partnership (BTVLEP) Whistleblowing policy

BTVLEP aims to conduct its business and activities, along ethical and honest principles. We expect our employees to adhere to these standards; including by reporting any perceived wrongdoing by:

- the LEP itself
- its Board members
- work colleagues
- business, contract or funding partners
- organisations which have bid for or received LEP funding
- organisations which have bid for or received BTVLEP ESIF funding.

The Public Interest Disclosure Act 1998 protects workers who report wrongdoing within the workplace. It is the aim of this BTVLEP policy to ensure that, as far as possible, our employees are able to tell us about wrongdoing at work which they believe has occurred or may be about to occur.

BTVLEP appreciates the difficulty employees may feel in raising an issue of potential wrongdoing, involving the LEP itself or its activities. This policy aims to ensure they will feel confident in raising issues, that their concerns will be treated seriously and that no action will consequently be taken against them for raising such issues.

The procedure employees should use is set out below. This procedure should be used where an employee is concerned about any of the following:

- wrongdoing in the workplace, including suspected criminal offences
- failure to meet legal obligations
- miscarriages of justice
- health and safety dangers
- environmental risks
- OR concealment of any of the above.

The employee should not feel they must prove allegations, only that they have a reasonable and honest belief that what they are reporting is the truth. It is possible an allegation received may prove to be unfounded but this should not deter employees from raising a genuine concern, which should be properly investigated.

### Whistleblowing Procedure

Employees should use the following procedure:

- Where possible, in the first instance raise the matter of concern with their line manager.
- Where not possible – their line manager may be part of the employee's concern, or unavailable – then the following people may be approached within the BTVLEP structure:

\* Chief Executive, Chair of the Board or the Buckinghamshire County Council (our Accountable Body) HR Manager

- If required, the concern will be further investigated. The employee will be told the outcome of the investigation and any resulting action, if any is needed.

- If the BTVLEP employee remains unhappy with the speed, conduct or outcome of the investigation into the concern they've raised they can refer the matter to the LEP's "Accountable Body". Buckinghamshire County Council

- Again, the concern would then be further investigated and the employee informed of the result of this investigation.

\* A further option exists, which is to raise a concern with the Chief Executive of a neighbouring LEP, in this instance, Thames Valley Berkshire LEP. Its Chief Executive has agreed to document and investigate any reported concerns, meet with the person raising the concern and if appropriate inform the government's Cities and Local Growth Unit if it is felt that there is a case for further detailed investigation into the issue being raised.

- BTVLEP undertakes that no employee making a report of their concerns, in good faith, will be subject to detrimental treatment as a result of their report. This is in accordance with Section 47B of the Employment Rights Act 1996:

'A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure.'

Any employee who feels they are/have been subject to a detriment should inform the BTVLEP Chief Executive or HR Manager immediately, so this can be addressed.

Employees found to have raised concerns not in good faith, or with malicious intent, or so as to falsely implicate a colleague or other person, will be dealt with under BTVLEP disciplinary rules for misconduct.

There may be occasions when a concern raised by an employee has to be referred to another agency, internal or external: for example the police, financial conduct authorities or BTVLEP's

'Accountable Body'. BTVLEP reserves the right to make such references without the consent of the employee originally raising the concern.

### **The Policy**

Responsibility for implementation and monitoring of this policy, including review and regular updates of it to keep pace with legislation, lies with the BTVLEP Chief Executive.

Queries on or comments about this policy should be addressed in the first instance

to:

Richard Harrington Chief Executive BTVLEP, West Wing, University Campus, Queen Alexandra Road, High Wycombe, HP11 2GZ

[Richard.harrington@btvlep.co.uk](mailto:Richard.harrington@btvlep.co.uk)