

Local Assurance Framework

Kirkby & Sutton in Ashfield Town Deal

7th October 2021



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Introduction

This Local Assurance Framework (LAF) sets out how Ashfield District Council and Discover Ashfield will effectively undertake their respective roles in relation to good governance and delivery of the projects being funded through the Towns Fund. The LAF is a requirement of the Towns Fund and identifies the roles to be undertaken by Discover Ashfield as the Town Deal Board and its Towns Fund sub-group, by Ashfield District Council as the Accountable Body and by the promoters of projects. This includes the process of ensuring value for money, appraisal, business case development and risk management.

Discover Ashfield and Ashfield District Council are fully committed to ensuring the highest standards of governance, accountability and transparency across all aspects of activities in relation to the Towns Fund and will review the LAF annually and make any changes necessary to ensure consistency and full compliance.

The framework sets out the structure and roles that each organisation will undertake and the processes and policies that will apply to the decision making and oversight that are required in managing the Town Deal programme.

Adherence to the framework should ensure:

- Accountable decision making
- Responsible use of public money including achieving value for money
- Effective monitoring and evaluation

The framework is jointly owned by the Discover Ashfield Town Deal Board and Ashfield District Council. It was approved by both organisations in October 2021 and is subject to an annual review.

The Towns Fund

Kirkby and Sutton in Ashfield are two of the 101 towns in England selected to develop “Town Deals” with funding designed to increase economic growth with a focus on regeneration, transport, better broadband connectivity, skills and culture.

A Town Investment Plan for Kirkby and Sutton was submitted to government in early 2021 and included 17 projects to be funded and delivered. In June 2021 it was confirmed that Kirkby and Sutton will receive up to £62.6m funding from the Towns Fund, with co-funding a potential £100m will be invested in the area.

The Towns Fund is being administered by the Ministry of Housing, Communities & Local Government (MHCLG).

The 17 projects being delivered will each require the development of a Green Book compliant business case which will need to be locally assured. To undertake this role the Discover Ashfield Board has set up a Towns Fund sub-group which will follow this Local Assurance Framework and government guidance to assure the business cases.

Once government has approved the summary of the business cases projects will commence delivery. Delivery of individual projects and the wider Town Investment Plan will continue to be overseen by the Town Deal Board.

Discover Ashfield

Discover Ashfield was set up in 2017 and includes representation from a wide range of business, community and public sector bodies, including academies, further education and Mansfield and Ashfield 2020. Community representation is from Citizen's Advice Ashfield and Ashfield Voluntary Action. Ashfield District Council, Nottinghamshire County Council and the Local Enterprise Partnership – D2N2 also sit on the Board.

The board is chaired by a representative of the business community, with secretarial support provided by Ashfield District Council.

Discover Ashfield celebrates all that is best about living, visiting, working and doing business in Ashfield through four themes. Its mission is to:

- Promote Ashfield in a positive manner; Develop pride and aspiration in our communities: Theme 1: Love where you live
- Encourage and promote inward investment: Theme 2. Succeed in Ashfield
- Help people improve their health and wellbeing: Theme 3. Be Healthy, Be Happy
- Support tourism and the visitor economy: Theme 4. More to Discover.

The Accountable Body for the Kirkby and Sutton Towns Fund Deal is Ashfield District Council which has responsibility for ensuring this LAF is in place, meets the standards set out by Government and that all funding decisions are made in accordance with it. The Section 151 officer at Ashfield District Council ultimately provides assurance of proper use of Government Funds and Governance Procedures within the Towns Fund activities.

Ashfield District Council

The Council's role is leading and enabling delivery of improvements for Ashfield as a place. We are committed to engaging with partners, local communities and businesses to ensure that we maximise the once in a generation opportunity provided through the Towns Fund Deal for the Kirkby and Sutton area to support economic growth, employment, housing, more vibrant town centres and a strong visitor economy.

We are committed to making Ashfield a location and destination of choice for business and visitors and a desirable place to live for all residents. Enhancing the identity of Ashfield so it is cherished by those who live or work here, desirable to those who visit, and attractive to those who bring jobs and investment; whilst also raising the profile of Ashfield as a place where people want to visit and spend their time.

1. Governance

i. Discover Ashfield Structure and Board

Discover Ashfield has clear systems, rules and practices and processes in place to ensure that decisions are made on a transparent basis, by the appropriate persons or groups and based on appropriate skills and capability. Members of the Discover Ashfield Board and other subgroups will work within the agreed governance structures and will always demonstrate the highest standards of conduct. Any third party involved with Discover Ashfield or who is providing a service to Discover Ashfield will be made aware they are expected to act within the governance system and that their conduct is expected to be consistent with the standards applicable to members of the Discover Ashfield Board.

The Nolan Principles of Public Life underpin the LAF and all board and sub-board members are expected to adhere to them, these are:

- Selflessness: Holders of public office should act solely in the public interest.
- 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 to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- 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 doing so.
- Honesty: Holders of public office should be truthful
- 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.

ii. Discover Ashfield is a constituted group operating in line with its Terms of Reference and Constitution

iii. The Accountable Body for the Towns Fund is Ashfield District Council

iv. The Board is responsible for assurance and scrutiny of the Towns Fund projects

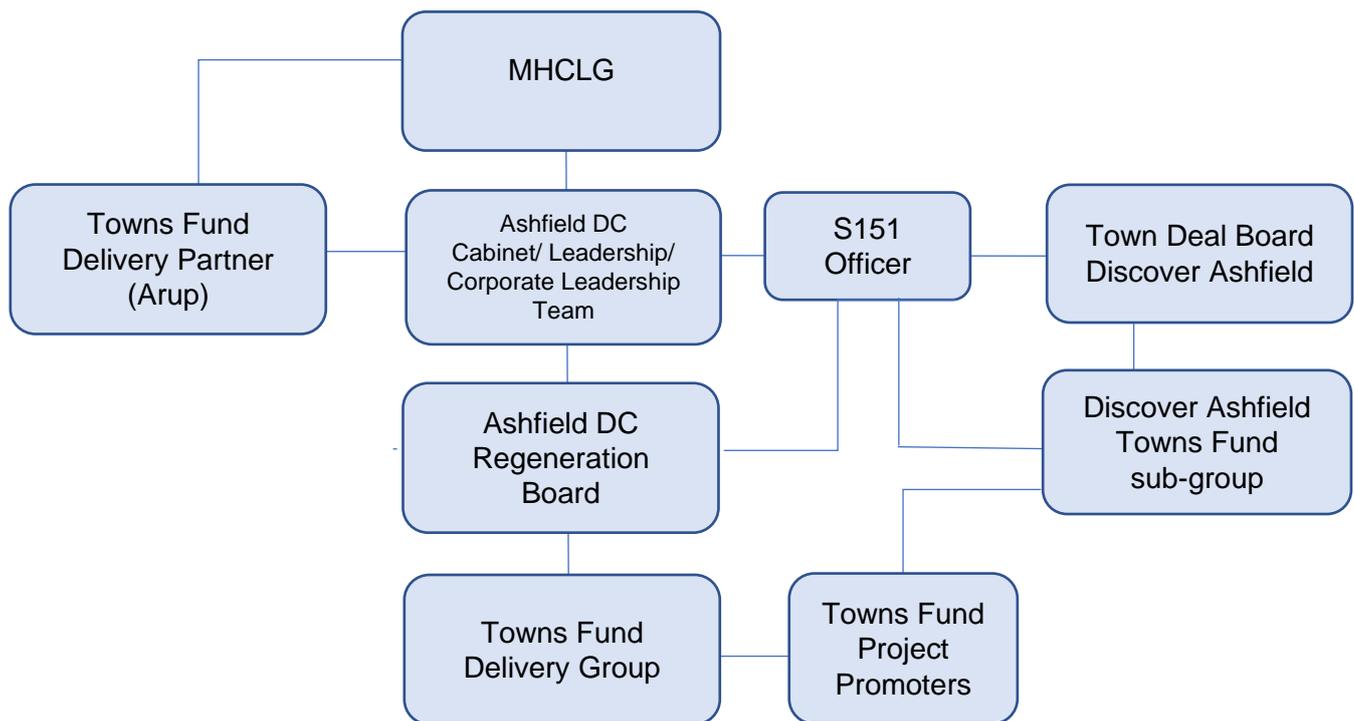
v. Ashfield District Council as the Accountable Body is the ultimate decision-making body

vi. Structure of Discover Ashfield Board: The Board will comprise a maximum of 35 members including a minimum of one member from the District Council to represent the public sector plus one member representing the community and voluntary sector

vii. The Chair (three-year term) and Vice Chair of the Board (two-year term) are appointed from the Board

viii. The Board is committed to diversity based on all protected characteristics and will encourage engagement and representation from across all communities

- ix. Governance information such as Terms of Reference, Code of Conduct and Declarations of Interest and membership list is published, together with information on future board meeting dates and is available on the website.
- x. The appointments process for the Towns Fund sub-group will be included in its respective Terms of Reference
- xi. In addition to the main board, Discover Ashfield also has in place a formal governance structure of sub-groups
- xii. The Towns Fund governance structure for Kirkby and Sutton is as follows:



- xiii. Discover Ashfield provides assurance and scrutiny of the Towns Fund programme through discussions at the Board. Any financial decisions are decided by the Discover Ashfield Board and Ashfield District Council.
- xiv. The Towns Fund sub-group is responsible for overseeing all investment decisions through the Towns Fund on behalf of the Board and will take a first review of all financial decisions and provide a recommendation for ratification to the Discover Ashfield Board.
- xv. Terms of Reference for the Discover Ashfield Board: <http://discoverashfield.co.uk/media/1328/discover-ashfield-board-constitution-v-april-2021.pdf> and Towns Fund sub-group: http://www.discoverashfield.co.uk/media/1346/towns_fund_sub-group_tor.pdf

2. Scheme of Delegation

The scheme of delegation is for decisions to be made by the Discover Ashfield Board. The Board may from time to time delegate decisions to sub-groups which are outlined in the terms of reference for each sub-group.

Where a decision is required on funding, generally the Discover Ashfield Board would make the decision, unless otherwise agreed by the Discover Ashfield Board.

A decision which is made in contravention of the process will be invalid based on non-compliance unless the Discover Ashfield Board has given prior approval for variation in the decision-making process.

Any decision that needs to be made by the Discover Ashfield Board or the Towns Fund sub-group that does not fit within the timeframe of the scheduled meetings can be decided through written procedures. All members of the relevant board will be written to with the appropriate documentation that would be presented in the same manner as it would be to The Board or Towns Fund sub-group. Each member will then be able to reply with any concerns and their approval/rejection to the chair, who will confirm the decision.

Any decision coming forward by written procedures will be done so at the discretion of the Chair of the Board.

3. Policies and Procedures

i. Code of Conduct and Conflicts of Interest

Discover Ashfield's Code of Conduct, which is published on the website, outlines the expectations of Board members when acting in capacity as a Board member of Discover Ashfield. The code includes Conflicts of Interest and outlines the process for Board members to declare and report interests, ensuring impartiality and the avoidance of perceptions of bias.

It includes guidance on pecuniary and non-pecuniary interests individuals must declare, outlines the process that Board members follow for declaring interests and explains the process for requesting an exemption.

Individual registers of interests for Board members are updated on an annual basis and are available on request via discoverashfield@ashfield.gov.uk.

ii. Publication of reports and information

Discover Ashfield Board papers are published on the website. These are published in line with the Best Practice Guidance in accordance with the Local Government Act 1972, meeting agendas and papers are published five clear working days before the meeting takes place and draft minutes of the meeting are published within 10 clear working days of the meeting taking place.

Any declaration of interest made at the meeting will be included in the minutes.

Discover Ashfield follows Ashfield District Councils' document classification policy in terms of how documents are classified as public, controlled, or restricted. Information which is not to be placed in the public domain is treated under The Local Authorities-Executive Arrangements Meetings and Access to Information Regulations 2012 using one of following 7 exemptions:

- (1) Information relating to any individual.
- (2) Information which is likely to reveal the identity of an individual.
- (3) Information relating to the financial or business affairs of any person (including the Authority holding that information).
- (4) Information relating to any consultations or negotiations, or contemplated consultation or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

Discover Ashfield has in place appropriate data protection arrangements in line with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. The data provided by promoters is the responsibility of the promoters to make sure it complies with the appropriate legislation and that the data is accurate and correct. Discover Ashfield is the data controller for Board Members data and any other data they collect including data around projects and programmes.

4. Accountability and transparent decision making

The Accountable Body

It was agreed at the Discover Ashfield Board meeting on 11th December 2020 that Ashfield District Council be appointed as the accountable body for the Towns Fund. The Accountable Body, through the Council's Section 151 Officer, is accountable for the proper use and administration of the Towns Fund funding, all of which falls under the annual audit of Ashfield District Council's accounts, and for ensuring that decisions are made in accordance with this LAF or any other framework which may instead apply.

The Council's responsibilities include:

- Ensuring the decisions and activities of Discover Ashfield related to the Towns Fund conform with legal requirements with regard to equalities, social value, environment, Subsidy Control (formerly State Aid), procurement etc.
- ensuring that funds are used in accordance with the conditions placed on each project.
- ensuring (through the Section 151 Officer) that the funds are used appropriately.
- ensuring that this Assurance Framework (or any other which may instead apply) is implemented and adhered to.
- maintaining the official record of Discover Ashfield proceedings and holding copies of all relevant documents relating to the Towns Fund.

- ensuring Discover Ashfield decisions at formal meeting are recorded by way of minutes, and the minutes of each meeting are reported to the subsequent meeting to ensure accuracy. Minutes, agendas, and reports are published on Discover Ashfield's website
- Responsibility for the decisions of Discover Ashfield in approving projects (for example if subjected to legal challenge).
- ensuring arrangements are in place for audit of Towns Fund funding as per Local Authority spend. The annual audit recommendations are reported to the Discover Ashfield Board. In addition, Discover Ashfield and the Accountable Body have agreed timescales and operating practices to support the effective implementation of decisions. This will also include a process for monitoring delivery and specification of what information is required from project promoters.

Project funding will be accompanied by a written agreement between the Accountable Body and the project promoter, setting out the split of responsibilities and specifying provisions for the protection of public funds, such as arrangements to suspend or claw back funding in the event of non-delivery or mis-management.

The use of Towns Fund resources is subject to the usual local authority checks and balances – including the financial duties and rules which require councils to act prudently in spending; these are overseen and monitored by the Section 151 Officer. As part of the Accountable Body's statutory requirements it publishes a report on its website showing any expenditure over £5,000.

While it may put in place procedures and promote proper practice, and monitor and report on the effectiveness of these, the Accountable Body is not responsible for any deficiencies in the administration of public monies among funding recipients and partner bodies. In the event of any shortcomings coming to light it will seek to safeguard, and recover where appropriate, the relevant monies.

The Accountable Body would only refuse a decision of the Discover Ashfield Board and/ or the Towns Fund sub-group if it were:

- Not procedurally valid, or
- Illegal, or
- would lead to the available budget being exceeded.

If a situation did occur whereby the Accountable Body had significant concerns about a decision Discover Ashfield had taken, or proposed to take, then an urgent meeting within 5 working days would be convened by the Section 151 Officer of the Accountable Body with key stakeholders from both the Discover Ashfield Board and the Accountable Body.

There will be a clear separation between project promoters (i.e. Ashfield District Council led schemes) and those advising on decision-making (the Accountable Body role), to ensure the Discover Ashfield Board and the Towns Fund sub-group are acting on impartial advice.

The Accountable Body will appoint an independent business case assurance provider to assess the business cases for each project and to recommend projects to the Towns Fund sub-group and to the Discover Ashfield Board for approval.

Awards of funding by Discover Ashfield and the Accountable Body will be accompanied by a written funding offer agreement between the Accountable Body and the project promoter setting out the split of responsibilities and specifying provisions for the protection of public funds, such as arrangements to suspend or claw back funding in the event of non-delivery or mismanagement.

As a minimum, these agreements will include:

- Details of the project and outputs to be delivered in a specified timescale
- Arrangements for payment (up front or in arrears, quarterly or other)
- Arrangements to suspend or claw back funding in the event of non-delivery or mismanagement
- Monitoring requirements, including the metrics and frequency of reporting
- Publicity obligations and arrangements

The agreement will be signed by the Section 151 Officer (or equivalent) of the promoting organisation and by the Section 151 Officer of the Accountable Body who has the final sign off on funding decisions.

Section 151 officer

The Accountable Body will ensure they address the five principles of the CIPFA guidance:

- Embed a corporate position for the Section 151 officer at the Council
- Create a formal/structured mandate for the Section 151 officer
- Embed good governance into decision making
- Ensure effective review of governance
- Ensure appropriate skills and resourcing

All Board and sub-group documents which have a financial implication will be provided to the Section 151 officer/delegate, and where decisions are being made the Section 151/delegate will have the opportunity to comment.

The Section 151 officer will ensure their oversight of the proper administration of financial affairs within the Kirkby and Sutton Towns Fund programme continues throughout the five-year programme (2021/22 – 2026/27). This will include attendance at the Board where possible, and at a minimum at least one meeting each financial year.

A regular programme overview is given at the Board meeting on at least a bi-monthly basis to update on performance, any issues and risks and mitigations of each project.

On a quarterly basis the Board is updated on outputs with each project RAG rated to highlight any projects which are an area of concern to the Towns Fund programme. Any formal requests of changes over 10% to change spend profiles or output profiles are taken to the Towns Fund sub-group for approval.

5. Engagement with Stakeholders

Discover Ashfield is committed to effective engagement and collaboration with all its partners and stakeholders to effectively undertake its role and advocate for its area.

Examples of Discover Ashfield's engagement activities include:

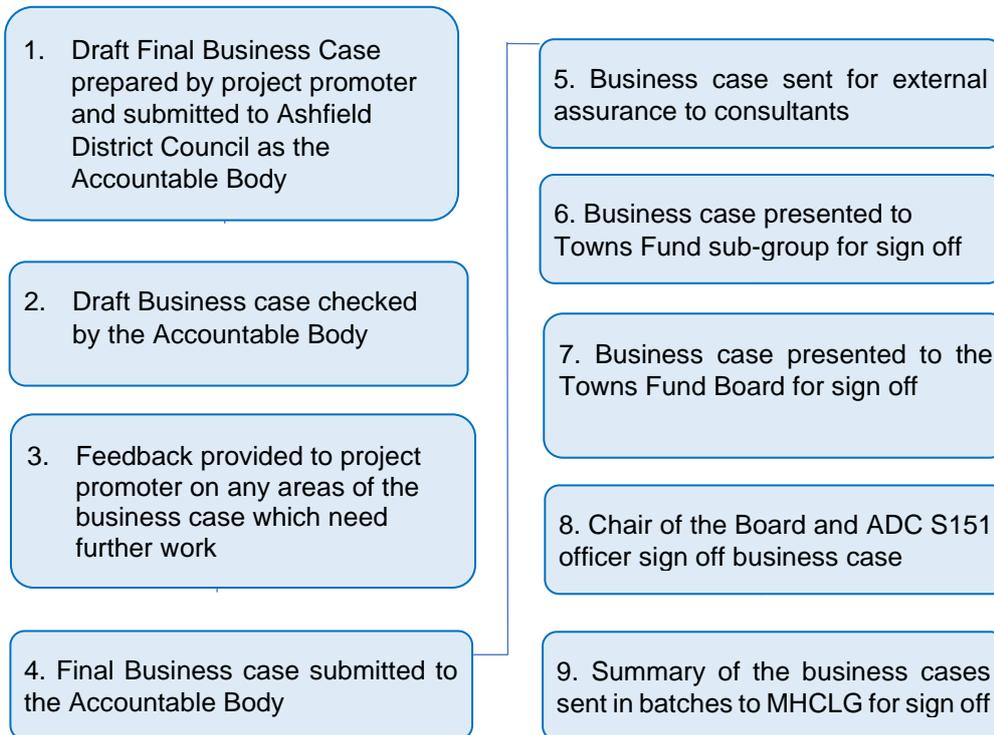
- Regular engagement with the local media on Discover Ashfield's work.

- Board members regularly speak at local events, such as those organised by business membership organisations.
- Regular social media updates and website coverage of Discover Ashfield's activity
- A Stakeholder and Engagement Plan has been produced for the Towns Fund work and is regularly reviewed and update.

Discover Ashfield holds an Annual General Meeting which is attended by representatives from the public and private sectors. This meeting takes place annually and can be held either virtually, in person or using a hybrid of the two.

Discover Ashfield is committed to securing social value through the awarding of the Towns Fund contracts and will work with project promoters to embed that within the project design, utilising Ashfield District Council's Social Value Policy:
<https://www.ashfield.gov.uk/media/8d88f9438231a5e/social-value-policy.pdf>

6. Project Approvals Process



Ashfield District Council will liaise with the project promoter throughout the process, ultimately taking a recommendation to the Towns Fund sub-group and the Discover Ashfield Board for approval. Following which a Summary Document of the business case (or the business case if required) will be submitted to MHCLG for assessment.

The final business case is to be submitted by the Section 151 officer or equivalent (CEO, MD, FD) of the promoter. Projects will need to meet the following milestones:

1. A detailed 'Green Book' compliant business case has been completed detailing the project and its alignment to the 5-case model. 'The Checklist1' published by HM Treasury should be appended to the business case to confirm that all stages have been completed. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935527/Green_Book_guidance_checklist_for_assessing_business_cases.pdf
2. A Benefit Cost Ratio must be provided
3. Details confirming whether planning permission is required for the project. If required the stage at which the application is at must be detailed, including any pre-app. advice received, together with a timeframe for submission of the planning application and the milestone for planning approval.
4. Confirmation that any 'Section 106' or other agreements related to planning permission have been entered or the milestone for when they will be entered.
5. Confirmation of the procurement process to be undertaken and the milestones for the process.

6. Confirmation that the promoter will be responsible for any variations to the contract price and that once entered, the contract will be completed in line with the details submitted. The promoter should submit a separate letter appended to the Business Case which confirms this from their Financial Director or equivalent.
7. Confirmation of which RIBA stage the project has been designed to or its equivalent and a project programme with milestones identifying when each RIBA Stage has or will be completed.
8. Details of any changes to the project from the initial Towns Fund submission with reasoning behind these changes.
9. Confirmation of the status of all co-funding with details of the sources of funding and the timeframe for when the co-funding will be confirmed.
10. Confirmation that all land/ legal agreements are being progressed with a timeframe for completion with details of the milestones for achieving this.
11. A phasing plan identifying the start and completion elements of the project along with costs associated with each phase and the outputs/outcomes that will be delivered on a quarterly basis.
12. A risk register identifying the key risks and the project manager responsible. The risk register needs to be scored and include a mitigation plan.
13. Within the business case the project sponsor must provide details of how this intervention will deliver on low carbon and social value outcomes, including through the procurement and construction of the project. For example, projects are requested to provide details on impacts to local communities, levels of affordable housing and levels of skills and training.
14. A Subsidy Control (formerly State Aid) compliant report is to be provided by a suitably qualified UK lawyer with a duty of care to the promoter and the Discover Ashfield Board and the Accountable Body. The project is required to be Subsidy Control compliant before it is progressed, and the report is required to be annexed to the business case.

The promoter is required to address all the points above, failure to supply this information may delay any recommendation being put forward to the Towns Fund sub-group by the Accountable Body.

Discover Ashfield and the Accountable Body will progress assessment of the projects as follows:

1. The Accountable Body will carry out an assessment of the submitted draft business case in line with the requirement of the LAF and feedback to the projects on any further requirements.
2. Once the final business case (FBC) is submitted to the Accountable Body it will be sent for external assurance to appointed consultants.

3. Following sign off by the external assurers the Accountable Body will draft a report to the Towns Fund sub-group and this report will be presented at the next available meeting. This report will include a synopsis of the application made for funding, an appraisal of the application, and view by legal expert (where appropriate), a final recommendation whether to fund the project or not including any conditions which would be set.
4. Promoters will be required to attend the Towns Fund sub-group and present their business case.
5. The Towns Fund sub-group will approve, reject, or request additional information.
6. Following approval from the Towns Fund sub-group, the project will be put in front of the Discover Ashfield Board for ratification.
7. The Chair of the Board and ADC S151 officer will sign off the FBC
8. Once ratified the summary of the business case will be submitted to MHCLG for sign off. The business cases will be submitted in batches to MHCLG, the timings of these submissions will be agreed with the promoter, along with deadlines for submission to the Accountable Body.

Note: For the Automated Distribution and Manufacturing Centre (ADMC) project MHCLG have asked for submission of the full business case for sign off. The business case will need to be approved by the Towns Fund sub-group and ratified by the Board before submission to MHCLG.

9. Once a Summary Document or business case is agreed by MHCLG the Accountable Body will issue a grant offer agreement detailing all conditions and the timing of payments. The offer agreement will require promoters to sign up to the delivery of the project and the outputs, which will be subject to claw back.
10. The Accountable Body and Discover Ashfield will monitor and carry out an audit of processes on the delivery of the project and the outputs.

The promoter must confirm the following before funding for the construction phase/ project delivery will be released by the Accountable Body:

1. Planning permission, if required is in place.
2. Any 'Section 106' or other agreements related to planning permission have been entered.
3. Confirmation that the project has been designed to RIBA Stage 4 or its equivalent.
4. The results of the procurement exercise detailing:
 - The tenders received (along with the detailed costs)

- The tender accepted (along with timescales/ conditions)
5. Details of the construction contract (if applicable) to be entered into by the promoter detailing:
 - Name of contractor
 - Start date
 - Completion date
 - Liquidated damages/ cost over runs
 6. Details of any outstanding points preventing/ delaying the start-up of a construction contract.
 7. Confirmation that all co-funding is in place with details of the sources of funding, including letters from third party funders confirming any conditions and timescales.
 8. Confirmation that all land/ legal agreements have been completed and are in the control of the promoter to deliver the entire project.

Early Release Towns Fund Capital Funding

Up to 5% of the Towns Fund capital allocation for a project can be released in advance, subject to the submission of satisfactory evidence of need by the project sponsor. Agreement to release of the funding is delegated to the Council's Portfolio Holder and S151 officer in consultation with the Chair of the Discover Ashfield Board.

For projects which require more than the 5%, a report will be taken to the Board for consideration. The funding can be spent on business case development and on direct project delivery. MHCLG will bear the risk for any of the 5% spent on project development should the project not be realised and will not seek to claw back the funding. The funding would be taken off the Towns Fund Deal value and the introduction of a replacement project would require a negotiation and assessment process.

Once the funds of £3.31m are received from MHCLG they will be held within the Accountable Body's Towns Fund capital programme allocation and the Portfolio Holder for Regeneration and Planning, together with the Director Place and Communities will hold delegated authority to release the funds.

The Accountable Body will issue an offer letter to the promoter detailing how and when the full grant will be paid and the conditions and any claw back.

Investment decisions will be made for all funding applying statutory requirements, conditions of funding or local transport objectives where applicable.

All Board and sub-group members will make decisions on merit having considered all of the relevant information available at the time.

Pursuit of recovery of funds is at the discretion of the Board based on the evidence presented to them if the project is not fully delivered in line with the original submission.

The Discover Ashfield Board and the Accountable Body will need to assure themselves that projects are deliverable and represent value for money. It is the promoter's responsibility to provide sufficient independent evidence that the project delivers value for money.

The Accountable Body will use appropriate external consultants to consider the Benefit Cost Ratio and make recommendations to the Towns Fund sub-group and the board.

The evidence and information provided will vary from project to project due to the nature and priorities of the project.

Transport schemes, defined as those which are reliant upon 'transport' outcomes (such as time savings) to demonstrate value for money, are required to follow WebTAG guidance. For the avoidance of doubt, the provision of infrastructure such as a road which is intended to produce non-transport outcomes such as job creation may be assessed against these outcomes. However, where this infrastructure would also impact upon existing users of transport networks WebTAG-compliant analysis may be required to determine the degree to which these impacts affect the overall case for the project.

For projects which are regeneration or housing led, promoters will need to provide a clear statement of the objectives of the project and evidence that there is market demand for the scheme. This should be expressed as projected take-up but, must be supported by evidence that the market will take this up within the projected time. This evidence can comprise correspondence, notes of meetings and any independent assessment of demand or advice from specialist consultants.

The Accountable Body will be responsible for ensuring value for money for all projects and programmes. The Finance Officer at the Accountable Body will be responsible for scrutiny of and recommendations for each business case.

Changes to projects

In the event that a project has, in the opinion of the Towns Fund sub-group or the board or Ashfield District Council, significantly changed (by 10% or more) from what was originally proposed (i.e. spend profile, outputs and outcomes, or delivery) Ashfield District Council will write to the promoter requesting a written response detailing how and why the project has changed including details of changes to the following:

- rationale and strategic fit;
- how the project addresses need and opportunity
- alignment with other plans and strategies
- Towns Fund ask (£ million)
- Total project cost (£ million)
- Outputs
- Outcomes
- Co-funding total
- Co-funding breakdown
- Capital/revenue split
- Financial profile
- Project completion date

Following receipt of the response the Board may decide on one of the following options: to proceed with the amended project, request that the project revert back to what was originally approved, release only part of the funding or delete the project from the programme. If it is agreed that the project can be amended the promoter will be required to complete a project adjustment form issued by MHCLG. Once completed and approved by the Towns Fund sub-group, the form will be submitted by Ashfield District Council to MHCLG for consideration. Ashfield District Council will then confirm the outcome of the request with the Towns Fund sub-group and the promoter.

For form content see: <https://townsfund.org.uk/resources-collection/mhclg-business-case-guidance> (page 11).

If a project has not commenced within 3 months of MHCLG approval being confirmed, the project will be reported as a High-Risk project. In this instance Ashfield District Council will write to the promoter requesting a written response detailing why the project has been delayed. If the Board and/ or the Accountable Body are not satisfied with the response, they can remove the project from the programme, subject to agreement by MHCLG.

The Board and Accountable Body will be provided with quarterly performance reports by the Towns Fund programme manager. If it is reported that a project is delayed (commencement/completion/outputs/outcomes) by 3 months or more then the project will be reported as a High-Risk project. In this instance Ashfield District Council will write to the promoter requesting a written response detailing why the project was delayed.

If the Board are not satisfied with the response, then they can request that the funds already paid are repaid to the Accountable Body or decide not to release any future years funding. This will be subject to prior agreement by MHCLG.

7. Risk management

A risk register is maintained of all projects and this is updated on a regular basis and shared with the Towns Fund sub-group and the board. The risks of each project are rated using a scoring matrix based on likelihood and impact that each risk presents. A set of mitigations is also included.

Based on the risk register and as part of the programme overview report, high risk projects are highlighted to the Towns Fund sub-group and the board. The named individual who is responsible for the identification and management of risk is the Service Manager for Place and Wellbeing at Ashfield District Council.

Where a project is seen as High Risk the Council will write to the promoter on behalf of the board setting out the risks and requesting a written response outlining how the risks will be mitigated. If the Board are not satisfied with the response, then they can remove the project from the programme.

8. Contract Management

Once a project is approved, a funding agreement will be drafted by the Council and issued to the project promoter. The funding agreement between the Council and the project promoter sets out the conditions relating to the funding and the responsibilities of the Council and the project promoter. This will include any conditions for funding that are in

place through either the requirements set by government in the Heads of Terms or in subsequent guidance, and/or conditions set by the Council or the Town Deal Board as part of the process for approval of the project business case.

The funding agreement will also confirm that the project promoter:

- Bears the risk for all overspend on the project beyond the approved amount
- Will be required to participate in a full and timely manner with any audit activity that is undertaken as part of the overall programme assurance
- Will be required to participate in a full and timely manner with any external reviews undertaken by government (or commissioned by government) as part of its assurance of Towns Fund delivery and/or evaluation of the programme
- Will maintain regular and timely reporting as set out in the monitoring and evaluation requirements.

Any contractual issues relating to projects will be considered informally in the first instance through ongoing dialogue between the Council and the project promoter. Where issues are unable to be resolved, they will be considered by the Town Deal Board prior to any formal action being taken. Where necessary, the Council will seek legal advice regarding significant contractual issues in the interests of fulfilling its role as the Accountable Body for the Towns Fund.

As noted in a previous section, processes are in place to agree changes to projects. It is the responsibility of the Council to maintain overall change control and ensure any changes are recorded including the requisite level of approval obtained.

Payment milestones will be agreed with the project promoter at the point of contract. The milestones will depend on the complexity, cost and timescales of the project. The claims and payment process will then be managed by the Council in liaison with the project promoter. Arrangements for processing claims will be made in line with the Council's financial procedures and may be subject to both internal and external audit. Where the project promoter is the Council itself, additional processes and checks will be put in place to ensure an appropriate separation of roles.

Where projects have not delivered the contracted outputs, then clawback provisions within the funding agreement may be utilised to recover funding. In these circumstances, the Council would make a recommendation to the Towns Fund sub-group in the first instance. Following a view from the S151 Officer, the Towns Fund sub-group would set out its intended approach to recover funding for the Town Deal Board, allowing the latter to comment on this before any steps to recover funding were taken by the Council as the Accountable Body.

9. Monitoring and Evaluation

The Towns Fund provides a unique opportunity to better understand what policy interventions are most effective in driving economic growth and living standards at the town level. This improved understanding will rely on the frequent collection of high-quality data to enable the ongoing monitoring of progress and the evaluation of the Fund's impact. Monitoring and Evaluation of the Towns Fund will ensure that Government has better

evidence of what policy levers work best to improve connectivity, spatial organisation, skills, and local authority capability in towns.

Ashfield District Council is committed to undertake monitoring and evaluation of the Towns Fund programme for Kirkby and Sutton and to submit monitoring information to MHCLG at six-monthly intervals as per the schedule below:

6-month reporting

1st April – 30th September – due 1st December

1st October - 31st March – due 1st June

Annual reporting

The financial year 1st April – 31st March – due 1st June

Monitoring submissions from promoters will be required one full calendar month before the deadlines of 1st June and 1st December.

Reporting will be required for the following:

- Inputs and Activities
- Outputs and Outcomes
- Project Expenditure
- Project Progress
- Project Changes
- Risks
- Feedback on local engagements (Annually)
- Feedback on how the overall investment strategy is progressing (Annually)

Promoters will be provided with a table of the indicators which must be reported on, for some indicators, a baseline will need to be established which will enable the impact of the project to be determined. For example, this could be a photograph of a site prior to construction work beginning.

Ashfield District Council will manage the Towns Fund programme and will report principally to the Discover Ashfield Board who oversee the programme management. Programme management will be through the monitoring process, the terms of this will be defined in each project's grant offer agreement. The agreement will determine the payment profile, the output and outcome profile and milestones.

Programme monitoring will be according to the milestones and outputs in the business case and reviewed on a quarterly basis based on the grant offer agreement.

The principles of programme management will be for Ashfield District Council to manage the key programme risks, through proactive engagement with promoters and developing a system of regular reporting. A programme overview including high risk projects will be presented at every second Board meeting (i.e. bi-monthly).

The Accountable Body has the right to withhold funding if the project delivery expectations, defined at inception are not met within the agreed funding period.

Projects will be required to submit quarterly monitoring reports (financial, output and narrative) explaining their progress to spend and delivery targets and noting specific changes to the project and challenges in delivery. If a project underperforms by 10% in successive quarters a full report will be required to be submitted by the project sponsor explaining the reasons for the underperformance and actions being taken/planned to address this.

The timings of the quarterly monitoring will align with the Towns Fund bi-annual reporting.

The Accountable Body reserves the right to recover or withhold all or part of the funding supplied for a project in these circumstances:

- The project is not delivered within agreed dates
- The project delivered differs from that specified
- The outcomes demonstrated through post-delivery evaluation fall short of those on which the value for money assessment and business case were based
- The outputs identified in the Business Case are not delivered.

Monitoring reports will be summarised for consideration on a quarterly basis at the Board, using a RAG rating system. In line with good practice and to support effective and robust decision making, monitoring reports to the Board will typically summarise good progress and areas of good practice. The report will also highlight risks to the delivery of the programme.

If projects are highlighted as high risk due to poor output delivery, if the Board considers it appropriate, promoters will be invited to the Board to explain the slippage. The Board will take local circumstances into account in taking decisions over whether funding should be withheld or recovered.

Evaluation

All projects at the time of signing the grant offer letter will complete the Summary Framework and this will be used to collect and collate information to inform the evaluation of the Towns Fund programme for Kirkby and Sutton.

All projects will be subject to a post-project completion report; this will ensure Ashfield District Council follows best practice using recognised project and programme management techniques to ensure sound decisions have been made.

10. Communications

Branding requirements will be set by MHCLG. Each project promoter will be given the branding guidance which includes details for press and publicity and marketing and branding materials. Each project is contractually obliged to conform to the branding guidance as set out in the Memorandum of Understanding. Prior to issue all publicity must be sent to Ashfield District Council's communications team: corpcomms@ashfield.gov.uk and Discover Ashfield discoverashfield@ashfield.gov.uk for review.

Appendices

- A. Discover Ashfield - Terms of Reference - <http://discoverashfield.co.uk/media/1328/discover-ashfield-board-constitution-v-april-2021.pdf>
- B. Towns Fund sub-group - Terms of Reference – **add link**