



**Newark Towns Fund  
Local Assurance Framework**

June 2021

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# 1 Introduction

## Town Investment Plan

In September 2019, it was announced that Newark-on-Trent had been chosen as one of 100 towns in the UK to potentially receive up to £25 million worth of investment, as part of the Government's 'Town Deal' initiative.

For Newark to have the best chance in being awarded the maximum funding, the Newark Towns Fund Board invited residents and visitors of Newark to take part in a survey to have a say the Towns challenges and opportunities. Local children were also asked to share their ideas on the future of Newark in the form of a writing competition. This work informed the shaping of projects and proposals to enable the strongest 'Deal' possible to be presented to Government.

This was captured in the Newark's 'Town Investment Plan', which was submitted to the Government at the end of July 2020.

The ambition is to 'reimagine' the town by addressing its visible and unseen challenges whilst maximising the positives. Learning and earning constraints continue to stifle social mobility and opportunity for residents and businesses. Retail vacancies and unemployment remain unacceptable high.

Four pillars of intervention were identified:

- Skills, Education, and Business
- Connectivity (digital, physical, people, and services)
- Town Centre Regeneration and Culture
- Town Centre Residential

It was announced in March 2021 that Newark had been successful in its bid for the £25 million of investment.

## Newark Towns Fund Board

The Newark Towns Fund Board comprises c.40 private and public businesses and bodies and is the vehicle through which the vision and strategy for the town is defined.

The primary role of the Newark Towns Fund Board is to provide strong and visible leadership for Newark, challenging partners to increase their ambition of what can be achieved collectively and acting as advocates for the town.

Since inception in early 2020, the Newark Towns Fund Board has agreed a vision for Newark and sought to maximise the opportunities for growth; including, the development of a well evidenced Town Investment Plan which sets out a clear understanding of the area, focusing on its assets, opportunities and challenges.

As the Newark Towns Fund Board enters its next phase in the Towns Fund process, its purpose changes to a strategic and delivery focus. As such, the structure of the Board has been updated to reflect the change in focus to include a Main Towns Fund Board and a smaller Executive Towns Board (see Section 4 for details).

## **Local Assurance Framework**

This Local Assurance Framework (LAF) sets out how the Newark Towns Fund Board will effectively undertake its role in relation to good governance and allocation of public funds it is responsible for. It identifies the roles to be taken by Newark Towns Fund Board and its constituent Boards, by the Accountable Body and by the promoters of projects. This includes the process of ensuring value for money, prioritisation, appraisal, business case development and risk management.

It also sets out the process to be followed in selecting priorities for the Towns Fund.

Newark Towns Fund Board is fully committed to ensuring the highest standards of governance, accountability and transparency across all aspects of its activities and will review the LAF annually and make any changes in line with changes made to the Local Growth Assurance Framework to ensure consistency and full compliance. The Local Growth Assurance Framework has been used as a guide for the development of this Framework in the absence of an overarching assurance framework for the Towns Fund programme.

Newark and Sherwood District Council is the Accountable Body, and therefore 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 will provide assurance of proper use of Government Funds and Governance Procedures within the Newark Towns Fund Board activities.

Newark and Sherwood District Council and the Newark Towns Fund Board will notify the Ministry of Housing, Communities and Local Government (MHCLG) of any significant changes made to the LAF.

## 2 Governance

The Newark Towns Fund Board have 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 Newark Towns Fund 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 the Newark Towns Fund Board or who is providing a service to the Newark Towns Fund Board 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 Newark Towns Fund Board.

As per the Towns Fund Prospectus, the Government expect that Town Deal Boards align with governance and policies of the Lead Council (Newark and Sherwood District Council). This includes whistle blowing, conflicts of interest and complaints.

Newark and Sherwood District Council expects employees and its members to adhere to the seven Nolan Principles of public life. Therefore, Members of the Newark Towns Fund Board, Executive Board and Sub Boards are expected to adhere to those same principles of:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

Each Board Member and Substitute Board Member is required to submit a signed version of the Register of Interest, Terms of Reference, and Code of Conduct before formal membership is given. A copy of the Register of Interest, Terms of Reference, and Codes of Conduct are included within Appendix 1 and Appendix 2 of this document. Completed forms are submitted on the Newark and Sherwood District Council Website, as Accountable Body, under the list of Board representatives.

In light of the Covid-19 pandemic, Newark Towns Fund Meetings may be held in person or virtually, as required. The same governance rules apply to meetings that are held virtually.

An agenda, including reports presented to the Newark Towns Fund Main Board and Newark Towns Executive Board, are required to be circulated to all Board Members 5 working days prior to a Main Board or Executive Board Meeting and will be published on the Newark and Sherwood District's website.

An item of business not included in the agenda for a meeting may be considered by the meeting for reasons of urgency, if the person presiding at the meeting considers it appropriate and necessary to do so. Only in the most exceptional circumstances might it be considered necessary and appropriate for a matter of strategic importance to be dealt with in this manner.

Any urgent decision that needs to be made by the Newark Towns Fund Main Board or Newark Towns Fund Executive Board that does not fit within the timeframe of the scheduled meetings may be decided through the written procedure set out in Section 5, Scheme of Delegation, where the Co-Chairs consider it appropriate and necessary to do so.

Minutes and actions from Main Board and Executive Board Meetings are required to be published and circulated to Board Members no more than 10 working days following a Main Board and Executive Board Meeting.

Additional governance information such as future board meeting dates are also made available on Newark and Sherwood District Council's website.

### 3 Board Representatives

The Newark Towns Fund Board comprises c.40 private and public businesses and bodies (including local government, education providers, charities, local business groups, public limited companies and private organisations).

The Newark Towns Fund Board comprises of the following representatives:

- **Chair and Co-Chair** - The posts will lead and facilitate the Board providing strategic direction. Each role will be independent in its own right and at least one role will be held by a private sector representative. To enable the Board to proceed at least one of the two Chairs must be in attendance at the Main Board meetings and the Executive Board meetings. The Chair and Co-Chair will be voted in on an annual basis.
- **Board Members** - Representatives from the public and private sector including local business, Higher Education, Further Education, community voluntary services, emergency services, media and the District Council. Board Membership will be reviewed annually. Any decision made by the Chair must be formally ratified by the rest of the Board Members. There may be one vote per organisation.
- **Substitute Board Members** - Substitute members from organisations will be entitled to attend Board meetings and vote when a Board Member is not available. Substitute members are required to follow the governance process.
- **Advisors** - Advisors are invited by Board Members and participate in the meetings but have no voting rights or ability to make decisions on behalf of the Board.
- **S151 Officer** – Newark and Sherwood District Council is the Accountable Body for the Town Board. The Council's S151 Officer will ensure compliance with all necessary financial regulations, in order to protect the accountable body (NSDC) and ensure proper administration of all financial affairs.

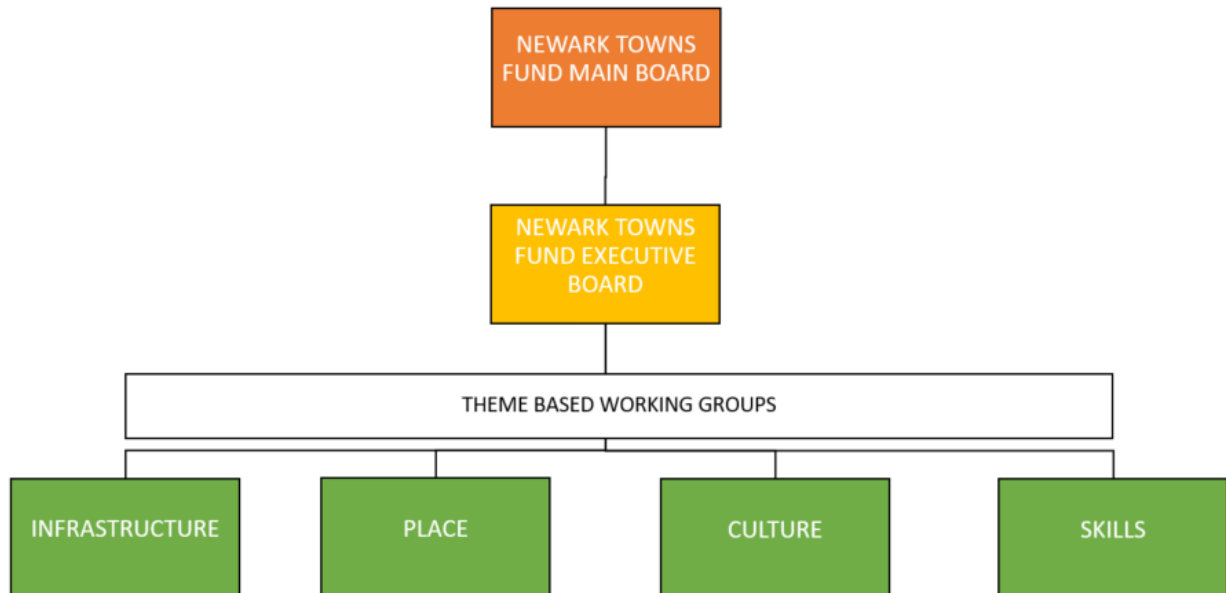
#### Process for New Membership

The Newark Towns Fund Board keeps a register of all Board and Substitute Members. Membership is reviewed on an annual basis. Board Members are notified with six months of their term left and given the option to reapply for a one term extension. Should the Board Member choose not to reapply the position is advertised via adverts online, in the local press and journals. Following the advertisement, the chairs will agree the shortlist for a vote into the Executive Towns Fund Board.

Part of the Main Board's responsibility is to ensure that that the Board Membership reflects the Newark Towns Fund Board area including age, gender, ethnicity, public and private sector, geography, and skills. Newark Towns Fund Board remains committed to diversity on its Board based on all protected characteristics and will encourage engagement and representation from across all communities from across the region.

## 4 Structure

The governance structure of the Newark Towns Fund Board is as follows:



The **Newark Towns Fund Main Board** is made up of the c.40 Board Members and Substitute Members as detailed in Board Representatives. The Main Board is to meet once every 6 months and its purpose is to oversee strategic decisions.

The **Newark Towns Fund Executive Board** is made up of a maximum of eight Board Members of which at least two are from Newark and Sherwood District Council, being the Chief Executive and S151 Officer, and at least four are from the private sector. The Executive Board representatives are approved annually by the Main Board and includes one of the Co-Chairs. The purpose of the Executive Board is to drive operational and delivery decisions as delegated by the Main Board. Advisors can be invited into Executive Board meetings and decision making.

**Theme Based Working Groups** are set up under the subjects of Skills Education & Business; Connectivity; Town Centre Regeneration & Culture; and Town Centre Residential. The Working Groups are made up of individual themed project groups. These groups are formulated and meet as required. The purpose of these groups are to deliver the projects identified in the Town Investment Plan and report any additional initiatives to the Executive Board. Theme Based Working Groups will be activated and inactivated based on the programme of projects within the Working Group. Each Theme Based Working Group will have a Working Group Champion whose role will be to call projects in under the group and organise meetings as required. A Newark and Sherwood District Council Officer will be included in each Theme Based Working Group who will be responsible for taking minutes and actions for the meetings.



## 5 Scheme of Delegation

The current scheme of delegation is for all strategic decisions to be made by the Newark Towns Fund Main Board. The Newark Towns Fund Board may delegate decisions to its Executive Board.

Any financial decision must be signed off by the S151 Officer from Newark and Sherwood District Council as the Accountable Body. The Council's S151 Officer will ensure compliance with all necessary financial regulations, in order to protect the accountable body (NSDC) and ensure proper administration of all financial affairs.

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

Any decision that needs to be made by the Newark Towns Fund Main Board or Newark Towns Fund Executive Board that does not fit within the timeframe of the scheduled meetings can be decided through the written procedure below.

Only in the most exceptional circumstances might it be considered necessary and appropriate for a matter of strategic importance usually reserved to the Main Board to be decided through this procedure.

Written Procedure:

- A report in the usual meeting format and including reasons for urgency, will be circulated to the Co-Chairs to consider whether, due to the urgent nature of the decision to be made, it is necessary and appropriate for the decision to be made before the next meeting.
- Where practicable, the Co-Chairs will consult with other Executive Board Members prior to taking the required decision.
- The Co-Chairs will take the required decision, if at all possible within 5 working days of the report being presented. If the Co-Chairs are unable to reach agreement the decision of the Chair will be final.
- For transparency the report, reasons for urgency, and decision will be presented to the next appropriate meeting.

## **6 Code of Conduct**

As per the Towns Fund Prospectus, the Government expect that Town Deal Boards align with governance and policies of the Lead Council (Newark and Sherwood District Council). This includes whistle blowing, conflicts of interest, complaints, acceptance of the Nolan Principles, declaration of interests, gifts or hospitality and agreement of the latest Communications and Engagement Statement.

Where members of the Newark Towns Fund Board are not employed by Newark and Sherwood District Council, elements relating to pay or leave would not apply as membership of the Board is not a paid role.

Copies of Newark and Sherwood District Council's applicable policies, within its own Code of Conduct can be obtained via the website [www.newark-sherwooddc.gov.uk/](http://www.newark-sherwooddc.gov.uk/)

Failure to adhere to the Newark Town Deal Board Code of Conduct could result in removal from the Board.

A copy of the Code of Conduct that Board Members are required to sign is included in Annex 1 of Appendix 1. All signed Codes of Conduct from Board Members are included on the Newark and Sherwood District Council website.

## 7 Publications of Reports and Information

Newark Towns Fund Board papers for the Main Board and Executive Board are published on the Newark and Sherwood District Council website.

These are published in line with the Best Guidance Practice Guidance in accordance with the Local Government Act 1972, meeting agendas and papers are published 5 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.

The Newark Towns Fund Board follow the Accountable Body - Newark and Sherwood District Council's 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.

Newark and Sherwood District Council have in place appropriate data protection arrangements in line with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. The Council is the Data Controller for the Board in its capacity as Accountable Body.

## 8 The Accountable Body

Newark and Sherwood District Council was appointed as the Newark Towns Fund Board's single Accountable Body in January 2020 as a requirement of the Towns Fund guidance.

The Accountable Body, through the Section 151 Officer, is accountable for the proper use and administration of funding, all of which falls under the annual audit of the Newark and Sherwood District Council's accounts, and for ensuring that decisions are made in accordance with this LAF or any other framework which may instead apply.

These responsibilities include:

- Ensuring the decisions and activities of the Newark Towns Fund Board conform with legal requirements with regard to equalities, social value, environment, Subsidy Control, procurement etc.
- Ensuring that funds are used in accordance with the conditions placed on each grant or loan.
- 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 Newark Towns Fund Board proceedings and holding copies of all relevant Newark Towns Fund Board documents relating to any funding streams the Accountable Body is responsible for.
- Ensuring Newark Towns Fund Board 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 the Newark and Sherwood District Council website.
- Responsibility for the decisions of the Newark Towns Fund Board in approving projects (for example if subjected to legal challenge).
- An independent annual audit will take place as instructed by Newark and Sherwood District Council as the Accountable Body.

The use of 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.

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 through either the Newark Towns Fund Board mechanisms or its own channels as it considers most suitable in the circumstances.

The Accountable Body would only normally refuse a decision of the Newark Towns Fund Board 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 the Newark Towns Fund Board 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 Newark Towns Fund Board and the Accountable Body. The Council's S151 Officer will ensure compliance with all necessary financial regulations, in order to protect the accountable body (NSDC) and ensure proper administration of all financial affairs.

There will be a clear separation between scheme promoters (i.e. Newark and Sherwood District Council led schemes) and those advising on decision-making (the Accountable Body role), to ensure the Newark Towns Fund Board is acting on impartial advice on the merits of potentially competing business cases.

Where Newark and Sherwood District Council is the project lead and the Accountable Body, an independent business case assessor will review the project documents and provide an appraisal to the Newark Towns Fund Board on compliance to the Towns Fund programme. This should allow impartiality between different project leads and the Accountable Body.

Awards of funding by the Newark Towns Fund Board will be accompanied by a written grant offer agreement between the Accountable Body on behalf of the Newark Towns Fund Board and the 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.

An equivalent agreement will be entered into where Newark and Sherwood District Council are both the Project Lead and Accountable Body.

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 on behalf of the Newark Towns Fund Board, who has the final sign off on funding decisions.

The Accountable Body require Project Sponsors to provide evidence that subsidy control is adhered to. It will also satisfy itself of any subsidy control requirements in discharging its Accountable Body functions.



## **9 Section 151 Officer**

Newark and Sherwood District Council is the Accountable Body for the Newark Towns Fund Board. The Council's S151 officer will ensure compliance with all necessary financial regulations.

The Newark Towns Fund Board and Accountable Body will ensure they address the five principles of the CIPFA guidance:

- Embed a corporate position for the Section 151 officer in Newark Town Board assurance
- Create a formal/structured mandate for the Section 151 officer
- Embed good governance onto decision making
- Ensure effective review of governance
- Ensure appropriate skills and resourcing

All Newark Towns Fund Board and any sub board 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 or delegate will also attend the Towns Fund Full Board and Executive Board.

Assurance will be provided by the submission by the Project Lead of a signed monitoring return to the Section 151 officer.

The Section 151 officer will provide the required level of assurance that is requested from MHCLG, which is to be confirmed.

## **10 Contracts**

The Newark Towns Fund Board terms a 'contract' as a grant offer agreement for its Town Investment Projects.

As part of the grant offer agreement, the organisation responsible for the project will be required to fill in a project monitoring form to ensure compliance to achieve the desired outputs/outcomes as stated in the contract and the Town Investment Plan.

A regular programme overview is given at every Newark Towns Fund Executive Board and Newark Towns Fund Main Board meeting to update the Board on the performance, any issues and risks and mitigations of each project.

A Public Sector Equality Duty (PSED) assessment will be required as part of the contract with each individual project.

On a bi-annual basis the Newark Towns Fund Main Board is updated on outputs with each project RAG rated to highlight any projects which are an area of concern to the Newark Towns Fund Board's delivery targets. Any formal requests of changes over 25% to change grant profiles (for the avoidance of doubt, this does not relate to the overall level of grant, just the grant profile) or output profiles are taken to the Main Board for approval.

The Newark Towns Fund Main Board also receives regular updates on performance from the Newark Towns Fund Executive Board.

## **11 Government Branding**

The Newark Towns Fund Board will meet any branding requirements set by MHCLG including the HM Government Identity Guidelines. Any additional branding changes or requests by HM Government will automatically be adopted by the Newark Towns Fund Board and will apply to all communication produced afterwards

### **Newark Towns Fund Board Brand**

Each project is given the Newark Towns Fund Board branding guidance document which includes details for press and publicity and marketing and branding materials. This guidance adheres to the standards issued by the MHCLG.

Each project is contractually obliged to conform to the branding guidance.

This is followed up as part of the monitoring returns from each project, with projects required to provide details of forthcoming milestones linked to publicity opportunities to enable Newark Towns Fund Board to co-ordinate an appropriate marketing approach including engagement with MHCLG.



## 12 Engagement with Stakeholders

Newark Towns Fund Board is committed to effective engagement and collaboration with all its partners and stakeholders to effectively undertake its role as an advocate for its area and communicate key information relating to the Town Investment Projects

Examples of Newark Towns Fund Board's engagement activities include:

- Consultation of partners and stakeholders in the region for the Town Investment Projects
- Regular engagement with the local media on the Newark Towns Fund Board's work.
- Regular social media updates, website and video coverage of Town Investment Plan activity

The Chair and Co-Chair of the Newark Towns Fund Board regularly engage with local leaders, local Councillors, residents, and key business leaders.

Within Newark Towns Fund Board this engagement is being used to inform key decisions and future strategy development.

The Town Investment Plan, together with local economic development plans and capital programmes of Newark and Sherwood District Council provide the context, rationale and up to date evidence base for project and programme development.

Where there needs to be a change to the Town Investment Plan, this will be presented and agreed at Newark Town Fund Main Board before being communicated to the public. The decision will have been scrutinised appropriately by the Section 151 officer to ensure the change is fair and robust.

The Newark Towns Fund Board will remain in regular communication with MHCLG and the Towns Fund Delivery Partner and other towns who have received investment from the Towns Fund to ensure a collaborative approach to sharing ideas and support on any challenges.

## **13 Inclusion and Sustainability**

The Newark Towns Fund Board looks to enable inclusivity and sustainability in to all its decision-making processes and strategic development. In order to be able to do this the Newark Towns Fund Board has a nominated inclusion representative and each Working Group must have at least one named inclusion representative at all times.

The Newark Towns Fund Board will consider how projects will improve the economic, social, and environmental well-being of the Newark-on-Trent area, how equality issues are considered, and how such improvements can be secured in the Town Investment Projects.

The Newark Towns Fund Board is committed to securing social value within the project designs.

All of the Newark Towns Fund Board strategies set out the inclusive ambitions and all decisions for capital funding must take into consideration the relevant charter which requires all projects to align their construction and development projects to a set of principles which create sustainable Economic, Environmental and Social impacts.

Each project as part of the Green Book Business Case should include details of how it meets the governments clean growth principles and Public Sector Equality Duty (PSED).

## 14 Town Investment Projects and Assurance Process

### Town Investment Projects

In July 2020 the Newark Towns Fund Board submitted the Newark 'Town Investment Plan' which outlines thirty projects to span the next 30 years, including plans to regenerate the town centre, boost business and improve infrastructure. The government has announced that this plan has been accepted.

The priority projects identified to Newark are:

- **Lincoln College Group Construction College** – To provide additional courses in traditional trades (plumbing, bricklaying, joinery and stonemasonry), to over 600 new students over the next 5 years.
- **International Air and Space Training Institute** – To develop an International Air and Space Training Facility which blends education with practical experience.
- **YMCA Newark & Sherwood Community and Activity Village** – To redevelop 98.95 hectares of derelict space in the heart of Newark, with a mixture of physical and creative activities, education and health to ensure the village is a catalyst for broader social change/
- **Newark Cycle Town** – Deliver a new cycle scheme and facilities in partnership with Brompton Bike Hire.
- **Newark Castle Gatehouse** – To restore the structure of an iconic building to be used as a flexible facility for education, research and interpretation from our past and shared community space.
- **Former M&S Development** – The purchased M&S will be redeveloped, retaining a smaller, commercially attractive retail high street offer at ground floor and introducing a significant number of high-quality apartments at upper levels.
- **Newark Southern Link Road** – The completion of the Middlebeck Sustainable Urban Extension including the Newark Southern Link Road, connecting the A1 to the A46 is central to delivering the Council's Local Plan growth strategy/
- **Newark's Cultural Heart** – The project aims to build a cultural offer that will have a positive impact for the community of Newark. All who live, work and visit there, and build a sense of place for the town, balancing design with commercial reality.
- **Smart Innovation, Supply Chain & Logistics Enterprise Zone** – The creation of a new Smart Innovation, Supply Chain & Logistics Enterprise Zone, which will blend local skills, innovation and inspiration from the best examples of high-tech zones in Europe.
- **Police Station Relocation** – Project to relocate the town Police station to a Public Services Hub (expansion of Council offices).

### Business Cases

Newark Towns Fund Executive Board are required to approve Business Cases for each project identified in the Town Investment Plan. It is the responsibility for each Project Lead to develop and submit the Business Cases for assessment.

The Business Case is a document setting out the case for investment used to justify the use of public spending and will set out the Case for Change, demonstrate that the investment is good value for money, affordable and deliverable. The Business Cases should be developed in accordance with the following government guidance documents; HM Treasury Green Book, HM Treasury Guide to developing a Business Case, Ministry of Housing, Communities and Local Government (MHCLG) Appraisal Guidance, DfT Transport Appraisal Guidance, DfT Appraisal and Modelling Strategy.

The Business Case Process will be delivered in three stages with each stage providing more detailed analysis to justify the investment until a project is procured and delivered. The stages are the Town 'Strategic Outline Business Case' (SOBC), which in this case is the Towns Investment Plan (TIP) and is therefore complete, 'Outline Business Case' (OBC), and 'Full Business Case' (FBC).

In the case of NSDC the Towns Investment Plan is the Strategic Outline Business Case and is therefore complete.

A checklist is included in Appendix 3 which details the project milestones required for projects to progress through the Outline and Full Business Cases and includes the process for approval.

The Newark Towns Fund Executive Board and the Accountable Body will carry out an assessment of the Outline Business Case in line with the MHCLG guidance and report back to the Project Lead with confirmation on whether the project can progress to Full Business Case or whether there are any further requirements. Once the Outline Business Case is approved by the Newark Towns Fund Executive Board and the Accountable Body then the Executive Board will inform the Main Board of the approval and allow the Project Lead to progress the Full Business Case.

In circumstances, where a project has already been significantly progressed, the Project Lead may make a request to the Towns Fund Executive Board, that the Project is fast tracked straight to a Full Business Case. Full details on the project and reasoning behind the request must be presented to the Executive Board by the Project Lead in order for a decision to be made.

The Business Cases should be structured on 5 key dimensions, as referred to in the HM Treasury Green Book and referred to as the '5 Case ?'.

The Strategic Case should cover;

- Baseline analysis of the study area identifying key challenges to be addressed
- Review of relevant local, regional and national strategic policies
- Develop and agree a clear vision and objectives with stakeholders
- Analyse the need for intervention
- Project prioritisation to identify option for investment
- Develop a clear theory of change for the investment
- Assess how the investment fits in with other investments including consideration of dependencies.

The Economic Case should cover:

- Identify key benefits based on the theory of change
- Identify ways of modelling and monetarising benefits based on departmental guidance and considering the risk of double counting
- Determine costs, setting out clearly what they include and apply relevant adjustment factors
- Value for money assessment over the appraisal period including sensitivity tests
- Consideration of non-monetary benefits including social value.

The Financial Case should cover;

- Identify project costs including capital and operating costs and risks over time
- Ensure funding and financing are both covered
- Assess funding sources, project cash flows over time and the funding ask in a financial model

- Assess overall affordability of schemes
- Consider wider financial implications such as balance sheet treatment and tax issues
- Provide information on due diligence that has been undertaken to ensure the project costs are robust and sensitivity testing to understand a range of possible outcomes.

The Commercial Case should cover;

- Identify who the scheme/promoter is.
- Develop the procurement strategy
- Set the commercial strategy and set out contract arrangements including implications
- Consider social value in procurement
- Demonstrate market testing or other evidence that there is a market to deliver the project
- Determine the allocation of risks

The Management Case should cover;

- Identify governance including roles and responsibilities
- Develop a programme for investment with key milestones and decision points clearly identified
- Develop a stakeholder engagement and communications strategy
- Assess project risks and dependencies
- Develop a benefit realisation plan and monitoring & evaluation strategy

A Business Case must be developed for each of the selected projects in line with the conditions set in the Heads of Terms document. If a project consists of a package of smaller interventions these can be grouped into one Business Case as long as the strategic case is put forward demonstrating how the separate interventions link together to deliver a coherent vision. The value for money assessment must cover the project as a whole but each intervention must be costed in the financial case.

A Public Sector Equality Duty (PSED) should be fulfilled through a programme-level impact assessment; a relevant project-level impact assessment should also be undertaken. The Supplier assigned to develop the Business Case should work with the Accountable Body to produce a Summary Document for submission to MHCLG within 12 months of signing the Heads of Terms document. Environmental Impact Assessments should also be undertaken when required.

Green Book compliant Business Cases should be developed for each project. Business Cases should include:

- The evidence for the intervention using rigorous analysis of quality data and the application of best practice.
- An assessment of value for money. Attention should be given to how different types of projects will be compared and assessed. Typically, this would include the following considerations at a level proportionate to the scale of funding required for the proposal:
  - A clear economic rationale that justifies the use of public funds in addition to how a proposed project is expected to contribute to strategic objectives
  - Clearly defined inputs, activities, outputs and anticipated outcomes, ensuring that factors such as displacement and deadweight have been considered
  - Benefits that exceed the costs of intervention using appropriate value for money metrics
  - Appropriate consideration of deliverability and risk along with appropriate mitigating action (the costs of which must be clearly understood).

Recognising the diversity of market conditions and the acute nature of the Covid-19 impact in some localities, no minimum value for money threshold is set for Towns Fund projects. However, to follow best practice, all Business Cases must contain robust value for money assessments. If value for money values are low, then additional justification should be provided. A variety of measures can be used to summarise value for money, this includes estimates for:

- Net Present Social Value - defined as the present value of benefits less the present value of costs. It provides a measure of the overall impact of an option.
- Benefit-Cost Ratios - defined as the ratio of the present value of benefits to the present value of costs. It provides a measure of the benefits relative to costs

Net present social value and benefit-cost ratios should not be treated as a full representation of value for money. Rather, they should be used to summarise the benefits and costs that can be readily monetised or quantified. There may be wider strategic or social value to an intervention which may not be easily assimilated into calculations.

Business Cases should address, in a proportionate manner, the five cases set out in the HM Treasury Green Book. The Green Book has recently been updated to ensure the methodology supports the delivery of Government's levelling up ambitions and other policy priorities. These updates include a much stronger emphasis on the strategic case backed up by rigorous theory of change analysis, and renewed clarity on what constitutes value for money.

Business Cases should be developed to meet the assurance requirements of the Accountable Body. In addition to the Green Book, other appraisal guidance should be followed for specific thematic interventions where available.

All Full Business Cases must be signed off by the Newark Town Fund Executive Board to be considered a complete and final document. A Summary Document of the Full Business Case must be produced for each project. This should be submitted to MHCLG within 12 months of signing the Heads of Terms for the Town Investment Plan in order for funds to be released, save for any revenue or capitalised funding received in advance.

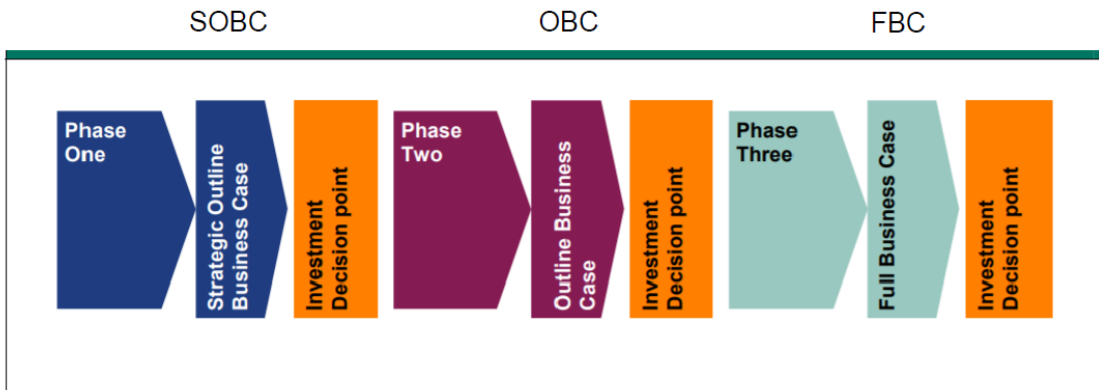
It may be permitted by MHCLG that all or a proportion of project funding can be released at an earlier date (fast tracked) before a Full Business Case has been developed where there is a clear case for funding being needed to enable/support project progression. Release of funding will be conditional on the submission of Summary Documents, appropriate monitoring & evaluation agreements made between NTB and the project lead and completed within 12 months of the Heads of Terms Agreement. Therefore Full Business Case's will still need to be worked up for all projects. Should the project not progress during the development of FBC the accountable body may seek to claw back funds from a project lead organisation.

It is possible that some projects may have to submit 'Conditional Business Cases' for Board approval at the 12 month stage. Conditional Business Cases may be necessary where progress is dependent on procedures and permissions beyond the control of the project sponsors (e.g. the granting of full planning permission or other third party processes). In these cases, the qualification must be clearly stated, and an appropriate risk analysis included.

## The Assurance Process

Independent Assurers will be appointed to assure, appraise and evaluate business cases submitted to ensure they comply with the following:

- They have been developed as per the sequence below or have agreed the fast track approach stated:



- They adhere to the guidance provided by Government and meet the 5 case model
- They have been developed and completed as per the information set out in the specification document

Upon submission of the Full Business Cases, the appointed Assurer will be required to evaluate the documents in line with the required structures and methodologies set out in the Green Book to ensure compliance with the Town Board requirements and governance needs.

The appointed Assurer is expected to meet the deadlines outlined and led by Newark & Sherwood District Council and show commitment and integrity in delivering to a fast pace, changeable agenda.

Any changes to deadlines and timescales must be agreed with and approved in writing by the Authorities representative.

Following completion of the assurance process, the appointed Assurer shall send their feedback to the Newark Town Board for review and sign off.

All Full Business Cases must be signed off by the Newark Town Fund Executive Board to be considered a complete and final document.

Where there is a change in personnel within the team developing the Business Case, this must be managed by the appointed Assurer in a reasonable manner to ensure that the service is not affected.

All information included in the Business Case(s) should be kept private and confidential by the appointed Assurer and must not be shared with third parties, unless agreed with Newark & Sherwood District Council as the Accountable Body.

## **15 Value for Money**

The Newark Towns Fund Board and the Accountable Body will need to assure themselves that projects are deliverable and represent good value for money. It is the promoter's responsibility to provide sufficient independent evidence that the project delivers the required value for money score in line with HM Treasury Green Book principles. The Newark Towns Fund Board and the Accountable Body will use appropriate external consultants working on the Business Case development to consider the VFM and make recommendations to the Newark Towns Fund Executive and Main Board.

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

The Newark Towns Fund Board will be responsible for ensuring value for money for all Town Investment Projects. The consultants secured for developing the business cases will include this assessment within the business case development, which will be scrutinised by the independent assurer. All business cases will be signed off by the Accountable Body and the Newark Towns Fund Board.



## 16 Risk

A risk register is maintained of all projects and this is updated on a regular basis and shared with the Newark Towns Fund Executive 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 risks within projects are highlighted to the Newark Towns Fund Executive Board by the project leads and mitigations are set out.

Where a project as a whole is seen as High Risk the Newark Towns Fund Executive Board will seek a full risk report including how the risks will be mitigated. If the Executive Board are not satisfied with the response they will seek a decision from the Newark Towns Fund Main Board to remove the project from the programme.

In the event that a project has, in the opinion of the Newark Towns Fund Executive Board, significantly changed (by 25% or more) from what was originally proposed (i.e.: spend profile, outputs and outcomes, or delivery) the Newark Towns Fund Executive Board will write to the project lead requesting a written response detailing why the project has changed.

Following receipt of the response the Newark Towns Fund Executive Board may decide to proceed with the amended project, may request that the project revert back to what was originally approved, release only part of the funding or delete the project from the programme.

The Newark Towns Fund Executive Board will be provided with monthly performance reports by the project lead. 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 the Newark Towns Fund Executive Board will write to the project lead requesting a written response detailing why the project was delayed.

If the Newark Towns Fund Executive Board are not satisfied with the response, they can invite the project lead to present additional information, including at the Executive Board meeting. If the Executive Board remain dissatisfied, then they can request to the Newark Towns Fund Main Board to remove the project from the programme.

## 17 Monitoring and Evaluation

The Newark Towns Fund Board will manage the strategic programme and the Newark Towns Fund Executive Board will seek monthly updates from Project Leads on progress for each project.

Programme management will be through the monitoring process, the terms of this will be defined in each project's grant offer agreement and will be in line with the Monitoring and Evaluation Framework as set out by MHCLG.

### Monitoring and Evaluation within the Newark Towns Fund Board

The Newark Towns Fund Board will be required to monitor the Town Investment Projects according to the milestones and outputs in the business case. This will be set out in the grant offer agreements.

The principles of programme management will be for Newark Towns Fund Executive Board to manage the key programme risks, through proactive engagement with the project leads and developing a system of regular reporting. A programme overview including high risk projects will be presented at every Newark Towns Fund Executive Board meeting.

Newark Towns Fund Board has the right, in conjunction with the Accountable Body, to withhold funding if the project delivery expectations, aligned to business cases, defined at inception are not met within the agreed funding period.

Projects will be required to submit either monthly or 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. The Project Lead will check monitoring reports are correct prior to submitting an approved return and that records are retained for the duration of the reporting period. Spot checks for verification purposes will be undertaken by the Accountable Body.

A variance of 25% or more on grant profile and delivery targets will trigger a review by Newark Towns Fund Executive Board, who will request a written response detailing why the project has changed from the project lead.

Newark Towns Fund Main Board and Newark and Sherwood District Council, as 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 at the Newark Towns Fund Main Board meetings, using a RAG rating system. In line with good practice and to support effective and robust decision making, monitoring reports to the Newark Towns Fund Main Board will typically summarise good progress and areas of good practice. The report will also highlight risks to the delivery of the programme.

If the Newark Towns Fund Executive Board considers it appropriate, project leads will be invited to the Newark Towns Fund Main Board meeting to explain the slippage. The Newark Towns

Fund Executive Board will take local circumstances into account in taking decisions over whether funding should be withheld or recovered.

All projects will be subject to a post-project evaluation completion report; this will ensure Newark Towns Fund Board follows best practice using recognised project and programme management techniques to ensure sound decisions have been made.

Each projects monitoring reports will be defined by the outputs, outcomes, and interrelationships to the wider programme.

Furthermore, an annual monitoring report for all projects will be required to ensure overall progress on the Town Investment Plan.

### **Monitoring and Evaluation Reporting to MHCLG**

A condition of receiving Towns Fund funding will be providing regular feedback to MHCLG on progress of the Town Investment projects, to allow for monitoring and evaluation.

At least every six months (or more regularly, if agreed with the Towns Hub) Newark and Sherwood District Council will be required to provide MHCLG with a comprehensive set of data relating to each Town Investment Project, including both total and forecast spend, and output metrics. These returns will be scrutinised and signed off by the Accountable Body's Section 151 Officer.

The specific data requirements are set out in the Monitoring and Evaluation Framework.

The Towns Hub will also conduct an annual review, assessing progress, understanding issues and agreeing any actions to be taken forward by each town. Continued funding is linked to the effective delivery of the deal.

# Appendix 1 Newark Towns Fund Board Terms of Reference

Last Reviewed April 2021

## 1 STATEMENT OF PURPOSE

1.1 The Newark Towns Fund Board is the vehicle through which the vision and strategy for the town is defined. In July 2020, the Newark Towns Fund Board submitted a Town Investment Plan, which was approved in March 2021 by the Ministry of Housing, Communities and Local Government for £25m of Towns Fund investment.

1.2 The primary role of the Newark Towns Fund Board is to provide strong, transparent and visible leadership for Newark, challenging partners to increase their ambition of what can be achieved collectively and acting as advocates for the town.

1.3 The Board will seek to maximise the opportunities for growth through the Town Investment Plan; overseeing the vision for the town and the development of the projects, focusing on its assets, opportunities and challenges.

## 2 MEMBERSHIP AND VOTING RIGHTS

2.1 The Newark Towns Fund Board comprises c.40 private and public businesses and bodies and is the vehicle through which the vision and strategy for the town is defined. The Newark Towns Fund Board comprises of the following representatives:

2.2 **Chair and Co-Chair** - The posts will lead and facilitate the Board providing strategic direction. Each role will be independent in its own right and at least one role will be held by a private sector representative. To enable the Board to proceed at least one of the two Chairs must be in attendance at the Main Board meetings and the Executive Board meetings. The Chair and Co-Chair will be voted in on an annual basis.

2.3 **Board Members** - Representatives from the public and private sector including local business, Higher Education, Further Education, community voluntary services, emergency services, media and the District Council. Board Membership will be reviewed annually. Any decision made by the Chair must be formally ratified by the rest of the Board Members. There may be one vote per organisation.

2.4 **Substitute Board Members** - Substitute members from organisations will be entitled to attend Board meetings and vote when a Board Member is not available. Substitute members are required to follow the governance process.

2.5 **Advisors** - Advisors are invited by Board Members and participate in the meetings but have no voting rights or ability to make decisions on behalf of the Board.

2.6 **S151 Officer** – Newark and Sherwood District Council is the Accountable Body for the Town Board. The Council's S151 Officer will ensure compliance with all necessary financial regulations.

### 3 BOARD REPRESENTATIVES

#### 3.1 Board Members

Name	Company	Email
Alan Mellor	Newark Town Council	alan.mellor@newark.gov.uk
Andrew Fox	Timico	andrew.fox@timico.co.uk
Ben Sumner	University of Nottingham	ben.sumner@nottingham.ac.uk
Craig Berens	YMCA	Craig.berens@nottsymca.org
Darren Burke	Masdings of Newark	darren@masdings.com
Darren Scott	National Careers Service	darren.scott@futuresforyou.com
David Lloyd – <b>Joint Chairman</b>	NSDC	David.Lloyd@newark-sherwooddc.gov.uk
Fiona Anderson	Nottingham Trent University	fiona.anderson02@ntu.ac.uk
Gary Headland	Lincoln College Group	gheadland@lincolncollege.ac.uk
Henry Price	Abbott & Co (Newark) Ltd	henry@air-receivers.co.uk
Ian Dagley	Hoval	ian.dagley@hoval.co.uk
Jackie Insley	Newark and Sherwood Citizens Advice Bureau	jackieinsley@sn-ca.org.uk
Johanne Thomas	Urban and Civic	johanne.thomas@urbanandcivic.com
John Coles	Evenbrook	john.c@evenbrook.co.uk
Kevin Guthrie	Newark Business Club	k.guthrie@guthrietherapy.com
Linny Beaumont	Canal and River Trust	Linny.Beaumont@canalrivertrust.org.uk
Jerry Hague	Newark and Sherwood Community and Voluntary Services	JerryHague@nandscvs.org
Matt Colbourne	East Midlands Digital Media	matt@eastmidlandsdigitalmedia.co.uk
Matthew Ellis-Mather	Ellis Mather Group	mellis@magnetexpert.com
Mick Baker	Farndon Parish Council	mickbaker038@btinternet.com
Nikki Burley	Newark Emmaus Trust	nikki@newarkemmaustrust.co.uk
Paul Holmes	Wirtgen Group	paul.holmes@wirtgen-group.com
Richard Gelsthorpe	Pratt & Gelsthorpe	richard.gelsthorpe@peugeotmail.co.uk
Ronnie White	Balderton Parish Council	Ronnie.White@newark-sherwooddc.gov.uk
Steff Wright	Gusto UK	steffwright@gusto-uk.com
Timothy Calvert	Dixons	timothy.calvert@dixonscarphone.com
Tom Cartledge – <b>Joint Chairman</b>	Benoy Ltd	tom.cartledge@handley-house.com
Tony Aspbury	Newark and Nottinghamshire Agricultural Society	tony@aspburyplanning.co.uk

#### 3.2 Substitute Board Members

Name	Company	Email
Alan Leather	Canal and River Trust	

David Jones	Timico	david.jones@timico.co.uk
Jayne Saunders	Farndon Parish Council	clerk.farndon.pc@btconnect.com
Jo Bradley	Wirtgen Group	jo.bradley@nottsymca.org
Keith Girling	NSDC	Keith.Girling@newark-sherwooddc.gov.uk
Michael Durban	University of Nottingham	michael.durban@nottingham.ac.uk
Richard Coppell	Urban and Civic	richard.coppell@urbanandcivic.com
Ross Halley	Hoval	Ross.halley@hoval.com
Simon Shaw	Newark Business Club	simon.shaw@duntop.co.uk
Stuart Ellis-Mather	Ellis Mather Group	smather@magnetexpert.com
Tom Marsden	Lincoln College Group	tmarsden@lincolncollege.ac.uk

### 3.3 Advisors

Name	Company	Email
Andrew Ruff	Network Rail	andrew.ruff@networkrail.co.uk
Clive Fletcher	Historic England	clive.Fletcher@HistoricEngland.org.uk
David Wright	BEIS	david.wright@beis.gov.uk
Frank Horsley	D2N2 Local Enterprise Partnership	frank.horsley@d2n2lep.org
Jane Hutchinson	NSDC	Jane.Hutchinson@newark-sherwooddc.gov.uk
John Latham	University of Lincoln	jlatham@lincoln.ac.uk
John Robinson	NSDC	John.Robinson@newark-sherwooddc.gov.uk
Karen McCarthy	Benoy Ltd	Karen.McCarthy@handley-house.com
Karl Tupling	Homes England	karl.tupling@homesengland.gov.uk
Kerry Jackson	Department for Work and Pensions	kerry.jackson@dwp.gov.uk
Lesley Owen-Jones	National Heritage Lottery Fund	lesley.owen-jones@heritagefund.org.uk
Matt Hall	Department for Work and Pensions	matthew.hall1@dwp.gov.uk
Matt Lamb	NSDC	Matt.Lamb@newark-sherwooddc.gov.uk
Neil Cuttell	NSDC	Neil.Cuttell@newark-sherwooddc.gov.uk
	Nottinghamshire County Council	
Paul Gascoine	Homes England	paul.gascoine@homesengland.gov.uk
Robert Churchill	NSDC	robert.churchill@newark-sherwooddc.gov.uk
Sarah V Forgione	NSDC	Sarah.Forgione@newark-sherwooddc.gov.uk
Sandhya Ward	Homes England	sandhya.ward@homesengland.gov.uk
Sanjiv Kohli	NSDC	Sanjiv.Kohli@newark-sherwooddc.gov.uk
Simon Witts	Aviation 360	simon.witts@aviation360.co.uk
Tim Brown	Department for Work and Pensions	tim.c.brown@dwp.gov.uk

## **4 TERMS OF REFERENCE**

4.1 The key functions of the Newark Towns Fund Board are to:

- i. Provide leadership and accountability for the Town Investment Plan; defining vision, shared priorities and set challenges.
- ii. Oversee development of a programme of interventions and individual business cases in a transparent, robust and ordered way to negotiate a Town Deal with the Government
- iii. Maximise visibility and promote the priorities of Newark at local, regionally, national and international levels and develop a voice for Newark with the Government
- iv. Challenge partners to increase their ambition of what can be achieved collectively, acting as advocates for the town
- v. Make decisions in terms of the Town Investment Plan and Town Deal, however Newark and Sherwood District Council as the Accountable Body will need to give approval through its own decision-making processes
- vi. Engage stakeholders through consultation programmes in the development and delivery of programmes and projects.
- vii. Ensure equality and diversity is represented on the Board to reflect the local community diversity.

## **5 CONDUCT**

5.1 The Newark Towns Fund Board will be based on collaboration and business will be conducted in the spirit of partnership working and abide by Nolan principles. All Board Members are required to sign up to the Code of Conduct set out at Annex 1 below. All decisions will be made in accordance with the following principles:

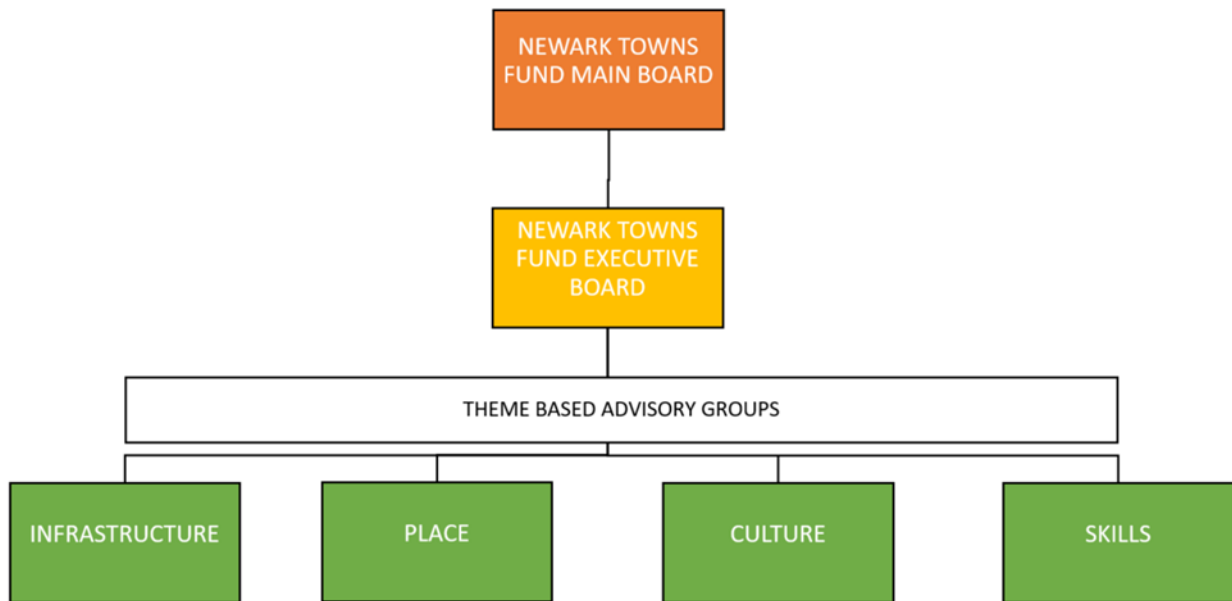
- Due consultation will be carried out where appropriate (including taking relevant professional advice from officers);
- There will be a presumption in favour of open and transparent decision making;
- There will be a clarity of aims and desired outcomes;
- All decisions will be taken as members of the Newark Town Board and not on behalf of specific organisations or areas.

5.2 Members and Substitute Members of the Newark Towns Fund Board are required to declare any interests, gifts or hospitality which they have or receive which could influence any decisions they may make as board members.

5.3 Where a Member declares an interest they will be required to leave the meeting during discussion and voting on the item, in the same circumstances that a Member of Newark & Sherwood District Council would be required to leave a meeting.

## **6 STRUCTURE**

6.1 The structure of the Newark Towns Fund Board is as follows:



6.2 The Newark Towns Fund Main Board is made up of the Board Members and Substitute Members as detailed in Board Representatives. The Main Board is to meet once every 6 months and its purpose is to oversee strategic decisions.

6.3 The Newark Towns Fund Executive Board is made up of a maximum of eight Board Members of which at least one is from Newark and Sherwood District Council, and at least four are from the private sector. The Executive Board representatives are approved annually by the Main Board and includes one of the Co-Chairs. The purpose of the Executive Board is to drive operational and delivery decisions as delegated by the Main Board. Advisors can be invited into Executive Board meetings and decision making.

6.4 Theme Based Working Groups are made up of individual themed project groups. These groups are formulated and meet as required. The purpose of these groups are to deliver the projects identified in the Town Investment Plan and report any additional initiatives to the Executive Board.

## 7 MEETINGS

### 7.1 Newark Towns Fund Main Board

- The Board will meet on a bi-annual basis
- Meetings will include detailed discussions of matters that are of strategic importance
- Meetings will be quorate when 10 members are in attendance
- Agenda for meetings will be published on the NSDC website in advance of the meeting (allowing 5 clear working days)
- Final minutes once approved by the Board will be published on the NSDC website within 10 clear working days of the meeting
- All declarations of interest will be included in the published minutes



## **7.2 Newark Towns Fund Executive Board**

- The Board will meet on a monthly basis
- Meetings will include detailed discussions of matters that are of operational and delivery importance
- Meetings will be quorate when 4 members are in attendance
- Agenda for meetings will be published on the NSDC website in advance of the meeting (allowing 5 clear working days)
- Final minutes once approved by the Board will be published on the NSDC website within 10 clear working days of the meeting
- All declarations of interest will be included in the published minutes

## **8 ACCOUNTABLE BODY**

8.1 Newark and Sherwood District Council is the Accountable Body for the Town Board. The Council's S151 Officer will ensure compliance with all necessary financial regulations.

8.2 The Board Terms of Reference will be reviewed and updated annually in March each year. This is in order to review the structure of the Board as the Newark Towns Fund Board moves into the next phases of development.

## **ANNEX 1**

### **Newark Town Deal Boards - Code of Conduct**

As per the Towns Fund Prospectus, the Government expect that Town Deal Boards align with governance and policies of the Lead Council (Newark and Sherwood District Council). This includes whistle blowing, conflicts of interest and complaints.

Newark and Sherwood District Council expects employees and its members to adhere to the Nolan Principles of public life. Therefore, members of the Newark Towns Board, Executive Committee and Sub Boards ('The Boards') are expected to adhere to those same principles of:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

Although the Government expects that 'The Boards' Code of Conduct must align with that of the Lead Council, there may be elements of the Lead Council's Code of Conduct that are not applicable to board members, in relation to the Newark Town board and its function.

For example, members of 'The Boards' may not necessarily be employed by the Lead Council, therefore elements from the Lead Council's Code of Conduct relating to agreed pay would not apply, as membership of the board is not a paid role. A further example would be that there is no leave allowance associated with board membership, therefore the Lead Council's leave policy would also not apply.

Members of the Newark Town Board are required to declare any interests, gifts or hospitality which they have or receive which could influence any decisions they may make as Board members.

Members of 'The Boards' are expected adhere to the latest version of the agreed 'Communications and Engagement Statement'.

If a complaint is received by 'The Boards', the matter will be referred to the Lead Council and dealt with under the Lead Council's complaints policy.

Copies of the Lead Council's applicable policies, within its own Code of Conduct can be obtained via the website [www.newark-sherwooddc.gov.uk/](http://www.newark-sherwooddc.gov.uk/)

Failure to adhere to the Newark Town Deal Board Code of Conduct could result in removal from the Board.

Signed:

Date:

Name:

Organisation:

## Appendix 2 Register of Interest

### Board Member Register of Interest

To be completed by all Board Members

This Register of Interest will be published and made public on Newark and Sherwood District Council's Town Board website

BOARD MEMBER	
Full Name	
DESCRIPTION	DETAILS
Any body of which the Board Member is a director or officer of:	
Any firm of which the Board Member is a partner:	
Any firm or organisation of which the Board Member is an employee:	
Any public body of which the Board Member is an official or elected shareholder:	
Any company whose shares are publicly quoted in which the Board Member owns or controls more than 2% of the shares:	
Any company whose shares are not publicly quoted in which the Board Member owns or controls more than 10% of the shares:	
Any property owned by the Company or any shareholder in which the Board Member has an interest or which the Board Member occupies:	
Any other interest which is significant or material including any direct or indirect financial interest which may influence the Board Member's judgement on matters being considered or to be considered by the Board:	

## **Appendix 3 Checklist**

### **Outline Business Case**

If required, an Outline Business Case must demonstrate the following:

1. Land required to deliver the Project is demonstrably secured or there is a process to bring all the land required under the control of the Project Lead(s), including any letters of intent with relevant landowner(s).
2. Any other sources of funding, other than Towns funding, required to deliver the project have been identified and evidenced.
3. Confirmation that the project remains in accordance with the Newark Town Investment Plan with respect to overall grant and match contribution'
4. Outputs, timings and objectives for the project, which are in accordance with the Newark Town Investment Plan (July 2020) have been identified.
5. The project has a detailed risk register which includes:
  - a. The Project Lead responsible for the project
  - b. Scored risks
  - c. Mitigations to address the risk
  - d. A new score taking mitigations into account
6. Confirmation that the project is Subsidy Control compliant.

If a project has not reached these milestones but the Project Lead wishes for the Business Case to be progressed, then it must be agreed with the Executive Board.

The Newark Towns Fund Executive Board and the Accountable Body will carry out an assessment of the Outline Business Case in line with the MHCLG guidance and report back to the Project Lead with confirmation on whether the project can progress to Full Business Case or whether there are any further requirements. Once the Outline Business Case is approved by the Newark Towns Fund Executive Board and the Accountable Body then the Executive Board will inform the Main Board of the approval and allow the Project Lead to progress the Full Business Case.

In some circumstances, where the project has already been significantly progressed, the Project Lead may make a request to the Towns Fund Executive Board that the project is fast tracked straight to a Full Business Case. Full details on the project and reasoning behind the request must be presented to the Executive Board by the Project Lead in order for a decision to be made.

### **Full Business Case**

Any Full Business Case submitted by the Project Lead(s) must demonstrate the following :

1. Where an OBC has been approved, all milestones from the Outline Business Case have been met or are sufficiently developed.
2. Confirmation of planning permission (or that the development constitutes permitted development) or confirmation that a planning application has been submitted to the local planning authority.
3. A project plan is provided for procurement of a contractor/ developer / Management Company has completed.
4. Confirmation from the Project Lead in writing that the project will be completed in line

- with the Full Business Case, including a letter confirming the financial details from their Financial Director, or equivalent.
5. Confirmation that all funding is or will be in place with details of the sources of funding included in the Full Business Case.
  6. Confirmation that all landownership is already secured and/or legal agreements are prepared and agreed in principle for execution.
  7. The project has a detailed programme and phasing plan which identifies the start and completion elements of the project along with costs associated with each phase and outputs / outcomes that will be delivered on a quarterly basis.
  8. The project has a detailed risk register which includes:
    - a. The Project Lead responsible for the project
    - b. Scored risks
    - c. Mitigations to address the risk
    - d. A new score taking mitigations into account
  9. Confirmation that the project is Subsidy Control compliant.

The Project Leads are required to address all the points above in order to progress the Business Cases. Failure to supply this information to the Newark Towns Fund Executive Board as requested may delay approvals and recommendations to the Newark Towns Fund Main Board.

It is possible that some projects may have to submit 'Conditional Business Cases' for Board approval at the 12 month stage. Conditional Business Cases may be necessary where progress is dependent on procedures and permissions beyond the control of the project sponsors (e.g. the granting of full planning permission or other third party processes). In these cases, the qualification must be clearly stated, and an appropriate risk analysis included.

### **Progression of Business Cases**

The Newark Towns Fund Executive Board and Accountable Body will progress the Business Cases as follows:

1. The appointed Assurer will review the business cases alongside the Accountable Body
2. The Assurer and Accountable Body will feedback any concerns / shortfalls and request additional information if required
3. Once the Business Case has been approved by the Assurer and the Accountable Body, the Accountable Body will report to the Executive Board with a recommendation on whether the Business Case can be approved, including any conditions which may be set.
4. Project Leads must be available, if invited, to attend the Executive Board and present their Business case.
5. The Executive Board will approve, reject or request additional information.
6. Following approval from the Executive Board, the Summary Document must be developed and submitted to MHCLG to release funding.
7. The Accountable Body will issue a grant offer agreement detailing the conditions of the funding and the timing of payments.
8. The Accountable Body and the Newark Towns Fund Executive Board will monitor the project as set out in the Monitoring and Evaluation Section.
9. Recovery of funds may be required when a project is not fully delivered in line with the Full Business Case.

**Privacy Notice**  
**How We Will Use Your Data**

The personal information you provide will only be used by Newark and Sherwood District Council, the Data Controller, in accordance with UK Data Protection Act 2018 to undertake a statutory function. The basis for processing this information is to enable the council to undertake a public task.

Some of your personal information will be included in a public register in accordance with our statutory responsibility and this will be published on the council's website.

Your personal data will be kept in accordance with the Council's retention policy and schedule.

For further details about how your information may be used or about your rights under this legislation and any subsequent data protection legislation please read our full privacy notice on our website: <https://www.newark-sherwooddc.gov.uk/yourcouncil/privacy/> or contact the Council's Information Governance Officer on 01636 655216 or via email on [freedom@nsdc.info](mailto:freedom@nsdc.info)

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