

Agenda

Cabinet

Date: **Thursday 14 December 2017**

Time: **2.00 pm**

Place: **The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

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Agenda for the meeting of Cabinet

Membership

Chairman **Councillor AW Johnson**
Vice-Chairman **Councillor JG Lester**

Councillor H Bramer
Councillor BA Durkin
Councillor DG Harlow
Councillor PD Price
Councillor P Rone
Councillor NE Shaw

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
2.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
3.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 16 November 2017.</p>	11 - 36
4.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive questions from members of the public. <i>Deadline for receipt of questions is 5:00pm on Monday 11 December 2017. Accepted questions will be published as a supplement prior to the meeting. Please see https://www.herefordshire.gov.uk/getinvolved for information on how to submit a question.</i></p>	
5.	<p>QUESTIONS FROM COUNCILLORS</p> <p>To receive questions from councillors. <i>Deadline for receipt of questions is 5:00pm on Monday 11 December 2017. Accepted questions will be published as a supplement prior to the meeting. Please submit questions to: councillorservices@herefordshire.gov.uk.</i></p>	
6.	<p>SOUTH WYE TRANSPORT PACKAGE - ACTIVE TRAVEL MEASURES</p> <p>To consider consultation feedback and confirm next steps of delivery of the South Wye Transport Package (SWTP) Active Travel Measures (ATM).</p>	37 - 152
7.	<p>TO APPROVE THE MOBILISATION OF THE DEVELOPMENT AND REGENERATION PROGRAMME</p> <p>To approve the allocation of budget to deliver the mobilisation phase of the procurement programme following the appointment of a developer to work in partnership with the council in delivering the development and regeneration programme.</p>	153 - 172
8.	<p>PUBLIC ACCOUNTABLE BODY FOR NMITE</p> <p>To seek approval for the council to act as the accountable body for public funding allocated to the new Hereford university, NMiTE (new model in technology & engineering), during its establishment phase.</p>	173 - 314
9.	<p>STRATEGIC APPROACH TO REFUGEES AND ASYLUM SEEKERS IN HEREFORDSHIRE</p> <p>To approve an updated strategic approach to re-settlement of refugees and asylum seekers and the provision of support to them.</p>	315 - 330

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Guide to Cabinet

The Executive or Cabinet of the Herefordshire Council consists of a Leader and Deputy Leader and six other Cabinet Members each with their own individual programme area responsibilities. The current Cabinet membership is:

Councillor AW Johnson (Leader) (Conservative)	Corporate Strategy and Budget
Councillor JG Lester (Deputy Leader) (Conservative)	Young People and Children's Wellbeing
Councillor H Bramer (Conservative)	Contracts and Assets
Councillor BA Durkin (Conservative)	Transport and Regulatory Services
Councillor DG Harlow (Conservative)	Economy and Communications
Councillor NE Shaw (Conservative)	Finance, Housing and Corporate Services
Councillor P Rone (Conservative)	Health and Wellbeing
Councillor PD Price (Conservative)	Infrastructure

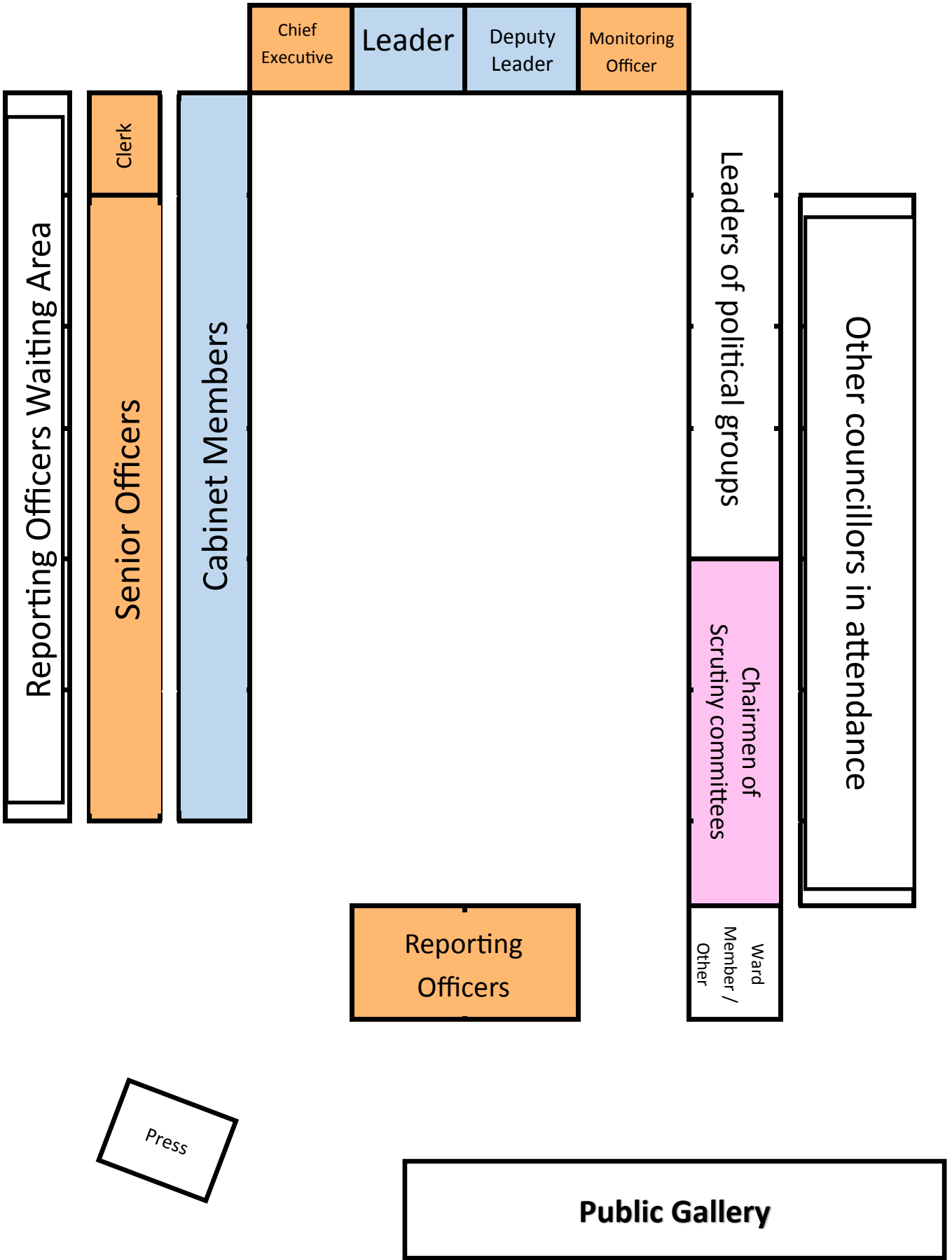
The Cabinet's roles are:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;
- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

Who attends cabinet meetings?

On the next page you will find a layout plan of the room showing who is sitting where. Coloured nameplates are used which correspond to the colours on the plan as follows:

Pale blue	Members of the cabinet, including the leader of the council and deputy leader – these are the decision makers, only members of the cabinet can vote on recommendations put to the meeting.
Orange	Officers of the council – attend to present reports and give technical advice to cabinet members
Pink	Chairmen of scrutiny committees – attend to present the views of their committee if it has considered the item under discussion
White	Political group leaders – attend to present the views of their political group on the item under discussion
	Other councillors may also attend as observers but are not entitled to take part in the discussion.



Herefordshire Council

Minutes of the meeting of Cabinet held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Thursday 16 November 2017 at 2.00 pm

Present: Councillor AW Johnson (Chairman)
 Councillor JG Lester (Vice-Chairman)
 Councillors BA Durkin, DG Harlow, PD Price, P Rone and NE Shaw

Group leaders in attendance Councillors JM Bartlett, TM James, RI Matthews and AJW Powers

Scrutiny chairmen in attendance Councillors PA Andrews and WLS Bowen

Other councillors in attendance: Councillors ACR Chappell, EPJ Harvey, J Hardwick and Anderson

Officers in attendance: Alistair Neill, Geoff Hughes, Martin Samuels, Chris Baird, Claire Ward and Andrew Lovegrove

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Bramer.

57. DECLARATIONS OF INTEREST

None.

58. MINUTES

Resolved: That the Minutes of the meeting held on 26 October 2017 be approved as a correct record and signed by the Chairman.

Item 7 on the agenda was taken out of order at the request of the cabinet member health and wellbeing.

59. HEREFORDSHIRE'S BETTER CARE FUND (BCF) AND INTEGRATION PLAN 2017-2019 AND EXTENSION OF S.75 AGREEMENT

The cabinet member health and wellbeing introduced the report and highlighted the interdependence between health and social care. He set out the requirement for councils and clinical commissioning groups (CCG) to prepare joint plans for the delivery of key community services, funded through a pooled budget known as the Better Care Fund. The cabinet member reported that Herefordshire's integration plan had been signed off by the health and wellbeing board and formally approved by NHS England. The CCG had therefore been given the authority to enter into a legally binding section 75 (S75) agreement with the council for the transfer of funds from the NHS budget to social care. The draft agreement was before the cabinet.

The cabinet member stated that although funding was pooled, there was no risk share as part of the agreement. The CCG and council retained responsibility for their own services and any additional demand cost pressures placed on them.

For the first time targets had been set nationally for the number of delayed discharges from hospital. The council had met its target for September, being the last month for which data was available, and initial analysis suggested performance had improved further since then. Cabinet members commended staff in achieving and exceeded these targets.

Group leaders were invited to present the views of their group.

The leader of the independent group asked what the backup plan would be if one partner in the agreement failed. The leader of the council agreed that a written answer would be provided.

The leader of the green group noted that paragraph 7 point c of the report set a measure of having an increasing proportion of people aged 65 and over who were still at home 91 days after discharge from hospital. She stated that there were pressures around this target and asked if the council was still meeting that target. The leader of the council agreed that a written answer would be provided.

The leader of the it's our county group confirmed that questions from his group had been submitted in writing ahead of the meeting. The IOC group recognised and commended the work of the council and its partners in reaching the current point. The risks of additional costs incurred through winter pressures such as flu outbreaks were noted and the group asked for reassurance that the council would not be directly liable for additional financial contributions or that BCF grants would not be jeopardised.

The director for adults and wellbeing confirmed that the contributions by the council and the CCG to the BCF were fixed and that a number of the services included within the plan operated under fixed price contracts. Where services were linked to demand the council and the CCG each bore their own risk. There would be no expectation of additional contributions to the BCF. If there were demand led pressures on the NHS these would be for the NHS to manage.

The cabinet member for finance, housing and ICT asked what opportunities there were for either partner to withdraw from the S75 agreement during its term and whether the terms of the agreement could be changed midway through.

The director for adults and wellbeing explained that under section 75 of the NHS Act 2006, NHS bodies and councils were able to pool budgets so that by working together they could deliver better health outcomes. The BCF used that power to enable a significant transfer of funding from the NHS to the council. This was roughly £5m in the financial year 17/18. One of the conditions of the funding being transferred was that this be done through a S75 agreement. The legislation stated that it was for NHS England to decide whether to make the funding available or not and the plan had therefore been through a national assurance process. The legislation also gave NHS England the power to set the conditions of the grant.

Resolved that:

- (a) the council's contribution to the better care fund of £20.147m revenue and £1.706m capital for 2017/18 and £20.530m revenue and £1.853m capital for 2018/19, as set out in paragraph 26 of the report below, be agreed;**

- (b) the option to enact the extension of the existing section 75 agreement to 31 March 2019 is agreed; and**
- (c) the director for adults and wellbeing be authorised, following consultation with the solicitor to the council and s151 officer, to take all operational decisions necessary to approve the scheme level detail within the extended s75 agreement.**

The cabinet member health and wellbeing left the meeting.

The chief finance officer raised a point of order to make a correction to item 8 on the agenda. Note 5 to Appendix B should have stated that £1.698m was to be refiled, not repaid.

60. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 24)

Questions received and responses given are attached as appendix 1 to the minutes.

61. QUESTIONS FROM COUNCILLORS (Pages 25 - 26)

Questions received and answers given are attached as appendix 2 to the minutes.

62. SOUTH WYE TRANSPORT PACKAGE

The cabinet member infrastructure introduced the report. He referred to the decision of cabinet made on 20 October 2016 which agreed in principle the use of Compulsory Purchase Orders (CPO) and Side Roads Orders (SRO), if required, for the acquisition of land along the route of the Southern Link Road (SLR). The cabinet member reported that negotiations with landowners were progressing fairly well but it was felt that arrangements for CPOs and SROs should now be put in place to avoid future delays in the delivery of the project.

The report also recommended the establishment and implementation of a procurement strategy to inform a decision on the awarding of a contract for the construction of the SLR.

The leader of the council queried what the total cost would be. The head of infrastructure delivery responded that financial implications were set out in report as being £1.8m estimated cost for land acquisition and compensation, £500k for the CPO / SRO public enquiry process and £150k for the procurement process to cover profession fees to produce tender documents, manage the tender process and undertake detailed reviews of the submitted tenders.

The cabinet member for transport and roads asked how negotiations were faring in respect of acquiring land. It was confirmed that the council was in contact with all relevant landowners and had made offers to each of them. Officers were pleased with the progress that had been made and were hopeful that negotiations would be concluded with all landowners. However the CPO process needed to run alongside the ongoing negotiations to give certainty to timescales.

The cabinet member for finance, housing and ICT asked whether the legal costs for the CPO would be paid up front or paid along the process of the CPOs. He asked whether costs would reduce if negotiated settlements were reached with landowners.

The head of infrastructure delivery confirmed that the costs were those that the council would incur if it went through a CPO process including legal support to defend and make the council's case for the scheme, the costs of setting up an inquiry locally and the costs of the independent inspector appointed to hear the CPO inquiry. The more objections there were to a CPO then the longer and more complex the inquiry would be which would have an impact on costs. There would still be some legal costs if all land was acquired by negotiation.

The leader of the its our county group confirmed that he had submitted the views of his group in writing prior to the meeting and thanked the cabinet member and officers for their responses. He queried the claim that there had been no overspend on the city link road. He also queried the status of funding from the Marches LEP growth deal for the south wye transport package citing a lack of clarity as to whether this was a loan or not. Reference had been made in documents to paying back the £1.7m allocated, although the earlier correction confirming that the sum was to be reprofiled not repaid was noted. The chief finance officer agreed to provide a written response.

The leader of the green group asked for assurance that when the package of documents was sent to the secretary of state, the background to the claims in paragraph 13 of the report would be available to the public. She also sought assurance that individuals would not be disenfranchised or put out in terms of the value of their property if the business case did not go ahead.

The cabinet member for infrastructure confirmed that the process would follow government guidelines about who received compensation and for what.

The leader of the independent group asked what the level of risk was that the CPOs and SROs not be agreed by the secretary of state.

The head of infrastructure delivery responded that previous uses of CPOs by Herefordshire council had been successful. Mitigation of the risk would involve setting out a robust case for the road.

The leader of the liberal democrat group stated that he had always been supportive of the western route for the bypass. He warned that past experience had shown that the costs of CPOs could spiral beyond the estimate. He expressed concern over the lack of clarity regarding the funding from the Marches LEP.

The leader of the council stated that the source of the money was a grant via the LEP. Reprofiling of such grants usually related to circumstances where the rate of work varied or there was another call on LEP funds.

The head of infrastructure delivery confirmed that the grant secured for the SWTP remained unchanged at £27m. The council had drawn down some funding earlier than originally planned and the discussions referenced related to the reprofiling of the grant as a consequence of that early drawn down. This was expected to be the subject of further discussions with the LEP.

Resolved that:

- (a) the Director for Economy, Communities and Corporate be authorised to arrange for the making of the County of Herefordshire District Council (South Wye Transport Package – Southern Link Road) Compulsory Purchase Order 2017 pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 for the acquisition of the land interests and new rights within the areas coloured pink and blue respectively shown on the plan attached at appendix A (subject to any minor or technical**

amendments to the said plan as the Director for Economy, Communities and Corporate considers) and for compensation payments to be made in accordance with the relevant legislation;

- (b) the Director for Economy, Communities and Corporate be authorised to arrange for the making of the County of Herefordshire District Council (South Wye Transport Package – Southern Link Road) Side Road Order 2017 under Section 14 and 125 of the Highways Act 1980 as shown in the plan attached at Appendix B (subject to any final amendments of the said plan the Director for Economy, Communities and Corporate considers necessary);
- (c) the Director for Economy, Communities and Corporate be authorised to arrange for the making of the Compulsory Purchase Order and the Side Road Order and to take all the necessary and ancillary steps, including the publication and service of all statutory notices and the presentation of the Councils case at any public inquiry, to secure the confirmation of the orders by the Secretary of State;
- (d) the Director for Economy, Communities and Corporate be authorised to implement the Orders, including the acquisition of all necessary land and interests and new rights, and to pay compensation including acquisitions agreed by negotiation and to carry out any other additional steps needed for the implementation of the Orders for the Southern Link Road;
- (e) the Director for Economy, Communities and Corporate be authorised to take all operational decisions necessary to establish and implement a procurement strategy to inform and enable a decision to award a contract to the best value tender for the construction of the SLR within a budget up to £150,000.

63. END OF SEPTEMBER CORPORATE BUDGET AND PERFORMANCE REPORT 2017/18

The cabinet member for economy and corporate services introduce the report and noted that it was in the usual style. He highlighted the following points from the report:

- the latest budget projection forecast an overspend of £2.172m, much of which was due to meeting children's needs
- the number of internal and external placements for children in care continued to be higher than expected
- an invest to save project was beginning to increase capacity to support the reduction in numbers of looked after children over the next 18 months
- 39% of performance measures where data was available showed an improvement compared to the same period in the previous year, a drop from the previous performance report
- directorates were putting in place measures to address the reduced performance in key areas
- maintaining performance while delivering savings was a measure of improved efficiency
- the unauthorised capital spend on the Blueschool House project was a cause for concern, in addition to the audit and governance committee overseeing actions that should offer assurance of internal processes the chief executive had approached the LGA to establish a peer review of governance and culture to take place early in 2018
- the number of people who had attended an NHS healthcheck had increased by 8% in the previous quarter and was the second best for comparable authorities

- the majority of new social work assessments in children's wellbeing were completed within statutory timescale, a notable improvement from the same period the previous year
- provisional exam results showed Herefordshire's youngest pupils achieved improved outcomes in the full range of assessments
- the £5m investment from the challenge fund in maintaining three strategic roads in the county was expected to be very beneficial in the long term
- the council had exceeded the target for the sale of council assets, this released £1m of planned savings which were being delivered a year early
- road deaths were unacceptably high and were an area of concern
- the unemployment rate in Herefordshire was down to a record low of 1,135.

The cabinet member for infrastructure noted that the overspend was a projected outturn rather than an actual overspend. He asked whether the children's wellbeing directorate could continue to keep children safe while addressing the projected overspend.

The cabinet member for young people and children's wellbeing responded that one of the councils priorities was to keep children safe and give them the best start in life. Decisions were made on individual children rather than having a blanket approach. Work had been done to reduce the number of children subject to child protection plans and the numbers were now appropriate compared with statistical neighbours. Measures had also been put in place to ensure that where children were taken into care this was an appropriate decision. The number of children coming into care was now comparative with statistical neighbours. Plans were being developed to achieve permanency for children currently in care where this was appropriate over the next 2 years. This would reduce costs while also continuing to meet the needs of the children.

The cabinet member for finance, housing and ICT noted that with the exception of the looked after children budget, all other savings within children's wellbeing were in line with budgets. He noted that nationally children's wellbeing budgets were expected to be overspent by around £2bn. He asked whether anticipated savings would continue to be delivered in future years and noted the rebasing of the budget for 2018/19 to reflect the true nature of the looked after children population.

The cabinet member for young people and children's wellbeing responded that he felt the council was right to budget in the way it had for the majority of services that the children's wellbeing directorate provided. He was confident that savings could be continued in future. Achieving long term solutions for children in care took a long time given the complexities of need and this was why services were overspending nationally.

The cabinet member for finance, housing and ICT asked the chief executive for an update on the report into the unauthorised overspend and whether anything else was being done to review processes.

The chief executive confirmed that the report by the council's internal auditors had been completed and published in September. A separate external investigation on the circumstances around the unauthorised spend had been commissioned which required interviewing of personnel involved. The report was expected shortly but would not be published as it would contain confidential information about the discussions with individuals. The report would provide information to inform decisions about whether any consequential action should be pursued.

An overview of existing processes with a view to strengthening governance was taking place. A full LGA corporate challenge was being arranged for early in 2018. The report arising from that piece of work would be made public.

Group leaders were asked to present the views of their group.

The leader of the independent group asked whether the number of children being adopted or returned home had increased as a result of the new approach. The cabinet member for young people and children's wellbeing responded that there would be natural variation in figures depending on the individual circumstances of the children in the system at any one time.

The leader of the independent group asked for further information on the internal control improvement board. The chief finance officer explained that the board was looking at a number of areas for improvement including the 13 recommendations made in the report from the internal auditors on the Blueschool House project. Within the process the terms of reference of a further project had been agreed to look at how the council accounts for capital projects and reports to cabinet and external partners. A working group of councillors from the audit and governance committee had observed a meeting of the board and were reviewing papers. A report would go back to the audit and governance committee in January 2018.

The leader of the green group noted that although the economy, communities and corporate directorate had a nil variance on the budget projection, many performance measures were red which might indicate some tension.

The leader of the it's our county group raised queries on a number of points regarding the capital budget forecast:

- clarification on the meaning of the word slippage for capital projects,
- what the adj column referred to,
- where the £7.1m overspend on the city link road was shown or included.

A written response was promised.

Resolved that:

The projected financial outturn and performance for the first six months of 2017/18 were reviewed and cabinet determined any additional actions required to achieve improvement.

The meeting ended at 4.20 pm

Chairman

PUBLIC QUESTIONS TO CABINET – 16 November 2017**Question 1**

Ms K Seekings, Hereford

To: cabinet member: infrastructure

Regarding page 50 para 3.3.7

Please could the Council commission an updated traffic analysis including a mass transit option using modern technology and reducing our dependence on car travel for short journeys asap, and certainly before any further progress on the bypass/southern link road road building?

Response

It is not clear what document the questioner is referring to.

The council has already commissioned detailed surveys and modelling of the transport movements in and around Hereford to update the transport model for the city and assess the transport effects and benefits of the proposed scheme and options, including mass transit options.

There is a need to reduce our dependency on cars for short journeys, however the established case for a city by-pass doesn't rest solely on reduction of city centre congestion, but also on enabling the growth of the city and supporting the economic sustainability of the county. Both the by-pass and other transport options must be progressed.

Question 2

Mr D Pitt, Hereford

To: cabinet member: infrastructure

Why are there no plans to improve buses or mass transit systems as an alternative to short car trips? The last analysis was in 2001 before modern electric systems were developed.

Response

I refer to my response to public question number 1.

Question 3

Prof. R Wise, Breinton

To: cabinet member: infrastructure

What happens to A49 total traffic volumes if 10% or 20% of M5/M6 traffic uses the improved A49 and have the communities along the route been fully consulted on such an outcome.

Response

The A49 forms part of the strategic road network for the Midlands managed by Highways England, which is responsible for maintaining journey times for longer distance traffic. Modelling of the strategic road network to 2040 identifies increasing congestion on the M5/M6

corridor with only limited deterioration on the A49 corridor, most notably in the vicinity of Hereford city. This modelling information is available on the government's website.

With a bypass for Hereford, the A49 could have an enhanced role and provide an alternative for some traffic on the parallel M5/M6 (although the comments regarding volumes being up to 20% is just speculation). As modelling work is progressed the scale of this will be established and will be made available when it is completed and agreed with Highways England, and will inform future consultation.

Question 4

Ms J Wise, Breinton

To: cabinet member: infrastructure

How would the outcome of traffic modelling look if most school traffic (say 90 per cent), were to be replaced by public transport?

Response

Such a shift would clearly have an effect upon the overall traffic movements. However, given that the choices made by parents in relation to the school their child attends and the way in which they travel to that school are complex across a large rural county, such a target is not feasible.

The reduction in traffic during school holidays is a combined effect of less commuter traffic (as many families take time off work) as well as no school run traffic. Transport modelling work undertaken in relation to the development of major transport projects, in accordance with the Department for Transport's guidance, ensures that options are compared against typical traffic conditions experienced during neutral periods outside of school holiday periods. All schools should have their own travel plans in place.

Question 5

Mr B Jenkinson, Hereford

To: cabinet member: infrastructure

Please explain how a bypass and southern relief road that constrains access for ten years and draws in more motorway traffic and has no mass transit system for the city can be considered, in any way to minimise adverse economic and environmental impact?

Response

I am not clear what ten year access 'constraint' is being referred to.

The Hereford Transport Package (bypass plus measures to encourage walking and cycling within Hereford) will provide significant economic benefits through helping to deliver the housing and employment growth identified in the adopted core strategy. It will also help to address the existing environmental problems of noise and air quality along the A49 corridor through the city. The development of the business case in accordance with Department for Transport guidance will establish the benefits and the transport implication of the project.

Question 6

Mrs C Protherough, Birch Hill

To: cabinet member: infrastructure

Given that transport technology has changed substantially since previous studies, what thought has Herefordshire Council given to improving public transport systems, removing need for school and commuter car journeys, for a future proof pollution free solution to city congestion?

Response

The Hereford Area Plan, and the new university project, are considering future design options for the city, including those which make use of new and emerging technologies which are less polluting. We will never be able to remove the need for school car journeys whilst parents have the choice of which school their child attends.

I refer to the response given to public question number 1 and note that the studies referred to in that response will inform future plans for commuter car journeys.

Supplementary question

Is Herefordshire council aware that since 2001 modern technology has radically altered the potential cost and energy efficiency of tram routes, that 46 tram systems have been installed in Europe since 2000, not all in big cities, and 268 million passengers a year use tram and light rail systems in the UK and that in combination with electric buses and integrated modern low carbon high frequency sustainable transport system accessible to all would considerably reduce the number of private cars on the road for local journeys in line with your local transport policy and vision for Hereford?

Response

Yes I understand your sentiment of trams etc. We have looked at trams for Hereford a number of times and found so far that they would not offer any economic benefit. However we have looked at other means of using new technology and emerging technologies and only in the last week have I met at the highways UK conference and spent a very long time talking about driverless vehicles, autonomous vehicles, electric buses etc. and how we would try to integrate the emerging technologies with the development of the university and the plans to upgrade the city centre that is still to happen as part of the city link road scheme. I take on board your points. We are certainly with you on looking to try to reduce pollution, have better movement of vehicles using new technologies in the city. We hope to achieve that within the timescale of the other things that are happening in and around. I do take on board your point but I am afraid trams are not going to be considered because they are not cost effective and too much capital expense to show a business case return for Hereford.

Question 7

Mr A Gilliat, Breinton

To: cabinet member: infrastructure

If a Bypass is essential, what environmental/conservation considerations ruled out an Eastern Route compared to similar considerations for the proposed Western Route, taking full account of its much higher likely cost and distance from the city's growth areas?

Response

The relative merits of western/eastern routes were explored during the development and adoption of the council's core strategy and are available on the council's website. It is acknowledged that there are environmental impacts associated with a western route; these are, however, less significant than those of an eastern route.

Question 8

Mr E Morfett, Breinton

To: cabinet member: infrastructure

Should the Cabinet proceed with these CPOs without a comprehensive professional analysis of the increase in HGV and total traffic volumes, safety issues, in health issues and from fine particulate pollution from the relief traffic from the M5/M6 congestion and the traffic from the completion of A465 dual carriageway to Abergavenny?

Response

I refer to the response given to public question number 3.

Supplementary question

I have looked at the Highways Agency data for traffic volumes for the M5/M6 and A49. The figures for the A49 are 10% of that for motorways. What evidence has been used in terms of pollution and increased traffic volumes?

Response

I think I have already made reference to the fact that Highways England are looking out to 2040 on their strategic transport routes and the impact it might have and as such we won't know yet as to what the impact would be on the A49. However it is quite clear that from interventions from Midlands Connect which is the Midlands Engine arm for transport that they see the A49 as being an enabler to allow local traffic from the Marches corridor, South and North Wales as being a necessary part of that strategic route. The impact from the M5/M6 is party to the debate going forward to 2040 so I can't be any more specific than that to answer your specific question but I hope that I have answered at least some of it.

Question 9

Dr P Ronan, Breinton

To: cabinet member: infrastructure

Can the Cabinet explain why CPOs are required without a comprehensive professional analysis of the impact from increased fine particulate pollution on Herefordshire's long term healthcare costs and why those costs are not included in the cost benefit analysis?

Response

Although negotiations are proceeding well with landowners, the cabinet is considering the making of the orders to ensure progress is maintained.

The option appraisal carried out during the development of the South Wye Transport Package consider the environmental and other factors in the selection of the preferred option. The provision of the southern link road and package of active travel measures is expected to have a positive impact upon air quality within the urban area. These issues and other impacts and benefits of the package will continue to be assessed during the development of the full business case in accordance with Department for Transport guidance.

Supplementary question

What then are the total current budget and costs of the CPOs relating to the southern link road and can you give me an included breakdown for the costs of the care of people who will suffer from long term health related conditions?

Response

You have made some assumptions that I don't recognise, I can't have a figure for and I don't think anybody can at this moment in time. The cost of the whole CPO process is in the papers at £500,000.

Question 10

Mr R Palgrave, How Caple

To: cabinet member: infrastructure

In January 2017 the Southern Link Road had indicative scheme costs of £23Million. If the cost of this road should exceed the provisional budget allocation of £27m like Blueschool House and the City Link Road, how will this cost overrun be funded?

Response

I am not clear where the figure of £23m that is quoted is sourced from as the medium term financial strategy considered by cabinet in January 2017 (and subsequently approved by Council) included indicative costs of £27m for the south wye transport package during the medium term financial strategy period within an overall scheme estimate of £35m. There is no cost overrun for the city link road.

As major schemes are developed it is entirely normal for budget estimates to change as scheme details are refined and contracts are procured; any such changes to costs or budgets will be reported and necessary approvals sought openly and transparently.

Supplementary question

Can we have an assurance that if there is a shortfall it will not be taken from the budget for the active travel measures in the SWTP?

Response

You get my assurance on that. The active travel allowance in the budget that is what we expect to spend on doing exactly the purpose for which it was there for.

Question 11

Ms B Johnson, Ledbury

To: cabinet member: infrastructure

Traffic-free towns and cities are increasingly the norm in continental Europe. By diverting expenditure from road building to active travel infrastructure and public transport, they demonstrate very significant and enviable commercial, environmental, health and social benefits.

HC's Core Strategy prioritises active travel over private car use. New technologies such as electric bikes have great potential to reduce car dependency. What progress is there with the active travel measures proposed in 2015?

Response

I refer to the response given to public question number 1. Cabinet is scheduled to consider a report in December 2017 setting out next steps regarding active travel measures. Hereford cannot deliver a traffic free city centre without a satisfactory strategic network around it; the by-pass will be an essential element of that network.

Supplementary

Continuing on this theme of the need to reduce car dependency which is a key objective of the core strategy and it appears in all six of the vision and objectives in the local transport plan, one would expect that the budget priorities should follow policy priorities. Why therefore is Herefordshire Council prioritising expensive road transport infrastructure that will lead inevitably to an increase in car dependency rather than funding much more cost effective car free projects to alleviate Hereford's congestion.

Response

The simple answer is that we have to have a strategic network of roads to support car and travel in or around Hereford but to be able to make the environmental wonderland that everybody wishes for the city centre we have to consider a couple of other things. One is that it has been a high priority from many people is that the working population that need to be in Hereford that come from outside the city have to get to the city before they can walk, cycle, use electric buses and all of the other things that we wish to provide. We are in a place whereby some more capital expenditure will be necessary as to parking of vehicles that have to travel 10, 20 miles to be able to come to their place of work. It would be great to be able to think that once they get to Hereford we can walk and cycle and enjoy the city centre in a pollution free atmosphere. I am with you in some ways but I am afraid that the strategic network of roads in and around Hereford are not yet in a place to be able to cope with giving the city centre the space that it needs.

Question 12

Ms K Sharp, Hereford

To: cabinet member: infrastructure

The Southern Link Road project, like the City Link Road, is now several years behind schedule. DfT recognises that active travel measures such as improved walking & cycling facilities can be delivered much more quickly and cheaply than new road projects. After the success of Destination Hereford & other active travel projects, why is Herefordshire Council delaying implementation of the walking & cycling elements of the South Wye Transport Package?

Response

I refer to the response given to public question number 11. Where improvements can be made to the cycling and walking network in advance of the by-pass these are being progressed, for example the Holme Lacy Road cycle route opened earlier this year, funded through the local transport plan, is part of the network south of the river.

Supplementary Question

What is the budget within the Southern Wye Transport Package for the active travel measures and will this budget be protected against any cost overruns that might occur on the construction of the Southern Link Road?

Response

The budget for the active travel is £8 million and will be used for that purpose. Some of the active travel measures can only be delivered once a weight limit has been placed on the A465. A weight limit cannot be placed on the A465 until the heavy duty vehicles that use it regularly have an alternative route to go on. Until that route has a weight limit on it, the south wye area of Belmont will not be able to have satisfactory arrangements put in place to be able to meet the active travel arrangements that you seek.

Question 13

Ms J Tonge, Hereford

To: cabinet member: infrastructure

Why is the Council debating a compulsory purchase order today when a comprehensive traffic analysis by an independent organisation hasn't yet taken place?

Most traffic entering Hereford will not use a relief road as its local traffic, which drops during school holidays. Provisions need to be made with regard to this. To stop the heavy traffic and lorries from using The Marches as a short cut, so avoiding motorways.

Response

I refer to the response given to public question number 9.

The A49 forms part of the strategic road network for the Midlands managed by Highways England, and as such is an essential element of the region's plans to support economic growth. We cannot implement weight restrictions on heavy vehicles in the city without the bypass.

Question 14

Mr T Geeson, Hereford

To: cabinet member: infrastructure

The Hereford City Centre Transport Package includes delivery of a transport hub, improvements to Commercial Road, Blueschool and Newmarket Street as well as building the new City Link Road. Would the Cabinet member responsible please detail how the £40.6m budget is split between these very different transport elements?

Response

The total cost of the package is £40.6m. This is split between the city link road at £34.1m and £6.5m for the package of complementary measures referred to in the question.

The actual construction of the city link road is less than the original forecast with land acquisition and professional fees above forecast. Taking into account the risk and inflation allowance the scheme comes within the business case budget agreed.

Currently it is predicted the total cost to the council of the city centre transport package (estimated at £40.6m), taking account of the LEP growth fund monies is on target to be £2.3m less than the £27m contribution in the capital programme agreed by Council in February 2017.

The remaining elements of the package (the transport hub, Commercial Road, Blueschool Street and Newmarket Street) are being developed within the budgeted figure of £6.5m to inform a report to cabinet in 2018.

Supplementary question

Given that the Hereford Transport Package has transport in its title and includes the items I've listed, will the cabinet member agree that this is first and foremost a transport scheme and that its success should be judged on that basis.

Response

I take your point. It is a transport scheme and it has been delivered as a transport scheme but it has also been delivered with thinking around the Hereford Area Plan and all of the further capital growth and monies expected in the city to be an area where that capital expenditure incorporates any move for the previous pollution free sustainable travel types I have previously mentioned. Whether it is electric bikes, electric buses, driverless vehicles we will incorporate in the design for the further expansion that type of transport.

Question 15

Ms G Parker, Breinton

To: cabinet member: infrastructure

What basis is the congestion going to decline if the Bypass must accommodate M5/M6 relief traffic and increase freight transport from new enterprise zones along a proposed single carriageway relief road /bypass?

Response

I refer to the response given to public question number 3.

Question 16

Mrs E Morawiecka, Breinton

To: cabinet member: infrastructure

The Planning Inspector for the City Link Road Compulsory Purchase Orders said in his 2014 report, "The scheme has been costed following expert advice, and risk adjustments have been made to both income and cost projections to represent a prudent total scheme cost estimate." However, Cllr Price recently claimed that the £27m budgeted cost for the Road had been a "stab in the dark". Can he justify this claim?

Response

In my view estimates, however educated and well informed, can be referred to as 'stabs in the dark'.

The total budget for the Hereford City Centre Transport Package is currently £40.6m. This is split between the city link road at £34.1m and complementary measures at £6.5m. I fully expect the final actual figures to differ from these estimates – that is normal and to be expected on a project of this scale being developed over a period of time and in accordance with relevant guidance. Any changes will be authorised and reported as they arise. Please also refer to my response to public question 14.

Supplementary question

With the full business case for the Southern Link Road due to be with the Department for Transport in a matter of months, what are the current estimated costs of the Southern Link Road including land purchased under the CPOs and has this been expertly calculated to represent a prudent scheme cost bearing in mind the views of the waste management officer?

Response

At this moment in time there is £27m in the budget for delivery of that road. Until we have gone out and got the procurement, which is part of the decision making of today to set a strategy for procuring a contractor, we shan't have an absolute cost for delivery. There is estimated costs done on industry standard specifications. Normal land transaction costs, we would expect the land costs to be slightly higher because there will be some increasing costs which are I think somewhere I've seen in the last days, however we expect it all to be met within the budget that was set that the business case that was put to the LEP in 2015 came up with the figures.

We have got a budget for land purchase and that is going ahead and at this moment in time we are hopeful to conclude within that budget under negotiated powers that the officers have. We are going into the CPO process to align with the negotiations to ensure that we do it in a timely manner and that will be part of the debate on the agenda item shortly to follow.

Question 17

Mr M Harries, Breinton

To: cabinet member: infrastructure

The report to cabinet refers to the South Wye Transport Package, whose main component is the proposed Southern Link Road. As planned, this has no walking/cycling provision, so where are the transport measures that will promote active travel in South Hereford? This is of particular interest to me as my main mode of travel around Hereford and the local district is bicycle, although I do have access to a car.

Response

The report on today's agenda only addresses one element of the package – namely the road. A further report, scheduled for consideration by Cabinet in December will consider the results of the 2016 consultation on active travel measures which include measures to support and enhance the existing network of cycle and walking routes in the area.

Question 18

Mr A Morawiecki, Breinton

To: cabinet member: infrastructure

The Council is over £2m overspent on its current revenue budget and over spent on major elements of its capital programme. How much has been spent by Hereford Council so far on the "Western Relief Road" and how has this been funded?

Response

The council is not currently overspent by £2m on its revenue budget; that is our currently predicted end of year outturn and action is being taken to bring this projection into line with the budget.

Whilst one project in the capital programme (Blueschool House) had an overspend, there is no overspend of major elements of the capital programme.

The development of the western relief road has taken place over a period of many years, through a number of options appraisals, strategy development and planning. Since the decision to commence work on the by-pass in 2015/16, the council has progressed the development of the Hereford transport package using transport revenue budgets and external grants from both Highways England and more recently Midlands Connect. To the end of October 2017 £2.6m has been spent on the project, funded by annual revenue budgets, reserve funding of £0.6m and external funding contributions of £0.7m.

From the Leader of the Council: I believe that at about this time last year we were projecting a £1.7m overspend for the end of that year and we finished that year within budget, as we have done in each of the five previous years. It is worth noting that our external auditors,

most unusually, chose to describe the financial performance of this council as outstanding given the circumstances under which we work.

Question 19

Mr M Langford, Hereford

To: cabinet member: infrastructure

If as expected 10% to 20% of the M5/M6 traffic uses the improved A49, what are the human health implications to residents of a fivefold increase in fine particulate pollution volumes?

Response

I refer to the response given to public question number 3. There is no evidence to indicate there would be a fivefold increase in fine particulate pollution volumes along the planned A49 route, and government plans to reduce diesel usage will inevitably impact on future modelling.

Question 20

Mrs P Churchward, Breinton

To: cabinet member: infrastructure

Herefordshire Council were given an advance of £1.697million by the Marches LEP for the South Wye Transport Package. Repayment of this loan during this financial year was requested in August 2017. When is this going to be repaid?

Response

The council has not received a loan from the Marches LEP. At the request of the Marches LEP, the council submitted eligible grant claims against its approved allocation earlier than scheduled. No repayment is required.

Supplementary question

What was this funding be spent on?

Response

In full detail I can't say exactly but it is on the work leading up to the point of preparation, design and consultation and all of the work that goes along to prepare a project of this nature and it was spent ahead of the schedule that was laid out as the money that was received by the LEP from the Department of Transport.

Question 21

Dr N Geeson, Hereford

To: cabinet member: infrastructure

Ancient woodlands provide numerous ecosystem services, but are rare in England. In the business case for the Southern Link Road, what economic value has been given to natural landscapes, and unusual habitats and species (for example in ancient Grafton Wood), including the value of their health and well-being benefits?

Response

The business case for the link road is currently being developed in accordance with Department for Transport guidance. Any relevant woodland or landscapes will be valued in accordance with this guidance.

Supplementary question

Mitigation for loss of part of ancient Grafton Wood should seek to recreate a similar habitat. The proposed eastern building compound for the new road is the proposed site for this, but disturbed, compacted or contaminated soils are not suitable and doomed to failure. So where can satisfactory tree planting be located instead?

Response

I am afraid as a lay person and not qualified in environmental issues I would take the view that our experts that will be looking into this and it will be part of the delivery of the project that adequate measures are taken to deal with the points you raise. I do have a question about the authenticity of it being described as ancient woodland. At the time that we were discussing this, this was not described as an ancient woodland, this particular woodland at Grafton, at the time. It has since been in the system to be registered as ancient woodland but it wasn't at the time the decision was taken. I do take on board your points.

Question 22

Ms H Vince, Breinton

To: cabinet member: infrastructure

Where are all the new homes being built that the Southern Link Road is supposedly enabling?

Response

The strategic housing sites are shown in the core strategy available on the council's website. Development of these sites is contingent on the by-pass being built.

Question 23

Mr A Elliott, Hereford

To: cabinet member: infrastructure

The 'Parsons Brinckerhoff Woodland Botanical Survey Nov 2014', used in all subsequent planning decisions is verifiably inaccurate in its description of Grafton Wood. Mitigation for the destruction of this ancient woodland cannot be proposed until true diversity has been accurately recorded. P.B. ecologists failed even to spot native Bluebells. How can the council proceed with C.P.O when the cost of mitigation and compensation has not been established?

Response

I refer to the responses given to public questions number 9 and 21.

We have no evidence to suggest the report referenced is inaccurate; it has been considered by Planning Committee in 2016; Natural England were consulted and offered no objection.

Supplementary question

The 2017 report which has only just appeared gives a species count for Grafton Wood of 200 species - this is extremely high, it is not low botanical diversity. They have accepted that there are over 200 species. The two susceptible and local rare species previously unrecorded were important enough to have their own survey. Why did the council not follow its own and national planning guidelines by failing to produce a botanical report at the optimum time of spring and early summer. It has taken three years and decisions were made on false or incorrect information.

Response

I do not have an answer to give to you in relation to the process that we followed at the time of planning. I would just ask if any of the officers have specific answers in this context to give it now or if not a written answer will be provided in due course.

From the Head of Infrastructure Delivery – the 2014 report referred to was considered by planners, was consulted on with Natural England who offered no objection to the report that was produced. The 2017 report and surveys completed and recently submitted to planners for consideration haven't lead the consultants to change their recommendations from that of the 2014 report. That's being considered by planners and will be consulted on with Natural England again.

From the Leader of the Council: We ourselves are not expert in the field that you are describing. We pass this on to professional companies to give us advice on these things. They do take such advice. They pass it also to Natural England and we acted on their advice. I cannot accept that we deliberately avoided our responsibilities.

Question 24

Mrs C Palgrave, How Caple

To: cabinet member: infrastructure

The Herefordshire Council Core Strategy Infrastructure delivery plan showed that the South Wye Transport Package would be partially funded by developer contributions. With the road enabling new homes and jobs, what is the value of developer contributions secured to date for this road?

Response

As yet no developer contributions have been secured. We will seek such contributions from appropriate developments that may come forward as the project progresses. However the scheme is not dependent on such contributions. An allocation of £27m growth funding has been secured through the Marches LEP and the £8m balance could be met from capital transport allocations; developer contributions secured would reduce the call on those allocations.

Question 25

Mr A Sharp, Hereford

To: cabinet member: infrastructure

Despite the claims of Herefordshire Council, the South Wye Transport Package, including the Southern Link Road, is a standalone project and has to be justified as such. Please provide a breakdown of the detailed financial benefits of this road vs the costs of the loss of rare species, ancient woodland & high grade agricultural land?

Response

The council recognises the South Wye Transport Package is an integral part of the by-pass; however we have always acknowledged it should be assessed as a standalone project in funding terms.

The full business case for the link road is currently being developed in accordance with Department for Transport guidance. This will provide detail of the benefit cost ratio of the project and will be considered by cabinet when the detailed work is completed.

Question 26

Mrs J Priddle, Hereford

To: cabinet member: infrastructure

In order to avoid further extreme overspending, can the Cabinet confirm that construction work on the SLR will not commence on the basis of an "estimated cost", as with the City Link Road, but rather on an agreed, fixed price for the work, which is normal, best practice in the case of engineering projects?

Response

The city link road construction contract was not let on the basis of an estimate but using the industry standard form of target cost contract. That contract is being delivered within the budget set out in the project business case.

As set out in the report elsewhere on today's agenda, a procurement strategy will be developed for the southern link road and the most appropriate contract model for the southern link road will form part of that consideration.

Question 27

Ms D Toynbee, Hereford

To: cabinet member: infrastructure

Despite misleading statements from Herefordshire Council, the South Wye Transport Package is a standalone project and has to be justified as such. The costs of the project are clear: the loss of rare species, ancient woodland, rural landscape and high grade agricultural land. The benefits are less clear. Please would you now provide a detailed breakdown of the financial benefits of the Southern Link Road?

Response

I refer to the response given to public question number 25

I need to consider a written response to your question. I will take on board again and look at your question and give you a fuller answer than what is currently available at this moment in time.

Supplementary question

Why are decisions being made now before we have all the necessary evidence and information?

Response

The decisions made today have been taken with regards to the delivery of this project. The CPO is just a part of the project to move it along. The decisions today are not relevant to any of the things you ask but I will respond to you in writing to the specific questions you ask. Today is about the CPO and the process for procurement of a contractor.

Question 28

Mr P Chapman, Breinton

To: cabinet member: infrastructure

Herefordshire Council claim that the South Wye Transport Package is a standalone project, and is justified as such. In order that can be clarified please provide a breakdown of

1. detailed financial benefits of this road vs risks to the Herefordshire economy
2. quantify costs of the loss of rare species, ancient woodland & high grade agricultural land, including the projected loss to the Herefordshire economy of managed agricultural land.

Response

I refer to the response given to public question number 25.

I will provide a written answer.

Supplementary question

I am very surprised in the linkage that you have made between this project and the by-pass in general and you have said that detailed work has not yet been completed on these business costs, how can you make a decision today?

Response

The issue of the full business case, you or I as lay people we might consider a business case is something you prepare at the start of a project. In the case of major government sponsored and funded capital projects, the full business case is ongoing until the delivery of the project. Within it all of the points you raised will be addressed as that business case goes through. Further details will be included in the written answer.

Question 29

Ms H Priday, Breinton

To: cabinet member: infrastructure

Can the Cabinet explain why CPOs are going ahead when there is no evidence to show that the building of the Southern Link Road will improve the congestion of traffic in Hereford City?

Response

I refer to the responses given to public questions numbers 1 and 9.

I would again say that the southern link road is linked to the bypass and the two together will bring a relief to the congestion of traffic in Hereford City.

Supplementary question

Presumably as this is ongoing, can the cabinet member please point me to where I will find the evidence either in the outline business case or elsewhere, that the construction of the Southern Link Road will reduce traffic congestion in the city?

Response

I will prepare links to places where you will be able to find it and give it to you in a written answer.

Question 30

Mr B Wallace, Breinton

To: cabinet member: infrastructure

By how much will my council tax increase to fund the estimated cost of the South Wye Travel Package Route until its completion and beyond to pay back loans taken out to fund it?

Response

I refer to the response give to public question number 24.

No loans have been taken out to date, and it is currently anticipated that no borrowing will be required. It is expected that the scheme will be funded by government grant and developer contributions and in that case there will be no impact on council tax levels arising from this project.

COUNCILLORS QUESTIONS TO CABINET – 16 November 2017

Question 1

Councillor PP Marsh

To: cabinet member: contracts and assets

How can the proposal to massively reduce disposal at Council sites by St Michaels hospice be sensible given the many tonnes of county resident's waste they reuse and recycle through their shops and their major local contribution to the wellbeing of vulnerable county residents and their families?

Written response provided by cabinet member

The case for placing limits on the number of free waste deposits Herefordshire based charity shops may make in any year is fully explained in the decision report on the council's website and took account of feedback received during consultation.

The highly valued work of St Michaels Hospice, and the many other charities operating charity shops in the county, is not in question. However, to address the impacts of the phased removal of central government funding, the council must consider generating income in accordance with its charging principles. The new permit scheme will enable St Michaels hospice to make use of 48 free waste disposals a year; this new limit will be phased in over a period of three years.



Meeting:	Cabinet
Meeting date:	Thursday 14 December 2017
Title of report:	South Wye Transport Package - Active Travel Measures
Report by:	Cabinet member infrastructure

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is significant having regard to the council's budget for the service and because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.

Wards affected

Belmont Rural; Hinton & Hunderton; Stoney Street; Wormside;

Purpose and summary

To consider consultation feedback and confirm next steps of delivery of the South Wye Transport Package (SWTP) Active Travel Measures (ATM).

The SWTP comprises the Southern Link Road (SLR) and a complementary package of active travel measures. The ATM consultation demonstrates the council's commitment to deliver the whole package. This report demonstrates wide support for the delivery of the ATM package in this area to complement the delivery of the SLR. The reason for recommendation is to enable active travel improvements that have wide local support and which support the package objectives to be taken forward.

Recommendation(s)

That:

- (a) having regard to the public support for the SWTP active travel proposals the

assistant director environment and place be authorised to take all operational decisions necessary to progress further analysis and detailed design, to a maximum value of £500,000, to confirm a preferred package of active travel measures to be delivered with the SLR for approval by the cabinet member for infrastructure;

- (b) a programme for delivery of this preferred package of active travel measures and a procurement strategy for their delivery be developed for approval by the cabinet member for infrastructure.**

Alternative options

- 1 Not to progress further analysis of active travel measures, but this is not recommended as the objectives of the SWTP would not be met. Alternative options suggested as part of the consultation referred to in paragraph 5 below will be assessed alongside ATM projects to enable a preferred package to be determined.

Key considerations

- 2 The aim of the SWTP is to promote economic growth in Hereford while tackling specific, identified problems in the South Wye area. The SWTP will reduce congestion, enhance active travel access to the Hereford Enterprise Zone (HEZ), reduce growth in emissions and traffic noise, reduce accidents and encourage physical activity. The package comprises a new southern link road and a package of complementary active travel measures.
- 3 Consultation on the SWTP in 2014 indicated a strong level of support for developing a package of active travel measures that would help encourage walking and cycling and help alleviate traffic congestion in the area.

Active Travel Measures Consultation:

- 4 Feedback from the 2014 consultation, and a review of previous studies, informed the list of improvements agreed by cabinet in 2016 to be taken forward to consultation which were:
 - 20 mph residential areas
 - Belmont Road bus priority measures
 - Belmont Road walking and cycling improvements
 - Belmont Road weight restriction
 - Belmont Road (West) walking and cycling improvements
 - Better walking and cycling routes to Hereford Enterprise Zone
 - Hoarwithy Road and Hinton Road walking and cycling links
 - Holme Lacy Road —further walking and cycling improvements
 - Walnut Tree Avenue / Hunderton Road traffic reduction
- 5 Public consultation took place over six weeks from the 12 September to 25 October 2016. The Council promoted the consultation using traditional and social media to engage with as many people as possible about this consultation. The Council invited people to engage in this process either by attending the exhibition events or by viewing proposals on line and then to respond to the consultation about the proposals by completing a questionnaire. Three public consultation exhibitions were held during the six-week consultation period in venues across the south wye area to ensure people could attend the venue that best suited

them. In total 185 people attended exhibition events and in total 336 completed questionnaires were returned during the consultation period. Further detail is contained within the consultation report at appendix A.

ATM Consultation Key findings:

- 6 Consultation feedback showed wide support for all measures promoted, and that the majority of the public interested in the consultation live in the South Wye area and are regular users of the A465. Reducing congestion and delay is the most important SWTP objective to the respondents.
- 7 The results show that all of the proposed improvements had more support than opposition, with the strongest support for the 20 mph in residential areas. Strong support was also shown for the Belmont Road walking and cycling projects. Belmont Road bus priority measures had the least support. Consultation feedback has resulted in the following ranking of the proposals:

POSSIBLE IMPROVEMENT	RANK	1 - STRONGLY OPPOSE	2	3	4	5 - STRONGLY SUPPORT
(1) 20 mph residential areas	1	12%	8%	22%	16%	42%
(3) Belmont Road walking and cycling improvements	2	10%	13%	21%	19%	37%
(5) Belmont Road (West) walking and cycling improvements	3	8%	13%	23%	19%	37%
(6) Better walking and cycling routes to Hereford Enterprise Zone	3	8%	13%	25%	20%	35%
(4) Belmont Road weight restriction	5	9%	10%	36%	18%	27%
(7) Hoarwithy Road and Hinton Road walking and cycling links	6	10%	14%	25%	21%	30%
(9) Walnut Tree Avenue / Hunderton Road traffic reduction	7	17%	11%	26%	18%	29%
(8) Holme Lacy Road—further walking and cycling improvements	8	14%	15%	25%	16%	31%
(2) Belmont Road bus priority measures	9	21%	12%	26%	15%	26%

- 8 The package of measures in the consultation are inter-related and together form a comprehensive set of proposals to improve the South Wye Area whilst promoting active travel and effectively managing access of vehicles within the area. Feedback also shows there was support for a bypass, a light tram system and park & ride provision. Suggestions received in the feedback will be evaluated alongside the options taken to consultation to determine whether they also should be taken forward.

- 9 Cabinet is asked to note the level of support for the package requirements and the ranking / preference expressed in feedback. Cabinet is asked to delegate authority to the assistant director environment and place to undertake further analysis to determine the projects which should be delivered alongside the southern link road and comprise the SWTP within the business case to be signed off by the Department by Transport (DfT). This technical work will consider how each project contributes to the objectives of the SWTP and refines the long list of projects consulted on to those which will deliver benefits alongside the SLR. This analysis will follow DfT guidelines and will be set out in the SWTP business case document which will be the subject of a further report.
- 10 This decision will enable analysis and design work to progress to a maximum value of £500,000. A programme for the delivery of the preferred package and a procurement strategy for their delivery will be developed and will be the subject of a further report for approval by the cabinet member for infrastructure.

Community impact

- 11 The economic objectives of the South Wye Transport Package Active Travel Measures contribute to the corporate plan. The scheme seeks to contribute to the economic growth of the county as part of the overall economic vision.
- 12 The consultation report describes the support these measures have from retailers, residents, shoppers, schools and visitors to the South Wye area as well as including relevant city wide stakeholders. Feedback received will inform the design and delivery of the measures and further consultation will take place as the projects are delivered.

Equality duty

- 13 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Equality team have been consulted on this report; it is considered that there is no negative impact on the Protected Characteristics identified in the Equality Act 2010.

- 14 Consultation about the SWTP active travel measures has been wide ranging and sought to establish the needs of city users and residents including vulnerable users to inform the scheme design and delivery.

Resource implications

- 15 There is an approved capital budget of £35m for the SWTP project and £27m of growth fund capital money has been secured for the SWTP.

- 16 If approval is given to progress the analysis and detailed design of the ATM projects within a budget of £500,000 this will be funded from the SWTP capital budget. This budget contains allowance for such professional design fees.
- 17 Approval of the preferred package and a programme for delivery will be the subject of further reports.
- 18 Funding for the SWTP was secured on approval of the Strategic Outline Business Case (SOBC). Cost estimates for the SLR and other measures are set out in that report. These will be further developed as the detailed design of the SLR and the package progresses and will be presented in the full business case for the project by DfT currently scheduled to be submitted autumn 2018.
- 19 A programme for delivery and a strategy for procurement of the preferred package of measures will be the subject of a further report.
- 20 The delivery of other ATM projects consulted on which do not form part of the preferred package will remain an ambition of the council but these will not form part of the SWTP business case and package programme. Other funding opportunities would be explored including external grants and developer contributions and they will be delivered as funding opportunities are realised.

Legal implications

- 21 The proposed delivery of SWTP ATM projects is likely to be permitted development under The Town and Country Planning (General Permitted Development) Order 2015.
- 22 Some projects may require traffic orders to enable delivery of improvements for cyclists, pedestrians and public transport. Some may require speed limits.
- 23 The council, as traffic authority, has powers to make TROs under the various provisions of the Road Traffic Regulation Act 1984 (as amended) and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended).

Risk management

- 24 A detailed risk register which highlights all project risks has been developed for the SWTP project. Risks are summarised, with proposed mitigating actions, assigned an owner and any cost associated is identified and agreed.

Consultees

- 25 Public consultation took place from September to October 2016 in relation to possible active travel measure improvements that could be included in a package of measures associated with the Southern Link Road. Together these would form a package of measures to improve the quality of life and the environment within the South Wye area, encourage active and sustainable forms of transport and reduce the impact of traffic congestion on local residents living in the South Wye area and close to the city centre.
- 26 Public exhibitions and consultation were held regarding proposed active travel improvements – this included three one day public exhibitions and subsequent permanent exhibitions to which stakeholders were invited. Whilst a range of views were expressed during public consultation and there were varying levels of support for the individual

elements of the package, there was a generally high level of support for taking forward the proposed measures.

- 27 A consultation report has been produced which summarises the consultation and feedback and is attached to this report.
- 28 All political groups were consulted about this report. Responses are summarised below:
- 29 Cllr Powers requested information on consultation feedback which is appended to this report.
- 30 Lower Bullingham Parish Council provided a response to the ATM consultation with specific reference to measures on Holme Lacy Road and this is contained in Appendix B. This response provides detailed requests which can be considered when the detailed design of the scheme progresses to ensure it meets local needs. The parish have also requested that the scheme be delivered in an 'expedited manner'. If the recommendation of this report is accepted a programme for the delivery of ATM projects will be developed.
- 31 Local members Cllr Summers and Chappell have expressed their concerns regarding traffic, safety and provision for cyclists on Holme Lacy Road. They requested measures on Holme Lacy Road be progressed as part of the SWTP. Cllr Summers requested signage improvements on Holme Lacy Road be delivered as part of the SWTP and that design issues raised regarding the first phase of the Holme Lacy Road improvement scheme be considered. Subject to Cabinet approval, and prior to any implementation, a design workshop would be held with local members and key stakeholders to inform the detailed design of the further improvements to be implemented on Holme Lacy Road.
- 32 Local member Cllr McEvilly has provided comment on the first phase of the Holme Lacy Road scheme and commented that the changes make Holme Lacy Road more bike friendly but commented that the reduction to one lane westbound on the approach to A49 should not be introduced until a bypass was complete.

Appendices

Appendix A: SWTP Consultation Report

Appendix B: Lower Bullingham Parish Council Feedback

Background papers

SWTP Strategic Outline Business Case (SOBC)

SOUTH WYE TRANSPORT PACKAGE ACTIVE TRAVEL CONSULTATION REPORT

MARCH 2017

SOUTH WYE TRANSPORT PACKAGE ACTIVE TRAVEL CONSULTATION REPORT

Herefordshire Council

Final

Project no: 3512983BP-5.2.2-ATM-0001
Date: March 2017

—
WSP | Parsons Brinckerhoff
1 Capital Quarter
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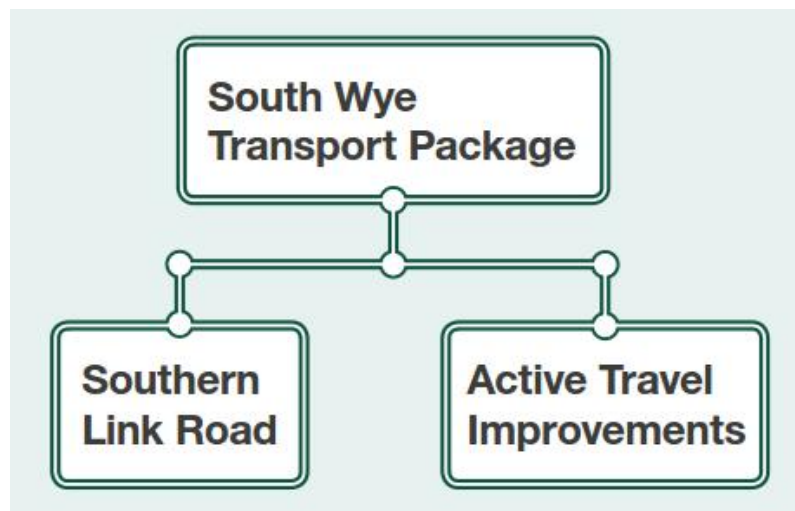
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A P P E N D I X H	WRITTEN RESPONSES TO THE CONSULTATION
A P P E N D I X I	DISTRIBUTION OF PETITION SIGNATORIES
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A P P E N D I X K	SPATIAL ANALYSIS OF QUESTION 3

1 INTRODUCTION

1.1 BACKGROUND

- 1.1.1 WSP | Parsons Brinckerhoff has been commissioned by Balfour Beatty Living Places (BBLP) on behalf of Herefordshire Council (HC) to develop transport improvements for the South Wye Transport Package (SWTP) to overcome the transport problems within the South Wye area of Hereford.
- 1.1.2 The South Wye Transport Package (SWTP) aims to promote economic growth within Hereford while tackling specific problems in the South Wye area. The aim is to promote economic development by unlocking the barriers to economic growth, including land at the Hereford Enterprise Zone (HEZ).
- 1.1.3 An initial Public Consultation was held in 2014. This helped to identify possible improvements and set the SWTP Objectives, which are as follows:
- Reduce congestion and delay
 - Enable access to developments such as the HEZ
 - Reduce the growth in emissions
 - Reduce traffic noise
 - Reduce accidents
 - Encourage physical activity
- 1.1.4 Further background is summarised in the brochure in Appendix A.
- 1.1.5 The South Wye Transport Package (SWTP) comprises:



- 1.1.6 The Southern Link Road (SLR), which links the A49 and A465 to the south of Hereford, has recently been granted planning permission and the delivery of the scheme continues.
- 1.1.7 Complementary active travel measures have been considered by Herefordshire Council to improve travel in the South Wye area. Active travel is about physical activity in the form of walking and cycling, rather than motorised forms of travel, such as the private car.

1.1.8 During this process, Herefordshire Council engaged with local communities through undertaking a Public Consultation and holding a series of Public Consultation Exhibitions (exhibitions). The consultation sought the public's views on the following possible active travel improvements:

- 20 mph residential areas
- Belmont Road bus priority measures
- Belmont Road walking and cycling improvements
- Belmont Road weight restriction
- Belmont Road (West) walking and cycling improvements
- Better walking and cycling routes to Hereford Enterprise Zone
- Hoarwithy Road and Hinton Road walking and cycling links
- Holme Lacy Road —further walking and cycling improvements
- Walnut Tree Avenue / Hunderton Road traffic reduction

1.1.9 The consultation period was advertised for the six-week period from the 14th September 2016 to 25th October 2016. Exhibitions were held throughout the consultation period in three venues across the study area comprising the Three Counties Hotel, the Business Solutions Centre, and The Kindle Centre.

2 PROMOTION

2.1 ADVERTISING

- 2.1.1 A press release regarding the exhibitions was issued to Hereford Times and Worcester News ahead of the exhibitions on the 05th September 2016, and again afterwards on the 12th October. Social media was also utilised to advertise the consultation throughout the process (see below).
- 2.1.2 A4 Posters and A5 flyers (see Appendix B) advertising the exhibitions were displayed in local businesses and public buildings across Hereford on the 5th September 2016, before the start of the consultation.
- 2.1.3 Brochures (see Appendix A) that summarised the consultation and advertised the exhibitions were distributed to the public during the course of the consultation. To accompany these, questionnaires (Appendix C) and freepost envelopes were enclosed. The public consultation brochure was left in the local businesses and public buildings that received the posters and flyers on the 14th September, and then refreshed on the 29th September. The organisations were called on the 18th October to determine if a further restock was required.
- 2.1.4 The locations the posters, flyers, and brochures were displayed are illustrated in Appendix D.
- 2.1.5 Leaflets advertising the exhibitions were distributed to every household (approximately 9,669) in the South Wye area on the 19th and 20th September 2016.
- 2.1.6 A website describing the South Wye Transport Package and publicising the public exhibitions was accessible from the 14th September at the following web address:
- <https://www.herefordshire.gov.uk/south-wye-transport-package>
- 2.1.7 This website provided links to the exhibition panels and brochure, and directed people to email SouthWyeTP@balfourbeatty.com if they had any questions or comments.
- 2.1.8 The website also provided a link to the online questionnaire via the following web address:
- <http://www.smartsurvey.co.uk/s/SWTPActiveTravel/>

2.2 INVITATIONS

- 2.2.1 Herefordshire Council Members, other officials, parish councils, and selected members of the public were invited to a Preview Evening on the 13th September 2016. The invitations were sent by email on the 5th and 6th September 2016, highlighting that invitees could drop in any time between 6pm and 9pm. The email also identified that they could attend any open public exhibition if they could not attend the Preview Evening.
- 2.2.2 Stakeholders, such as local schools and transport operators were also invited to the open public exhibitions. These invitations were sent by email on the 5th and 6th September 2016.
- 2.2.3 A number of brochures with enclosed questionnaires were left at the five local primary schools and Hereford Academy. Emails were addressed to each head teacher on the 5th October, encouraging them to make the brochures available to staff, visitors and parents, and offering to provide additional brochures. Schools were also offered the opportunity to meet with the project team and discuss the proposals.

2.3 SOCIAL MEDIA

2.3.1 Social Media was used to advertise the consultation and public exhibitions, to promote the online questionnaire, and to gather feedback from the community.

2.3.2 The website, invitations, brochure, and display panels included the Facebook address www.facebook.com/hereford2020 and Twitter handle [@hereford_2020](https://twitter.com/hereford_2020) where respondents could provide their opinions. The table below identifies how Social Media was used to promote the consultation:

DATE	ADVERTISING	REACH
Facebook		
08/09	Exhibition 1 at the Three Counties Hotel	Reach 9,700, viewed 1,200, shares 8
14/09	Exhibition 2 at the Business Solutions Centre	Reach 4,900, viewed 86, shares 3
14/09	Online survey	Reach 12,108, viewed 960, shares 10
21/09	Exhibition 3 at The Kindle Centre	Reach 5,400, viewed 243, shares 0
06/10	Online survey	Reach 5,853, viewed 342, shares 1
Twitter		
05/09	Exhibition 1 at the Three Counties Hotel	Impressions 415, engagements 6
14/09	Exhibition 1 at the Three Counties Hotel	Impressions 490, engagements 9
14/09	Online survey	Impressions 231, engagements 15
21/09	Exhibition 2 at the Business Solutions Centre	Impressions 171, engagements 6
26/09	Exhibition 3 at The Kindle Centre	Impressions 765, engagements 22
26/09	Tweet of picture from The Kindle Centre	Impressions 1242, engagements 29
06/10	Online survey	Impressions 674, engagements 12

2.3.3 A sample of the advertising taken from the Twitter feed on the 11/10/2016 is shown below:



3 EXHIBITIONS

3.1 PUBLIC CONSULTATION EXHIBITIONS

3.1.1 Public Consultation Exhibitions (exhibitions) were held in three venues as follows:

DATE	VENUE	TIME
Wednesday 14th September 2016	The Three Counties Hotel Belmont Road Hereford HR2 7BP	10am to 8pm
Wednesday 21st September 2016	Hereford Business Solutions Centre Skylon Court Coldnose Road Hereford HR2 6JL	10am to 8pm
Monday 26th September 2016	The Kindle Centre ASDA Supermarket Belmont Road Hereford HR2 7JE	10am to 8pm

3.1.2 These venues were chosen for their location, capacity, availability, and accessibility. All venues were located within the study area in South Wye, were fully accessible with car and cycle parking.

3.1.3 The exhibition comprised 16 display panels that provided an introduction to the consultation and an overview of each of the possible improvements. High resolution versions of the panels are available on the SWTP website at <https://www.herefordshire.gov.uk/south-wye-transport-package>. The panel content is also shown in Appendix E and summarised below:

1. Welcome
2. Our vision for Hereford
3. What have we already delivered?
4. Delivering active travel improvements at the Hereford Enterprise Zone
5. Our commitment to consultation
6. Possible improvements: What do you think?
7. How do the improvements support the SLR in meeting the SWTP objectives?
8. 20 mph residential areas
9. Belmont Road bus priority measures
10. Belmont Road walking and cycling improvements and weight restriction
11. Belmont Road (West) walking and cycling improvements
12. Better walking and cycling routes to Hereford Enterprise Zone
13. Hoarwithy Road and Hinton Road walking and cycling links
14. Holme Lacy Road —further walking and cycling improvements
15. Walnut Tree Avenue / Hunderton Road traffic reduction
16. Thank you

- 3.1.4 Panels 1 to 5 (Photograph 1 and Photograph 2) summarised the SWTP to date and put the active travel measures into context. They also highlighted improvements that had already and will be delivered as part of the SWTP.



Photograph 1: Exhibition Panels 1 and 2



Photograph 2: Exhibition Panels 3, 4, and 5

- 3.1.5 Panels 6 and 7 summarised all of the possible improvements, and highlighted how each of them support the SLR in meeting the SWTP objectives. Panels 8 to 15 summarised each of the possible improvements that were being consulted on. Panel 16 (Photograph 3) summarised the various ways respondents could have their say.



Photograph 3: Exhibition Panels 14, 15, and 16

- 3.1.6 Copies of the panels were also available at each exhibition venue.
- 3.1.7 To assist visitors in gaining a visual appreciation of the options, visualisations of the possible improvements were included on the panels. A selection of these is shown below.



Visualisation 1: Possible improvements to Belmont Road (Bus Priority Measures)



Visualisation 2: Possible improvements to Belmont Road (Tesco Roundabout)

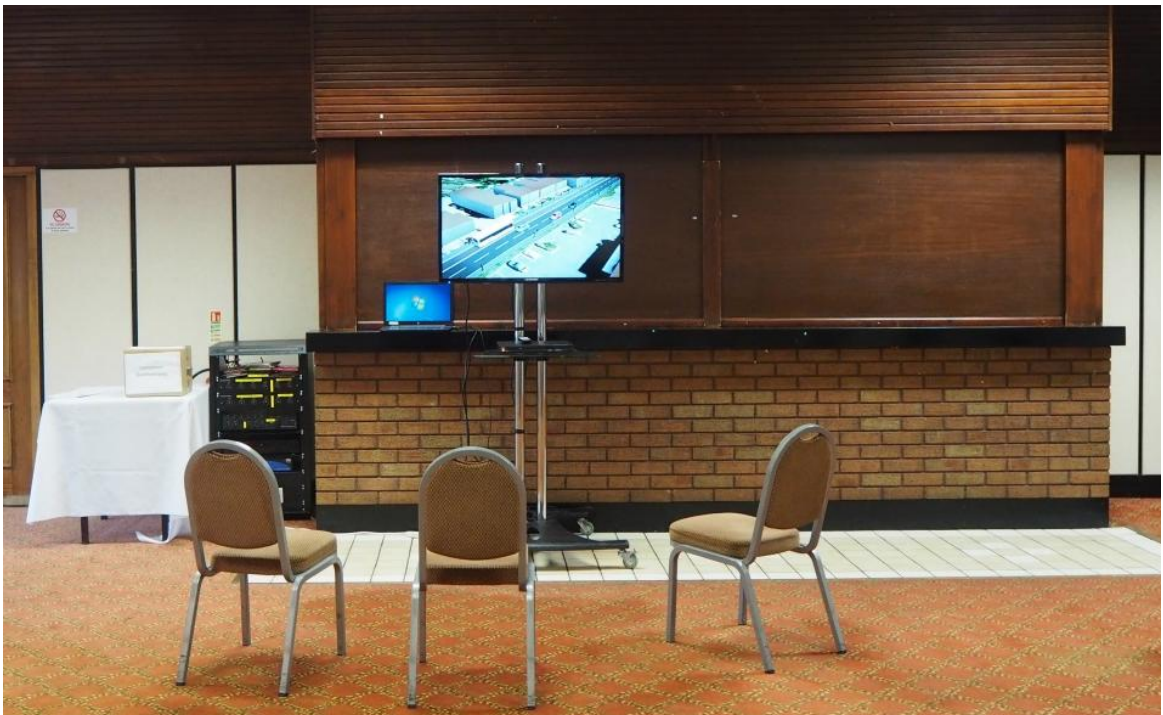


Visualisation 3: Possible improvements to Holme Lacy Road (Single Lane Working)



Visualisation 4: Possible improvements for better routes to HEZ (Marlbrook Road)

- 3.1.8 3D Visualisation videos showing the Belmont Road towards City Centre and Holme Lacy Road towards Hereford Enterprise Zone were on display at the exhibitions, as shown in Photograph 4.



Photograph 4: Animation on display at Exhibition 1

- 3.1.9 Brochures that contained the Questionnaire and freepost envelope were on display and attendees were encouraged to take additional copies for family, friends, neighbours, colleagues etc. A box was also provided so that respondents could leave completed questionnaires at the exhibitions.

THREE COUNTIES HOTEL

- 3.1.10 Exhibition 1 was held in the Three Counties Hotel, Belmont Road on 14th September 2016. This followed on from the Preview Evening held on the 13th September at the same venue.
- 3.1.11 There were a total of 15 attendees to the preview, excluding the project team. Exhibition 1 was attended by a further 27 people.



Photograph 5: Exhibition 1 at the Three Counties Hotel



Photograph 6: Exhibition 1 at the Three Counties Hotel

THE BUSINESS SOLUTIONS CENTRE

3.1.12 Exhibition 2 was held at the Business Solutions Centre in Skylon Park on the 21st September 2016. There were a total of 22 attendees to Exhibition 2.



Photograph 7: Exhibition 2 at the Business Solutions Centre



Photograph 8: Exhibition 2 at the Business Solutions Centre

THE KINDLE CENTRE

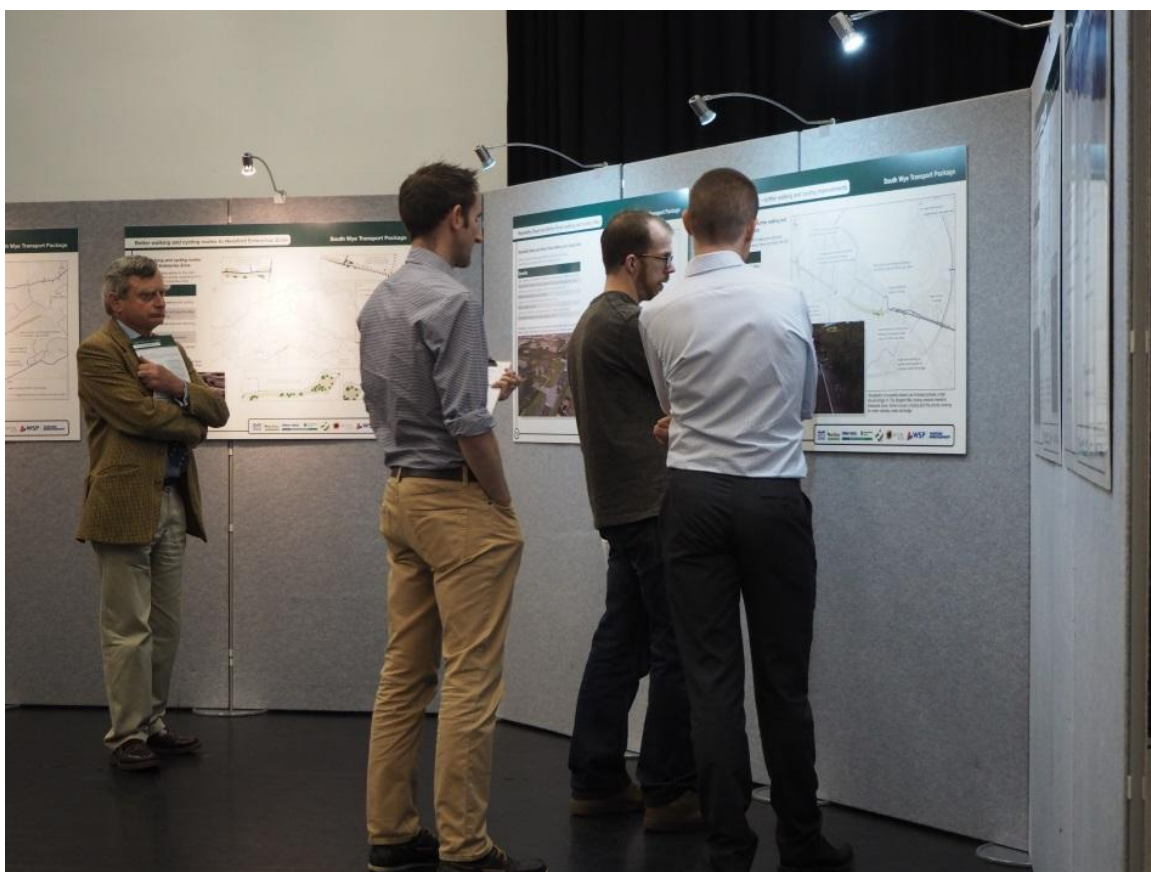
- 3.1.13 Exhibition 3 was held at The Kindle Centre on the 25th September 2016. There were a total of 121 attendees to Exhibition 3.



Photograph 9: Exhibition 3 at The Kindle Centre



Photograph 10: Exhibition 3 at The Kindle Centre



Photograph 11: Exhibition 3 at The Kindle Centre

3.2 EXHIBITIONS SUMMARY

3.2.1 A Preview Evening and three Exhibitions were held in September in the South Wye area. The attendance at each event is shown in Table 1.

Table 1: Exhibition Attendance

EVENT	VENUE	ATTENDANCE
Preview	Three Counties Hotel	15
Exhibition 1	Three Counties Hotel	27
Exhibition 2	The Business Solutions Centre	22
Exhibition 3	The Kindle Centre	121
		185

3.2.2 At each exhibition, there were opportunities for the public to provide feedback and comments, as well as ask questions and request further information. This was undertaken with the use of Feedback/Query sheets, with the public encouraged to leave contact details and make their requests with the assistance of members of staff. During the exhibitions, there were 24 comments and/or requests for information. 12 of these required responses, which were dealt with in the weeks following the exhibitions.

3.3 SUSTAINABLE DROP-IN DAY

- 3.3.1 A sustainable travel drop-in day was held at the Business Solutions Centre in Skylon Court on Monday 19th September 2016 from 7:30am to 6:30pm. This event was hosted by Bill Jackson, High Sheriff of Herefordshire and Chair of Hereford Enterprise Zone Board. This event invited people to drop in to hear about new initiatives to improve their home to work travel.
- 3.3.2 As well providing attendees with information on the SWTP Active Travel Consultation, other delegates provided information on improvements to the Enterprise Zone and Rotherwas Travel Plan initiatives. Experts from Herefordshire Council, JMP, Safer Roads Partnership and the Enterprise Zone were present to offer advice and listen to suggestions.
- 3.3.3 The flyer for the event is attached as Appendix F, and photographs of the event are shown below.



Photograph 12: Drop-in day the Business Solutions Centre



Photograph 13: Drop-in day the Business Solutions Centre

3.4 DISPLAY EXHIBITIONS

3.4.1

There was an information display at Tesco Superstore, Belmont and Hereford Leisure Pool between the 29th September and the end of the consultation on the 25th October, which had project team representation on 11th, 18th, and 25th October to answer queries and take any feedback. The public consultation brochures and questionnaires were available at the display exhibitions.

4 DATA

4.1 QUESTIONNAIRES

4.1.1 It was agreed with Herefordshire Council to accept returns of items to the Freepost address up to the 3rd November 2016 to allow for postal delays; however, no surveys were delivered after the 27th October 2016. The online survey was closed and the final results collected on the 31st October 2016.

4.1.2 A total of 336 questionnaires had been fully completed both online and on paper, with an additional 22 partially completed online.

4.1.3 320 sets of data from the postcodes provided in the questionnaire responses were plotted using GIS. This showed that 188 of the responses came from the South Wye area, with responses from the 2011 Census Wards as follows:

- 77 from St Martins and Hinton;
- 61 from Belmont;
- 24 from Hollingdon;
- 17 from Stoney Street; and
- 9 from Valletts;

4.1.4 132 responses came from outside the South Wye area, with 78 from north of the county, and 13 from outside of Herefordshire. The geographical spread of responses in the vicinity of the study area is shown in Appendix G.

4.2 COMMUNITY VIEWS

4.2.1 During the exhibitions, there were 24 comments and/or requests for information, 12 of these required responses, which were dealt with in the weeks following the exhibitions. The remaining 12 were comments or suggestions left by anonymous members of the public.

4.2.2 There were two written letters of representation received following the public exhibitions during the consultation period, as well as one Facebook message. Three emails were received, including one from Hereford Transport Alliance and another from Here for Hereford, a local residents group who requested their response be published. These have been included in Appendix H.

4.3 PETITIONS

4.3.1 A 171-name petition in support of a light tram system for Hereford was received by Cllr Phillip Price, Cabinet Member Infrastructure, at Council on 30th September 2016. An additional 70 signatures were received from Hereford Transport Alliance on the 21st October 2016.

4.3.2 The 203 postcodes provided in the petition were plotted using GIS. This showed that 110 of the signatories came from within the Hereford city area, 50 from suburban or satellite settlement addresses, 33 from elsewhere in Herefordshire, and 10 from out of the county. 37 signatories provided an incomplete address; however, from the information provided it is likely that 24 live within the city area, 3 live in the suburbs of Hereford, 9 live in Herefordshire, and 1 lives outside of the county. The geographical spread of the signatories in the vicinity of the study area is shown in Appendix I.

5 ANALYSIS

5.1 QUESTIONNAIRES

5.1.1 The following section provides a summary of the 336 questionnaires received in response to the consultation. Further detail for each question is provided in Appendix J.

QUESTION 1: ABOUT THE RESPONDENTS

5.1.2 This question gave people the opportunity to identify their interest in the study, for instance if they live or work in the area. There were a number of choices and respondents were asked to tick all that applied. The responses are shown in Figure 1, with the % given is as a proportion of the responses received.

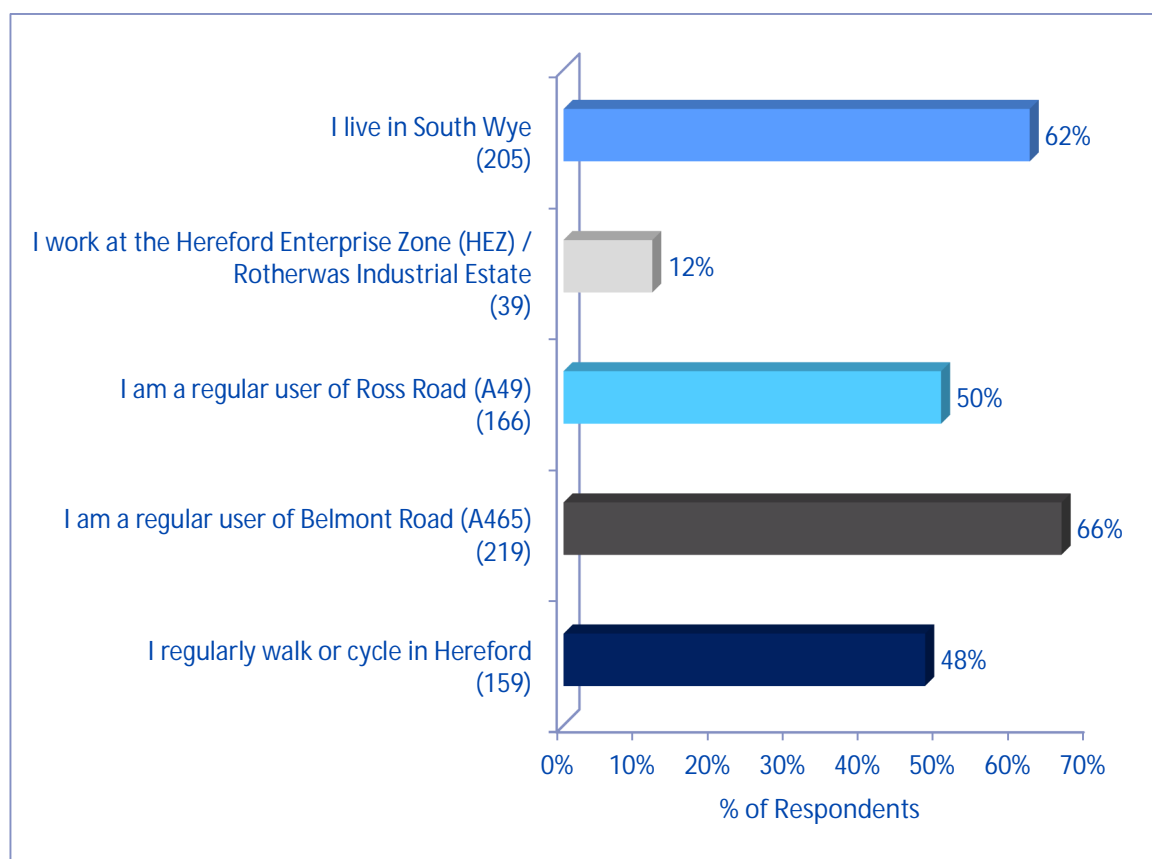


Figure 1: About the Respondents

5.1.3 The majority of the respondents classified themselves as a regular user of the A465 (219 respondents), with a similar number stating that they live in South Wye (205 respondents). A large proportion of the remaining responses showed that respondents were a regular user of the A49 (166 respondents) and regularly walk or cycle in Hereford (159 respondents). 39 respondents work at the HEZ / Rotherwas Industrial Estate.

QUESTION 2: SWTP OBJECTIVES

- 5.1.4 In this question, respondents were asked to rank the SWTP objectives in order of importance to them (with 1 being the most important and 6 being the least important). The objectives were ranked in order of responses received as shown in Table 2.

Table 2: SWTP Objectives - Ranked

OBJECTIVE	OVERALL RANK	TOTAL SCORE ¹
Reduce congestion and delay	1	1,721
Reduce accidents	2	1,134
Reduce the growth in emissions	3	1,109
Enable access to developments such as the HEZ	4	913
Encourage physical activity	5	886
Reduce traffic noise	6	831

¹ Score is a weighted calculation. Items ranked first are valued higher than the following ranks, the score is a sum of all weighted rank counts.

- 5.1.5 The results have been given a score using a weighted calculation. This shows that reducing congestion and delay is the most important objective to the respondents. Reducing accidents and reducing the growth in emissions received a similar score for the respondents' second and third most important objective.
- 5.1.6 The responses are illustrated in Figure 2, which shows the SWTP objectives according to number of responses for each rank given. It can be seen that reducing congestion and delay received a very large number of respondents ranking it number 1, with 230 respondents putting it first. Conversely, the objectives encourage physical activity and enable access to developments such as the HEZ have a large number of respondents placing them sixth on this list of importance to them.

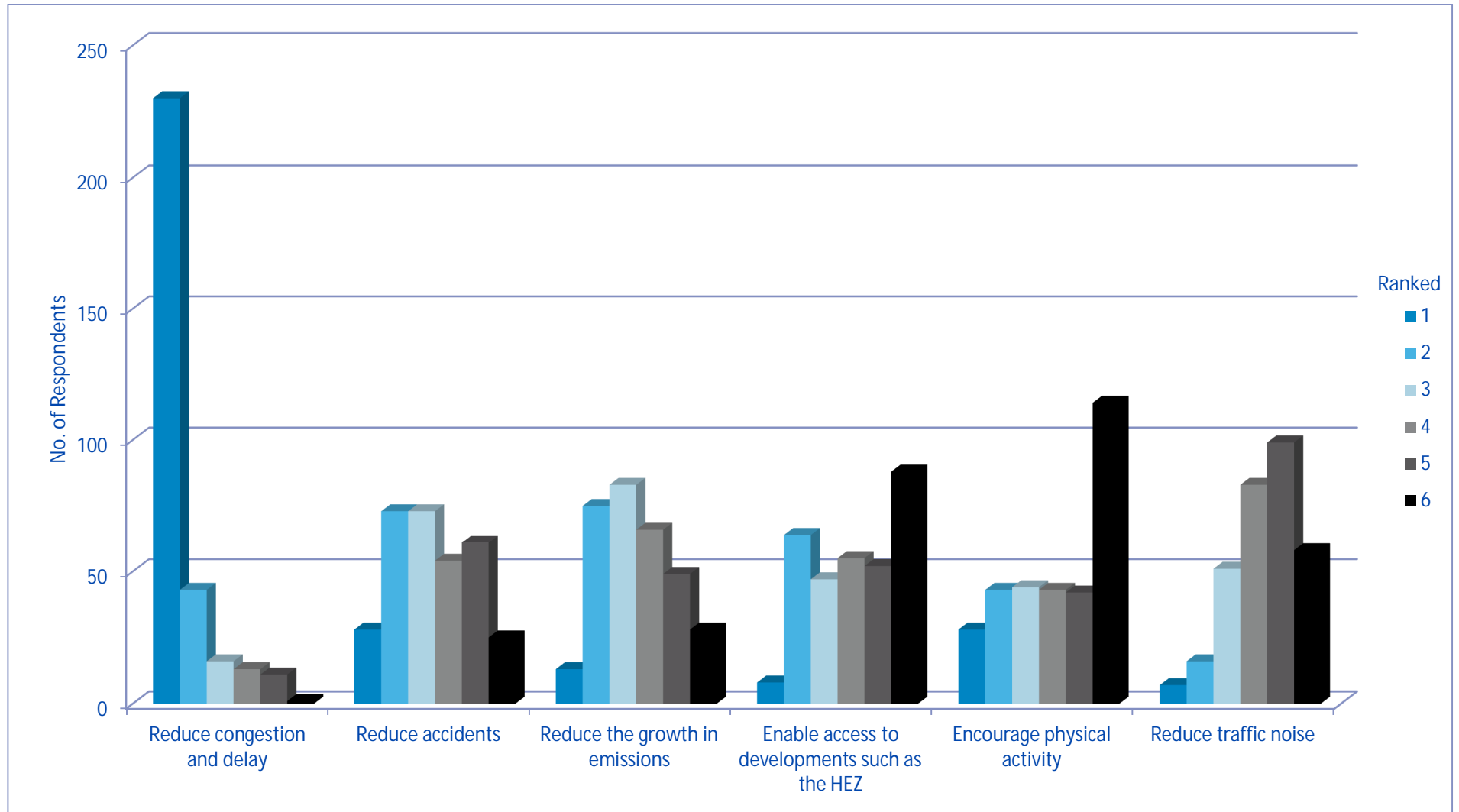


Figure 2: SWTP Objectives

QUESTION 3: THE POSSIBLE IMPROVEMENTS SCORES

5.1.7 Respondents were asked to score their level of support for each of the possible improvements between 1 (strongly oppose) to 5 (strongly support). The results are summarised in Table 3, and are illustrated in Figure 3.

Table 3: Possible Improvements - Scored

POSSIBLE IMPROVEMENT	1 - STRONGLY OPPOSE	2	3	4	5 - STRONGLY SUPPORT	RANK
(1) 20 mph residential areas	12%	8%	22%	16%	42%	1
(2) Belmont Road bus priority measures	21%	12%	26%	15%	26%	9
(3) Belmont Road walking and cycling improvements	10%	13%	21%	19%	37%	2
(4) Belmont Road weight restriction	9%	10%	36%	18%	27%	5
(5) Belmont Road (West) walking and cycling improvements	8%	13%	23%	19%	37%	3
(6) Better walking and cycling routes to Hereford Enterprise Zone	8%	13%	25%	20%	35%	3
(7) Hoarwithy Road and Hinton Road walking and cycling links	10%	14%	25%	21%	30%	6
(8) Holme Lacy Road—further walking and cycling improvements	14%	15%	25%	16%	31%	8
(9) Walnut Tree Avenue / Hunderton Road traffic reduction	17%	11%	26%	18%	29%	7

5.1.8 Key Findings:

- All possible improvements had more support than opposition
- Strongest support was for 20 mph residential areas, followed by the Belmont Road walking and cycling improvements and the Belmont Road (West) walking and cycling improvements
- Strongest opposition was for Belmont Road bus priority measures followed by Walnut Tree Avenue / Hunderton Road traffic reduction

5.1.9 The results have been ranked using the same weighted calculation used in Question 2 to score each of the possible improvements. This shows that the 20 mph residential areas is the most supported, and the Belmont Road bus priority measures is the least supported.

5.1.10

Spatial analysis has been undertaken at a high level to show the level of support for each improvement according to the postcode of the respondents to determine if there is any bias in the results. The distribution of responses can be seen in Appendix K, and the key findings are summarised in Table 4.

Table 4: Spatial Analysis of Question 3

POSSIBLE IMPROVEMENT	OPPOSITION	SUPPORT
(1) 20 mph residential areas	→ Low-levels of strong opposition evenly distributed	→ High-levels of strong support evenly distributed
(2) Belmont Road bus priority measures	→ Some strong opposition in vicinity of possible bus corridor on Belmont Road → Remaining opposition evenly distributed	→ Generally strong support in Hereford City Centre → Remaining support evenly distributed
(3) Belmont Road walking and cycling improvements	→ Strong opposition in Grafton area → Remaining opposition evenly distributed	→ Strong support north of Belmont Road → Strong support in City Centre → Remaining support evenly distributed
(4) Belmont Road weight restriction	→ Strong opposition outside built up area → Remaining opposition evenly distributed	→ Strong support along Belmont Road (east) → Remaining support evenly distributed
(5) Belmont Road (West) walking and cycling improvements	→ Low-levels of strong opposition evenly distributed across South Wye	→ Strong support in vicinity of Belmont Road (west) → Strong support north of the River Wye → Generally strong support in Belmont
(6) Better walking and cycling routes to Hereford Enterprise Zone	→ Low-levels of strong opposition evenly distributed	→ Generally supportive in Belmont → Strong support north of the River Wye
(7) Hoarwithy Road and Hinton Road walking and cycling links	→ Some strong opposition in residential areas north and south of Holme Lacy Road → Strong opposition in Grafton → Some opposition in Newton Farm	→ Strong support north of the River Wye → Within South Wye, supporters seem to be distributed evenly
(8) Holme Lacy Road—further walking and cycling improvements	→ Some strong opposition in residential areas north and south of Holme Lacy Road → Strong opposition in Grafton → Some opposition in Newton Farm	→ Strong support north of the River Wye → Within South Wye, supporters seem to be distributed evenly
(9) Walnut Tree Avenue / Hunderton Road traffic reduction	→ Strong opposition in the vicinity of Hunderton Road → Strong opposition in Putson → Remaining opposition evenly distributed	→ Some strong support in the vicinity of Walnut Tree Avenue → Generally supportive in Newton Farm

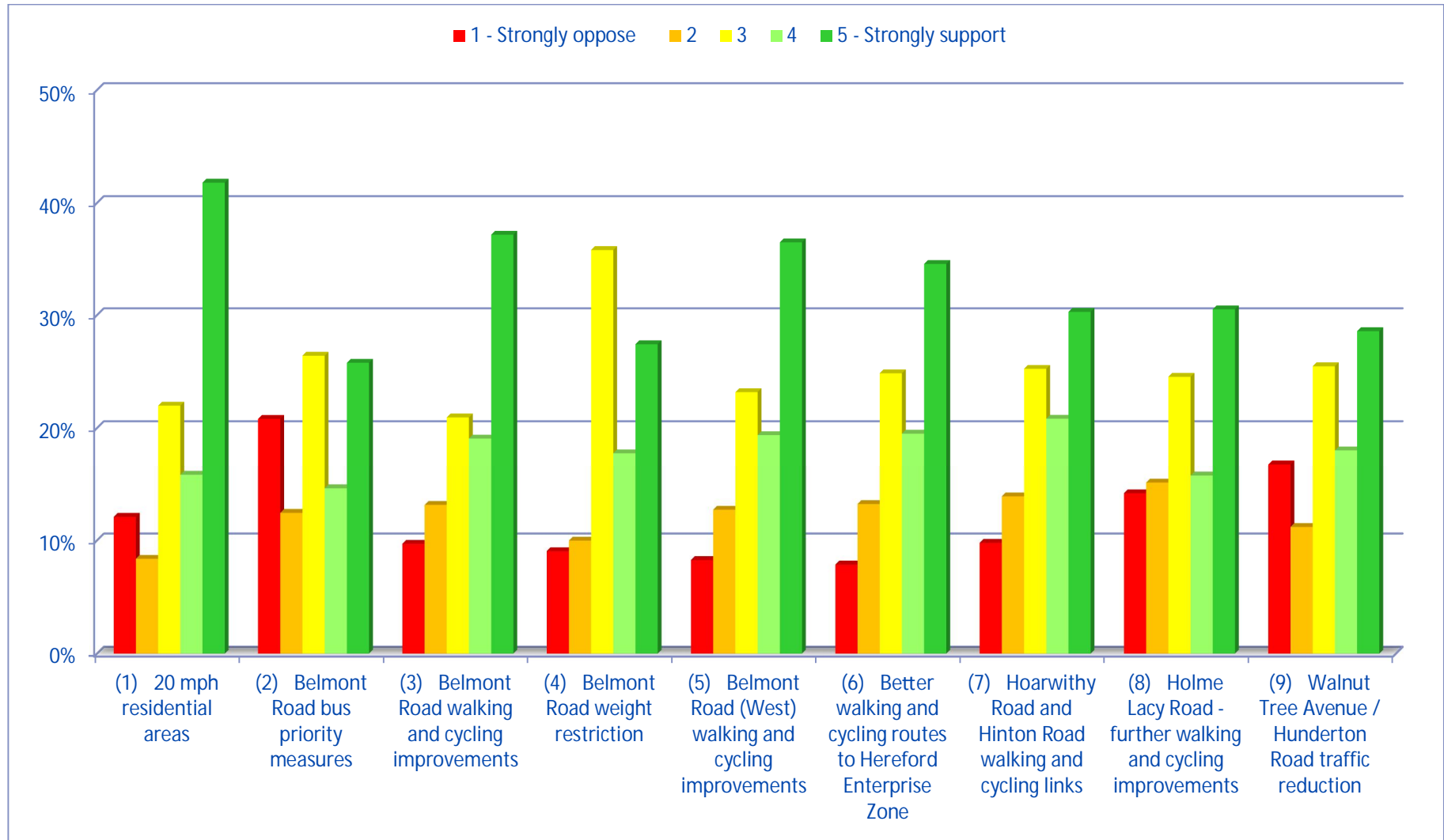


Figure 3: Support for Possible Improvements

QUESTION 4: THE POSSIBLE IMPROVEMENTS COMMENTS

- 5.1.11 Respondents were given space to make comments on the improvements that are of specific interest to them. 215 people added further comments.
- 5.1.12 Of these comments, 16 respondents were opposed to or had a lack of confidence in all of the possible improvements, with the general opinion that they would not overcome the transport problems within the South Wye area of Hereford. 2 respondents were in support of all improvements; appreciating the benefits that each would bring to South Wye. Many more respondents were in support of the walking and cycling improvements and traffic calming.
- 5.1.13 The responses have been grouped according to each of the possible improvements below for ease of interpretation. Table 5 identifies how many respondents were in support of and opposed to each of the improvements, and summarises the common themes that were raised.

Table 5: Comments on the Possible Improvements

TOTAL COMMENTS	POSSIBLE IMPROVEMENT	IN SUPPORT	OPPOSED
42	(1) 20 MPH RESIDENTIAL AREAS	36 <ul style="list-style-type: none"> → Improve safety → Encourage walking and cycling → Reduce noise levels → Reduce pollution → Deters rat running 	6 <ul style="list-style-type: none"> → Not required → Have little effect on the congestion problems within Hereford
62	(2) BELMONT ROAD BUS PRIORITY MEASURES	36 <ul style="list-style-type: none"> → Public transport should be a priority → Enable buses within the city to be more punctual and dependable → Encourage people to use the bus rather than cars → Enable those who cannot walk or cycle, and do not have access to a car, to travel within Hereford 	27 <ul style="list-style-type: none"> → Concerned about removal of parking → Buses too infrequent to justify → The road space better used as two lanes for private vehicles → Current design does not do enough - needs to be longer, or on a different section of Belmont Road
89	(3) BELMONT ROAD WALKING AND CYCLING IMPROVEMENTS	71 <ul style="list-style-type: none"> → Encourage walking and cycling → Help reduce car usage and dependency 	18 <ul style="list-style-type: none"> → Cycle lanes unnecessary → Shared use paths cause conflict with pedestrians → Cynical that cyclists would use new infrastructure → Not enough space so traffic would still exist
34	(4) BELMONT ROAD WEIGHT RESTRICTION	27 <ul style="list-style-type: none"> → Reduced number of HGVs travelling along Belmont Road → Improved environment → Improved safety → Reduced noise → Encourage walking and cycling → Improve congestion 	7 <ul style="list-style-type: none"> → Increase the number of HGVs on the A49 → Impact businesses that need to access Hereford

TOTAL COMMENTS	POSSIBLE IMPROVEMENT		IN SUPPORT		OPPOSED
72	(5) BELMONT ROAD (WEST) WALKING AND CYCLING IMPROVEMENTS	64	<ul style="list-style-type: none"> → Encourage walking and cycling → Help reduce car usage and dependency → Support for cycle path to Ruckhall Lane and improved access to the NHS facilities at Belmont Abbey 	8	<ul style="list-style-type: none"> → Cycle lanes unnecessary → Existing lanes rarely used → Area has so few dwellings
69	(6) BETTER WALKING AND CYCLING ROUTES TO HEREFORD ENTERPRISE ZONE	61	<ul style="list-style-type: none"> → Encourage walking and cycling → Help reduce car usage and dependency → Respondents would like improved lighting along the traffic-free routes to encourage year round use 	8	<ul style="list-style-type: none"> → Existing cycle paths rarely used
72	(7) HOARWITHY ROAD AND HINTON ROAD WALKING AND CYCLING LINKS	63	<ul style="list-style-type: none"> → Encourage pedestrians and cyclists to use the quieter roads and avoid Ross Road and Holme Lacy Road 	9	<ul style="list-style-type: none"> → The improvements would only benefit a small minority of people → Have little effect on the congestion problems
75	(8) HOLME LACY ROAD— FURTHER WALKING AND CYCLING IMPROVEMENTS	60	<ul style="list-style-type: none"> → Encourage walking and cycling → Like the improved crossing on Ross Road (A49) → One respondent strongly supporting the single lane working to provide a continuation of cycleway under the bridge 	15	<ul style="list-style-type: none"> → Recent improvements were poorly designed and are not well used → One concern that Watery Lane will be used as a rat run with single lane working at bridge → Concern single lane working will cause queues of traffic along Holme Lacy Road
28	(9) WALNUT TREE AVENUE / HUNDERTON ROAD TRAFFIC REDUCTION	15	<ul style="list-style-type: none"> → 6 respondents want WTA restrictions - referring to it as a dangerous rat run, making the road unsafe and unsuitable for walking and cycling at present → No respondents were specifically in favour of the Hunderton Road traffic reduction 	13	<ul style="list-style-type: none"> → Closing WTA might encourage other rat runs, or increase congestion on the ASDA roundabout → 2 of these respondents were opposed to the traffic reduction on Hunderton Road. A resident stating that the quiet area is free from traffic, so closure is not necessary

QUESTION 5: OTHER ACTIVE TRAVEL IMPROVEMENTS

5.1.14

This open-ended question asked respondents if there are any other active travel improvements in the South Wye area they would like to see. They were given space within the survey, and asked to continue on a separate sheet of paper if required. There were 210 responses that covered a wide range of issues. These have been grouped or classified for ease of interpretation, with the common issues raised identified in Table 6.

Table 6: Suggestions for other Improvements

TOTAL	TOPIC AREA	ISSUES
55	Support for improvements to bus services	<ul style="list-style-type: none"> → More subsidies and reduced fares → Increased frequency → More reliability → Additional infrastructure (e.g. shelters) → Additional routes → More morning and evening services → Further rural services → School bus services
46	Additional active travel provision	<ul style="list-style-type: none"> → Additional dedicated cycle lanes segregated from pedestrians → More pedestrian crossings → Cycle storage → Improvements to the A49 → Better lighting → Maintenance of existing infrastructure
34	Support for a bypass	<ul style="list-style-type: none"> → Should be a priority → Connections to businesses → For better access around city → Remove traffic from city centre → A further river crossing → Two would prefer the bypass to go to the east of the city
23	Support for a tram	<ul style="list-style-type: none"> → Removes people from road → Improved public transport system → Low emissions → Use of Great Western Way → Additional 241 signature petition in support of tram considered in Section 5.3
19	Support for traffic enforcement and calming measures	<ul style="list-style-type: none"> → Speeding - support for traffic calming measures → Enforcement needed for speed restrictions → Cars parking by junctions on side roads → Cars parking on drop kerbs and pavements → Cars running red lights → Support for more parking restrictions around local schools

TOTAL	TOPIC AREA	ISSUES
18	Support for changes to Great Western Way (GWW)	<ul style="list-style-type: none"> → Tramway option → Buses to use route → Reinstating railway line → Improve existing infrastructure to encourage use by pedestrians and cyclists
16	Support for a Park and Ride scheme	<ul style="list-style-type: none"> → From outskirts of town → Park and cycle → Subsidised scheme
14	Support for additional bridges	<ul style="list-style-type: none"> → To avoid traffic through city → Bridge at Rotherwas for industries
7	Support for increased maintenance	<ul style="list-style-type: none"> → Repair potholes → Reduce flooding → Clean litter → Cut vegetation
7	Support for changes to the ASDA roundabout	<ul style="list-style-type: none"> → Remove the traffic lights → Operate part-time signals → Redesign the junction → Remove the merge onto Belmont Road
7	Concerns for a weight restriction and HGV ban	<ul style="list-style-type: none"> → Improve signage → Locate at Clehonger junction → Only implement after opening bypass → Ban HGVs between 7am and 6pm → Ban HGVs through city altogether
5	Traffic lights	<ul style="list-style-type: none"> → Remove traffic lights → Adjust signal times → Holme Lacy Road and A49 junction needs improving
5	Support for improvements to the A49 (Ross Road),	<ul style="list-style-type: none"> → Crossing points → Cycle provision → Safer cycling routes
3	Parking on Belmont Road	<ul style="list-style-type: none"> → Concern for where residents will park
3	Support for removing traffic on Hinton Road	<ul style="list-style-type: none"> → Rat running a problem
3	Support The Oval and Goodrich Grove as one-way	<ul style="list-style-type: none"> → Rat running a problem
2	Improvements to other areas	<ul style="list-style-type: none"> → Critical that focus is on South Wye area

QUESTION 6: EXHIBITION ATTENDANCE

5.1.15 Respondents were asked whether they attended an exhibition venue, or if they intended to. If respondents answered yes to this question, they were directed to Question 7, and if no they were directed to Question 9.

5.1.16 The responses to the question are shown below.

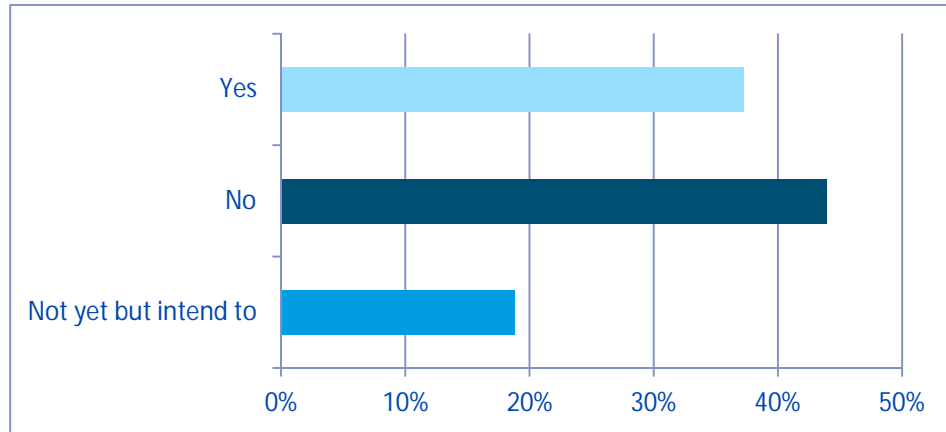


Figure 4: Exhibition Attendance

QUESTION 7: EXHIBITION PROVISION

5.1.17 This question related to the provision of the exhibitions. Figure 5 provides a summary of the results, as a percentage of the responses to each part of the question.

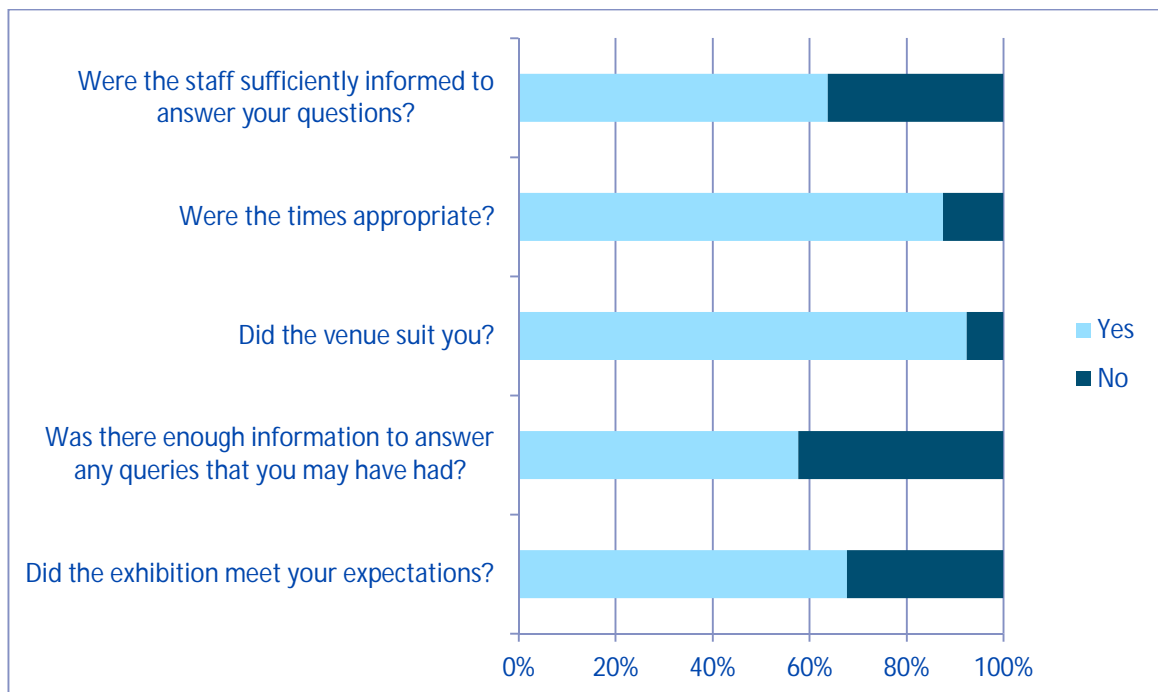


Figure 5: Exhibition Provision

QUESTION 8: EXHIBITION PROMOTION

5.1.18 The responses to the question “How did you hear about this exhibition?” are shown in Table 7.

Table 7: Exhibition Promotion

Local poster / flyer	20%
Social media	29%
Newspaper advert	24%
Local radio	11%
Word of mouth	28%
Other (please specify)	21%

5.1.19 There were 36 written responses to the ‘Other’ option. 35% had obtained brochures from local deposit locations, 26% stated that they were notified by their local MP or Councillor, 26% were notified by either media, the internet, or via email, and 9% had been passing the venue at the time of the exhibition.

QUESTION 9: AGE OF RESPONDENTS

5.1.20 The respondents were asked a series of demographic questions. Question 9 asked them which age group they belong to. The results are shown in Figure 6.

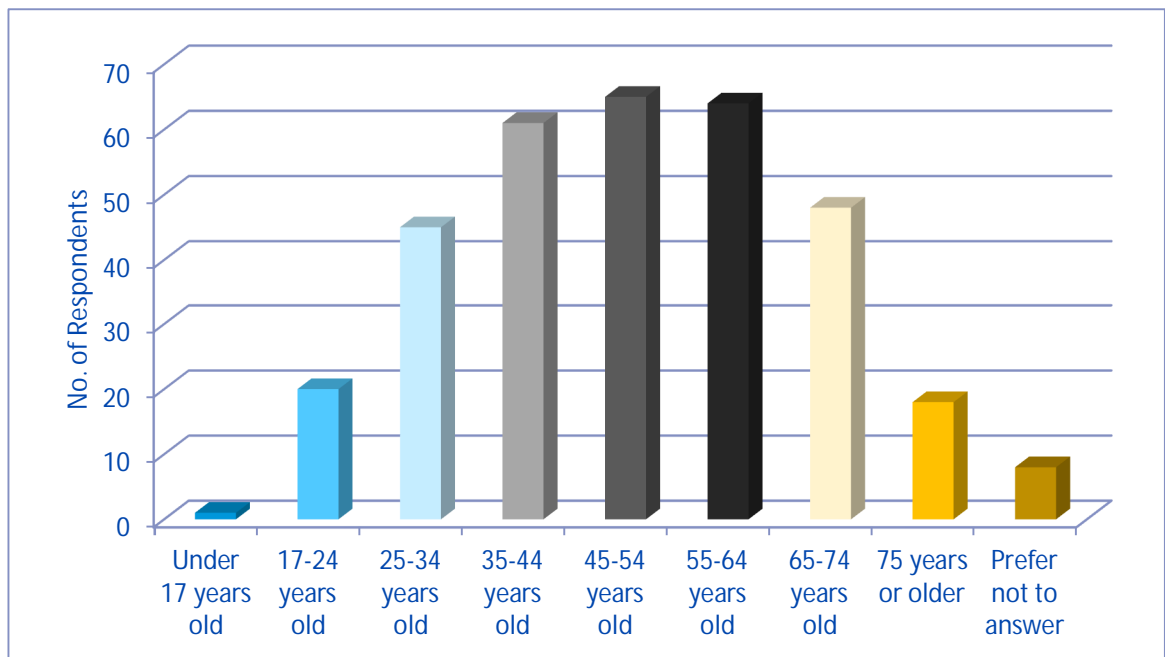


Figure 6: Age of Respondents

QUESTION 10: GENDER OF RESPONDENTS

5.1.21 Question 10 asked the respondents what their gender is. The results are shown in Figure 7.

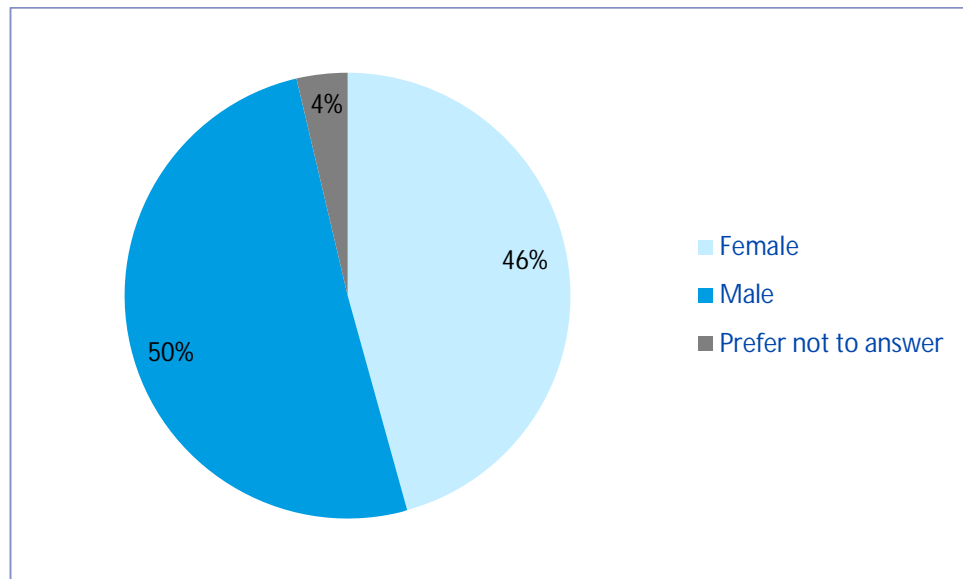


Figure 7: Gender of Respondents

QUESTION 11: RESPONDENTS AND DISABILITY

5.1.22 Question 11 asked if the respondents consider themselves to have a disability. The results are shown in Figure 8.

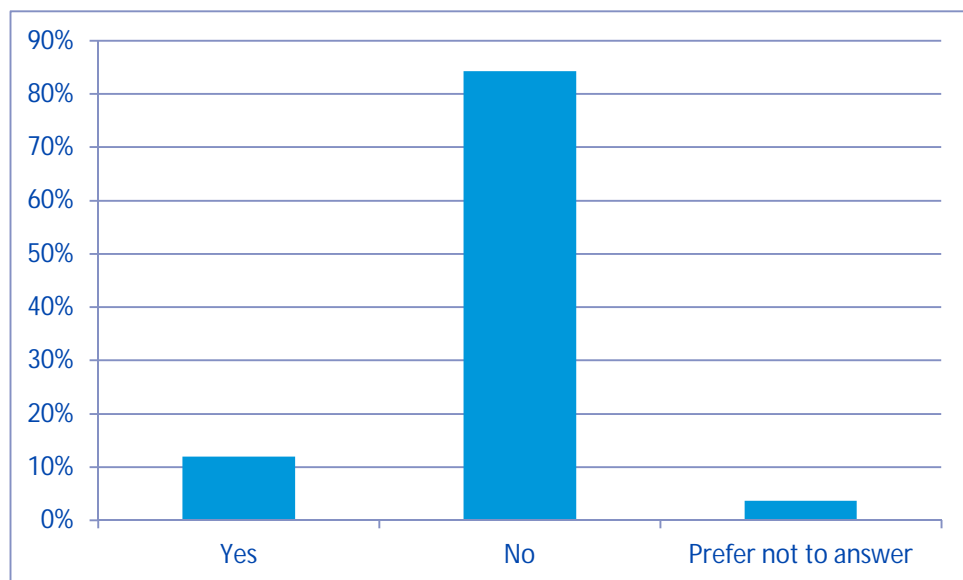


Figure 8: Respondents and Disability

5.2 COMMUNITY VIEWS

5.2.1 Further to the feedback received from the questionnaires, 30 additional community views have been reviewed as part of this consultation. Comments have been collated from the 24 feedback sheets left at the exhibitions, two written letters, three emails, and one Facebook message received from local residents and groups during the consultation period. These submissions have been considered and are held on file, with summaries provided below.

Feedback left at the Exhibitions

5.2.2 With regards to the possible improvements being consulted on and the exhibition, the comments were as follows:

- The Hunderton Road Bridge currently works well so there is no need to change it
- Beatty Avenue is not considered to be a rat run
- On street parking will be affected by Belmont Road bus priority measures
- Will compulsory purchase be required on Belmont Road?
- Praise for the 20mph residential areas scheme
- The council should extend the 20mph for the whole residential area of the city
- The single lane working should be restricted to buses and emergency vehicles only as this would allow walkers and cyclists and reduce traffic on Holme Lacy Road (HLR)
- The single lane working will cause more congestion and traffic issues as it already takes an hour to get into town, and journeys times are highly variable
- The schemes disproportionately affect people past retirement age and disabled people
- Potential conflicts between cyclists and pedestrians may increase risk of injury to people who may not be able to recover
- What is being provided for elderly local residents who are unable to walk and cycle, and require motorised transport to get around the city?
- There should be plans to enhance the walking and cycling provision between Holme Lacy village and Hereford Enterprise Zone and the city centre, with the college and Warners Hotel potentially encouraging cycling
- The importance of taking account of disabled travellers
- The consultation brochure was not comprehensive enough to answer the questionnaire in an informed manner
- The staff were 'super and very informative'

5.2.3 Some comments were made about the wider South Wye Transport Package and the SLR:

- Cycle Route 46, which currently runs on Grafton Lane, will require a diversion along Merryhill Lane and Haywood Lane following the construction of the SLR
- Additional measures may be required to assist/protect/sign cyclists due to fast vehicles on this route
- How can rat-running along the route be addressed, even after the SLR is built?
- The money for the SWTP should not be spent on the SLR, as there could be a more radical public transport solution, such as the GWW tram instead
- The budget will be swallowed by the SLR, leaving the Active Travel measures without the necessary funds

5.2.4 Other comments and questions were left regarding the recent improvements to Holme Lacy Road:

- There is an issue with parking on the widened footway/cycleway
- There are no drop kerbs at the Co-operative
- The new shared use footways to be dangerous, having observed conflict between cyclists and pedestrians
- A lay-by for buses outside the Tesco Express on HLR should be considered
- Cyclists should be removed from the mini roundabout
- There is poor visibility at the HLR and Putson Avenue junction
- Who commissioned the scheme as feel 'tremendous disruption' since its opening

5.2.5 Four residents reported various maintenance problems:

- A defect in the footpath by the Swimming Pool overflow car park
- Missing road signs for cycle usage at Victoria Bridge
- Potholes and poor surface conditions on Hampton Park Road
- The pedestrian entry gate to St James' park was dangerous
- Bricks are falling from the A49 Bridge
- College Road / Railway bridge should become traffic signalled as per Roman Road

Written Feedback

5.2.6 Emails received from Hereford Transport Alliance and Here for Hereford have been included in Appendix H and are summarised below.

5.2.7 **Herefordshire Transport Alliance** (HTA) has provided general comments on the consultation. Their first point raised regards timing, in that they think the active travel improvements should be undertaken immediately 'to benefit from the high return on investment of active travel initiatives', and in any case should not be delivered after the SLR. They quote the *Claiming the Health Dividend* report commissioned by the DfT (Nov 2014) and state that the 20mph speed limits and walking and cycling improvements on Hinton Road and Holme Lacy do not have to await opening of the SLR.

5.2.8 HTA's second point outlines that traffic congestion in Hereford reduces considerably outside school term, and proposals should be put forward to address the school run. Their third point raises integration with public transport, recognising that a majority of the population will not want to or be able to walk or cycle so Hereford needs better bus provision. Points 4 and 5 propose a light tram system for Hereford along the GWW, with improved walking and cycling provision.

5.2.9 Point 6 answers Question 4 in the Questionnaire; what do you like about the proposed improvements? HTA strongly supports the 20mph in residential areas, with a meaningful level of enforcement. They question the extent of the Belmont Road bus priority measures, as it does not address queuing between Tesco and Walnut Tree Avenue. With regards to Holme Lacy Road, they would prefer the money allocated to the SLR to be used to widen the railway bridge rather than implement a single lane working, and were critical of the recent improvements.

- 5.2.10 The email response from **Here for Hereford**, a local residents group, requests that the Sustainable Transport Package (now referred to as Active Travel Measures) be delivered 'now' and before building the SLR. They list the drawbacks if they are not implemented first:
1. Walnut Tree Avenue will still be used as a cut-through in place of the SLR
 2. The Belmont Road will still not have a bus lane
 3. The weight restriction on the Belmont Road will not be in place
 4. The 20 mph in selected residential areas will not be in force
 5. The various proposed walking and cycling improvements will not be in place
- 5.2.11 Here for Hereford think the ATMs will build on the Destination Hereford project, increasing walking and cycling and public transport trips whilst reducing car-based trips, as well as realise the Vision of the Local Transport Plan. They reference the petition for the light tram system.
- 5.2.12 They request that the council "access the functionality of any proposed ATM's to make sure they are 'simple and sweet'", and learn from the lessons of the current Holme Lacy Road scheme, such as:
- The road has been narrowed to make excessively wide cycle lanes
 - White paint and stop lines for cyclists, pedestrians and traffic proliferate at all angles
 - There is no bus bay and the bus shelter is isolated on tarmac about 3m from the road
 - There are too many traffic light pedestrian crossings, unnecessarily close together
- 5.2.13 The third email was received from a resident who wanted to understand if the Belmont Road bus priority measures would affect their ability to park outside their property.
- 5.2.14 The Facebook message outlined the respondent's support for most of the possible improvements, but stated 'it's a shame that cyclists and pedestrians won't have priority at side junctions though'. If the designs could be amended so that the give-way lines at junctions were a metre back, cyclists and pedestrians would be given priority at each side junction.
- 5.2.15 One letter expresses concern over shared use foot/cyclepaths and the conflict they pose between pedestrians and cyclists. They are concerned that inconsiderate cyclists, who do not use their bells and lights correctly, listen to music whilst cycling and travel very fast will cause an accident. They feel that the law is not enforced, with cycles on pedestrian only paths.
- 5.2.16 A further response expressed concerns of the improvements to Belmont Road (A465). A suggestion has been put forward that the road space on the sides of the A465 between Tesco Roundabout and the GWW bridge be allocated into a filter system. This would mean that vehicles requiring access to McDonalds, the Three Counties Hotel, the post office and shops, and the housing estate, do not have to queue with the main line of traffic heading into the city centre.

5.3 PETITIONS

5.3.1 A 241-name petition in support of a light tram system for Hereford was received during the consultation period. The petition states that:

“Kinetic energy lightweight trams have been shown to be commercially viable, and could help manage travel into and around Hereford City, reducing congestion and journey times. We urge the Council to implement a full assessment of such a scheme for Hereford before further work is progressed on the South Wye Transport Package, including the Southern Link Road. Rail & Bus for Hereford have published a proposal for a tram using the Great Western Way: this should be part of the assessment.”

5.3.2 The geographical spread of the signatories has also been considered, and is included in Appendix I. Although some addresses were incomplete, the information could determine a likely address for all but 1 signatory. This has been summarised in Table 8.

Table 8: Petition Signatories

LOCATION	KNOWN POSTCODE	INCOMPLETE ADDRESS
Within the Hereford city area	110	+24 incomplete but likely addresses
Suburban / satellite settlement addresses	50	+3 incomplete but likely addresses
Elsewhere in Herefordshire	33	+9 incomplete but likely addresses
Elsewhere in the Country	10	+1 incomplete but likely addresses

5.3.3 The petition also includes the results from a poll taken by Hereford Times on the 21st September 2016, with 72% of people wanting a tram system in Hereford city centre, 24% of people saying they would continue to use other methods of transport, and 5% unsure.

6 CONCLUSIONS

6.1 EFFECTIVENESS OF CONSULTATION

- 6.1.1 The total attendance at the exhibitions and the preview evening was 185 people, with 336 questionnaire responses. 307 of the responses came from within the County of Herefordshire, 77 from St Martins and Hinton and 61 from Belmont.
- 6.1.2 The consultation has followed the principles of the guidance outlined in WebTAG and has been successful in terms of the local coverage and attendance. The promotion used before and during the consultation was effective, including the use of Social Media, and the venues and timings of the exhibitions were suitable. The final exhibition at The Kindle Centre was particularly well attended, and the other venues were chosen to achieve a geographical spread, including somewhere with proximity to the HEZ.
- 6.1.3 During the exhibitions, there were 24 comments and/or requests for information. Following the public exhibitions, there were 2 written letters of representation, 1 Facebook message, and 3 emails. Furthermore, there was a 241 signature petition received in support of a light tram system for Hereford.

6.2 SUMMARY OF RESULTS

- 6.2.1 The questionnaire responses showed that the majority of the public interested in the consultation live in South Wye or are regular users of the A465, and reducing congestion and delay is the most important SWTP objective to the respondents.
- 6.2.2 The consultation findings were summarised in Table 3 (page 20) of this report. This table is reproduced below in rank order:

Table 9: Possible Improvements - Ranked

POSSIBLE IMPROVEMENT	RANK	1 - STRONGLY OPPOSE	2	3	4	5 - STRONGLY SUPPORT
(1) 20 mph residential areas	1	12%	8%	22%	16%	42%
(3) Belmont Road walking and cycling improvements	2	10%	13%	21%	19%	37%
(5) Belmont Road (West) walking and cycling improvements	3	8%	13%	23%	19%	37%
(6) Better walking and cycling routes to Hereford Enterprise Zone	3	8%	13%	25%	20%	35%
(4) Belmont Road weight restriction	5	9%	10%	36%	18%	27%
(7) Hoarwithy Road and Hinton Road walking and cycling links	6	10%	14%	25%	21%	30%

POSSIBLE IMPROVEMENT	RANK	1 - STRONGLY OPPOSE	2	3	4	5 - STRONGLY SUPPORT
(9) Walnut Tree Avenue / Hunderton Road traffic reduction	7	17%	11%	26%	18%	29%
(8) Holme Lacy Road—further walking and cycling improvements	8	14%	15%	25%	16%	31%
(2) Belmont Road bus priority measures	9	21%	12%	26%	15%	26%

6.3 TAKING THE CONSULTATION FINDINGS FORWARD

6.3.1

The consultation findings will inform the technical appraisal of the proposed improvements. This will help develop an Options Refinement Report and enable a preferred package of improvements to be developed to accompany the Southern Link Road as part of the South Wye Transport package (SWTP). These will be taken forward to the detailed design stage and will also form part of the full Business Case to secure funding for the SWTP.

	QUESTION	ALL	COMMENTS
1	Tick those boxes that apply to you:	a) I live in South Wye (205)	62%
		b) I work at the Hereford Enterprise Zone (HEZ) / Rotherwas Industrial Estate (39)	12%
		c) I am a regular user of Ross Road (A49) (166)	50%
		d) I am a regular user of Belmont Road (A465) (219)	66%
		e) I regularly walk or cycle in Hereford (159)	48%
			331 people answered Question 1. % given is as a proportion of the responses received.

	QUESTION	TOTAL SCORE	OVERALL RANK	COMMENTS
2	Please put the following SWTP objectives in order of importance to you (1 being the most important and 6 being the least important)	a) Reduce congestion and delay	1,721	1
		b) Reduce accidents	1,134	2
		c) Reduce the growth in emissions	1,109	3
		d) Enable access to developments such as the HEZ	913	4
		e) Encourage physical activity	886	5
		f) Reduce traffic noise	831	6
				341 people answered Question 2. The score is a weighted calculation. Items ranked first are valued higher than the following ranks. The score is a sum of all weighted rank counts.

	QUESTION	1 - STRONGLY OPPOSE	2	3	4	5 - STRONGLY SUPPORT	COMMENTS	
3	Please score your level of support for each of the possible improvements. Use the space in Question 4 below to make comments on improvements that are of specific interest to you.	(1) 20 mph residential areas (323)	12.1% (39)	8.4% (27)	22.0% (71)	15.8% (51)	41.8% (135)	328 people answered Question 3. % given is as a proportion of the responses received.
		(2) Belmont Road bus priority measures (322)	20.8% (67)	12.4% (40)	26.4% (85)	14.6% (47)	25.8% (83)	
		(3) Belmont Road walking and cycling improvements (320)	9.7% (31)	13.1% (42)	20.9% (67)	19.1% (61)	37.2% (119)	
		(4) Belmont Road weight restriction (321)	9.0% (29)	10.0% (32)	35.8% (115)	17.8% (57)	27.4% (88)	
		(5) Belmont Road (West) walking and cycling improvements (315)	8.3% (26)	12.7% (40)	23.2% (73)	19.4% (61)	36.5% (115)	
		(6) Better walking and cycling routes to Hereford Enterprise Zone (318)	7.9% (25)	13.2% (42)	24.8% (79)	19.5% (62)	34.6% (110)	
		(7) Hoarwithy Road and Hinton Road walking and cycling links (317)	9.8% (31)	13.9% (44)	25.2% (80)	20.8% (66)	30.3% (96)	
		(8) Holme Lacy Road—further walking and cycling improvements (318)	14.2% (45)	15.1% (48)	24.5% (78)	15.7% (50)	30.5% (97)	
		(9) Walnut Tree Avenue / Hunderton Road traffic reduction (322)	16.8% (54)	11.2% (36)	25.5% (82)	18.0% (58)	28.6% (92)	

	QUESTION	ALL	COMMENTS
4	What do you like about the proposed improvements listed in Question 3? (Please use the improvement reference number shown above when writing your comments)	64%	215 people added further comments. % given is as a proportion of all respondents.

	QUESTION	ALL	COMMENTS
5	Are there any other active travel improvements in the South Wye area you would like to see?	63%	210 people added further comments. % given is as a proportion of all respondents.

	QUESTION	ALL	COMMENTS
6	Have you attended a public exhibition?		330 people answered Question 6. % given is as a proportion of the responses received.
	Yes (123)	37%	
	No (145)	44%	
	Not yet but intend to (62)	19%	

	QUESTION		ALL	COMMENTS
7	a) Did the exhibition meet your expectations? (121)	Yes (82)	68%	123 people answered Question 7. % given is as a proportion of the responses received.
		No (39)	32%	
	b) Was there enough information to answer any queries that you may have had? (118)	Yes (68)	58%	
		No (50)	42%	
	c) Did the venue suit you? (119)	Yes (110)	92%	
		No (9)	8%	
	d) Were the times appropriate? (120)	Yes (105)	88%	
		No (15)	13%	
	e) Were the staff sufficiently informed to answer your questions? (116)	Yes (74)	64%	
		No (42)	36%	

	QUESTION	ALL	COMMENTS	
8	How did you hear about the exhibition? (Tick all boxes that apply)	a) Local Poster / flyer (34)	20%	174 people answered Question 8. % given is as a proportion of the responses received.
		b) Social Media (50)	29%	
		c) Newspaper advert (41)	24%	
		d) Local Radio (19)	11%	
		e) Word of mouth (49)	28%	
		f) Other. Please specify (36)	21%	

	QUESTION	ALL	COMMENTS	
9	Which age group do you belong to?	a) Under 17 years old (1)	0%	330 people answered Question 9. % given is as a proportion of the responses received.
		b) 17-24 years old (20)	6%	
		c) 25-34 years old (45)	14%	
		d) 35-44 years old (61)	18%	
		e) 45-54 years old (65)	20%	
		f) 55-64 years old (64)	19%	
		g) 65-74 years old (48)	15%	
		h) 75 years or older (18)	5%	
		i) Prefer not to answer (8)	2%	

	QUESTION	ALL	COMMENTS	
10	What is your gender?	a) Male (165) b) Female (145) c) Prefer not to answer (12)	51% 46% 4%	326 people answered Question 10. % given is as a proportion of the responses received.

	QUESTION	ALL	COMMENTS	
11	Do you consider yourself to have a disability?	a) Yes (39) b) No (274) c) Prefer not to answer (12)	12% 84% 4%	325 people answered Question 11. % given is as a proportion of the responses received.

Appendix A

PUBLIC CONSULTATION BROCHURE

South Wye Transport Package

Active Travel Improvements Consultation

September 2016

Introduction

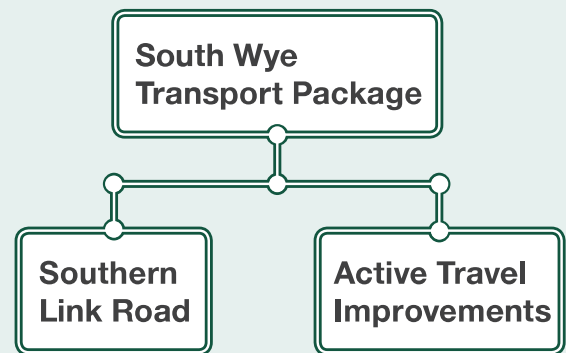
What is the South Wye Transport Package?

The South Wye Transport Package (SWTP) aims to promote economic growth within Hereford while tackling specific problems in the South Wye area. The aim is to promote economic development by unlocking the barriers to economic growth, including land at the Hereford Enterprise Zone (HEZ).

The SWTP objectives are to:

- Reduce congestion and delay
- Enable access to developments such as the HEZ
- Reduce the growth in emissions
- Reduce traffic noise
- Reduce accidents
- Encourage physical activity

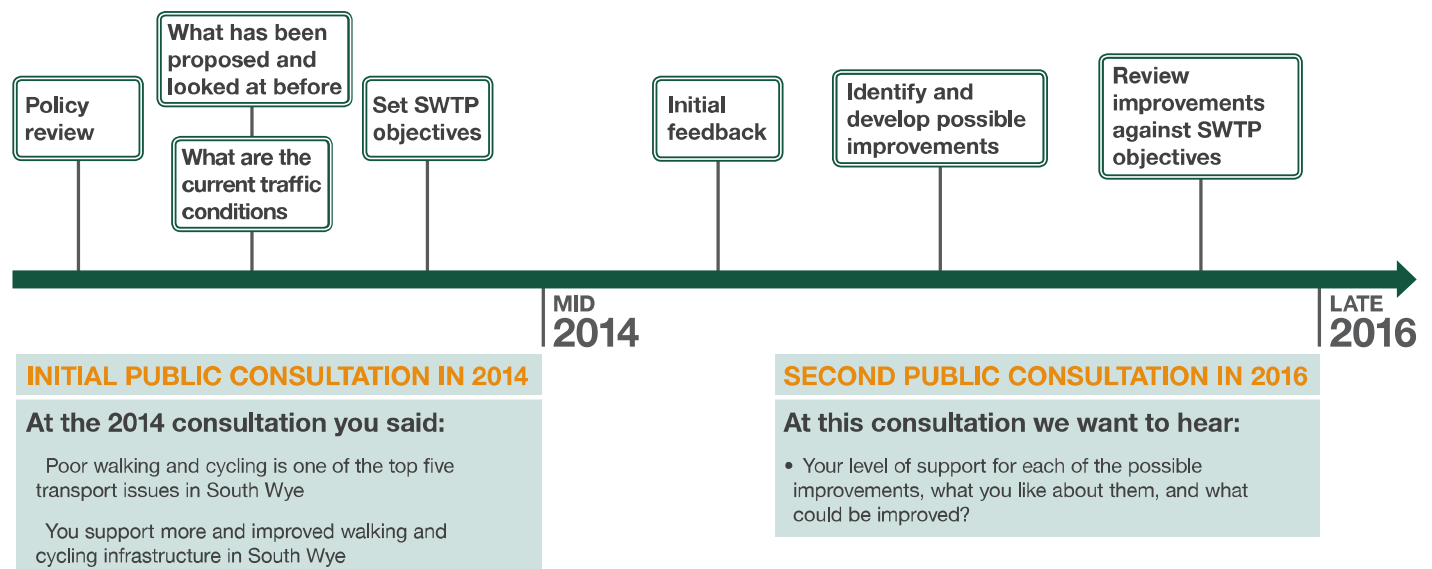
The South Wye Transport Package (SWTP) comprises:



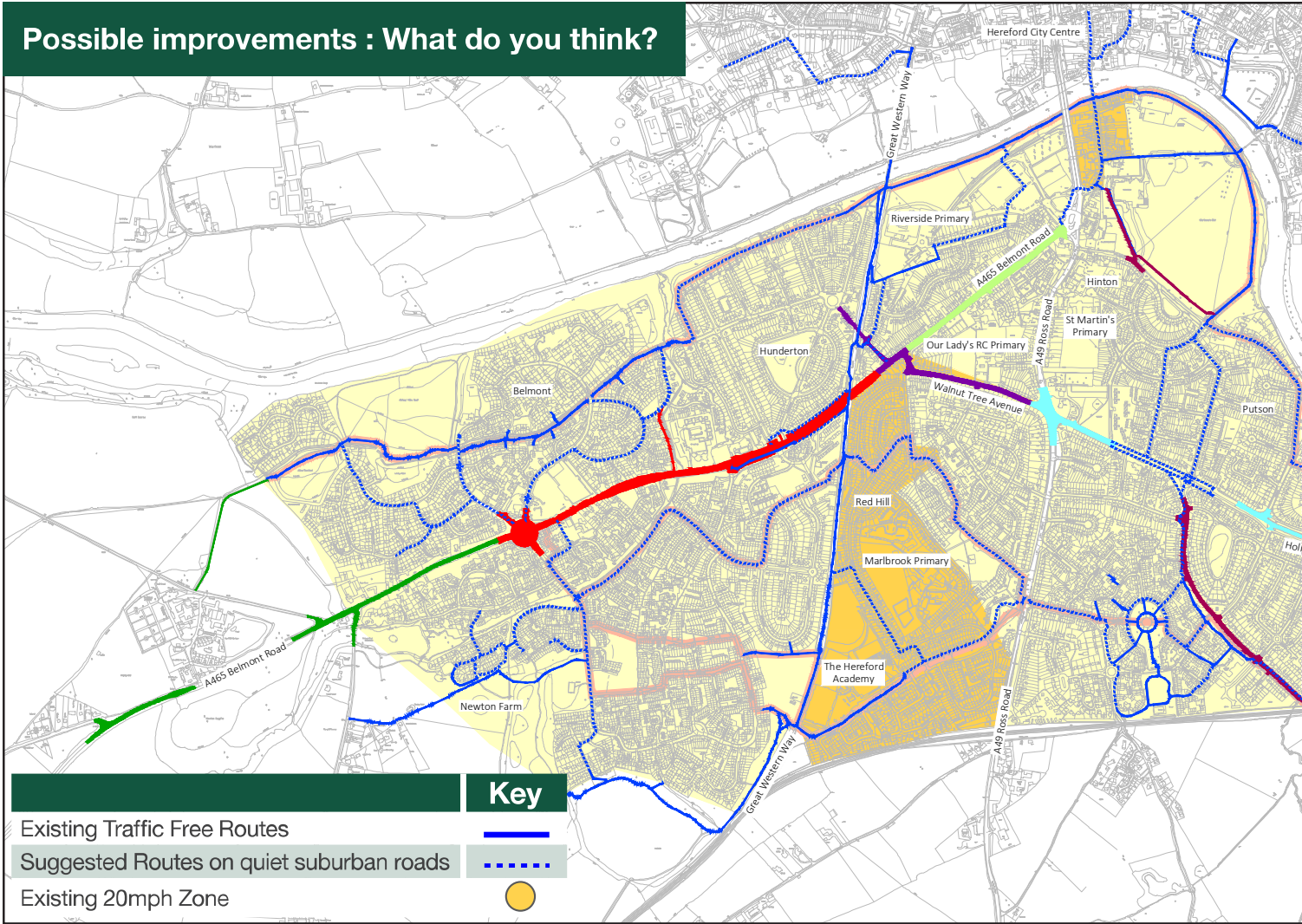
The Southern Link Road (SLR) has recently been granted planning permission and the delivery of the scheme continues.

Why are active travel improvements proposed?










Herefordshire Council is looking at ways to improve active travel (including walking and cycling) in South Wye, Hereford. This consultation is specifically seeking your views on a range of possible active travel improvements.

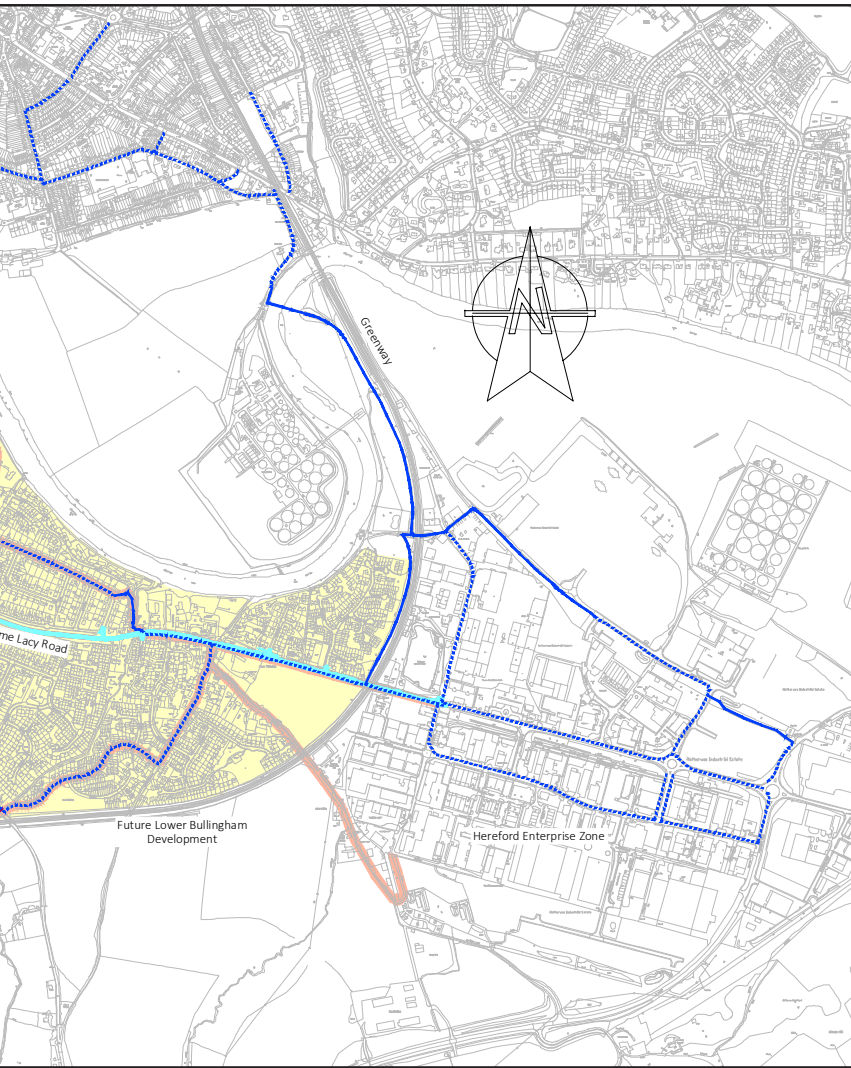


Possible improvements : What do you think?



How do the improvements support the SLR in meeting SWTP objectives?

Possible improvements and SWTP objectives	Reduce congestion and delay	Enable access to developments such as the HEZ	Reduce the growth in emissions	Reduce traffic noise	Reduce accidents	Encourage physical activity
20 mph residential areas 	✓	✓	✓	✓	✓	✓
Belmont Road bus priority measures 	✓	✓	✓	✓	✓	✓
Belmont Road walking and cycling improvements 	✓	✓	✓	✓	✓	✓
Belmont Road weight restriction 	✓		✓	✓	✓	✓
Belmont Road (West) walking and cycling improvements 	✓		✓	✓	✓	✓
Better walking and cycling routes to Hereford Enterprise Zone 	✓	✓			✓	✓
Hoarwithy Road and Hinton Road walking and cycling links 	✓	✓	✓	✓	✓	✓
Holme Lacy Road —further walking and cycling improvements 	✓	✓	✓	✓	✓	✓
Walnut Tree Avenue / Hunderton Road traffic reduction 	✓	✓	✓	✓	✓	✓



Example visualisations of the possible improvements



Belmont Road (West)



Better Routes to HEZ



20mph residential areas



Hoarwithy Road



Belmont Road Bus Priority Measures



Holme Lacy Road



Belmont Road – Tesco Roundabout



Walnut Tree Avenue

South Wye Active Travel Improvements

Public exhibition venues and times

If you would like more information on the possible improvements summarised in this leaflet please come along to one of the exhibitions and/ or visit the SWTP website www.herefordshire.gov.uk/south-wye-transport-package

Date	Venue	Time
Wednesday 14th September 2016	The Three Counties Hotel Belmont Road Hereford HR2 7BP	10am to 8pm
Wednesday 21st September 2016	Hereford Business Solutions Centre Skylon Court Coldnose Road Hereford HR2 6JL	10am to 8pm
Monday 26th September 2016	The Kindle Centre ASDA Supermarket Belmont Road Hereford HR2 7JE	10am to 8pm

All venues are fully accessible and have car and cycle parking

Online

Consultation information and the consultation questionnaire will be available online at:

www.herefordshire.gov.uk/south-wye-transport-package from Wednesday 14th September 2016.

Display exhibition

There will be an information display at Tesco Superstore, Abbotsmead Road, Belmont, from the 29th September until 12th October. The information will be displayed at Hereford Leisure Pool, St Martins Avenue, Hereford, from the 19th October until the consultation closes on **Tuesday 25th October 2016**.

What happens next?

Late 2016

- Public consultation
- Review of consultation feedback
- Council decides improvements to take further

2017 and onwards

- Preliminary design
- Further community consultation
- Detailed design and implementation



www.facebook.com/hereford2020



www.twitter.com/hereford_2020

Alternative formats of this leaflet are available upon request.

Appendix B

POSTERS AND FLYERS

South Wye Transport Package

Have your say about improvements in South Wye, Hereford

Herefordshire Council is looking at ways to improve active travel in South Wye (including walking and cycling) as part of the South Wye Transport Package.

Attend one of the public exhibitions to find out more about the range of possible improvements and tell us what you think.

- Wednesday 14th September at The Three Counties Hotel, Belmont Road, Hereford, HR2 7BP.
- Wednesday 21st September at Hereford Business Solutions Centre, Skylon Court, Coldnose Road, Hereford, HR2 6JL.
- Monday 26th September at The Kindle Centre (next to Asda Supermarket), Belmont Road, Hereford, HR2 7JE.

All sessions will run between 10am and 8pm.

All venues are fully accessible and have car and cycle parking.

For further information and to complete an online questionnaire visit: <https://www.herefordshire.gov.uk/south-wye-transport-package> from Wednesday 14th September.

The consultation will close on Tuesday 25th October.

 SouthWyeTP@balfourbeatty.com

Appendix C

PUBLIC CONSULTATION QUESTIONNAIRE

South Wye Transport Package: Active Travel Improvements Consultation

QUESTIONNAIRE

We would like to know what you think about possible improvements for active travel (including walking and cycling) in South Wye, Hereford. Information on the improvements and their likely benefits can be found at the exhibitions and online at <https://www.herefordshire.gov.uk/south-wye-transport-package>. Please complete the questionnaire below by marking the relevant boxes.

This questionnaire is anonymous and only requires your postcode details.

Postcode:

We will only use this to check the geographical origin of responses

Question 1

Tick those boxes that apply to you:

- a) I live in South Wye
- b) I work at the Hereford Enterprise Zone (HEZ) / Rotherwas Industrial Estate
- c) I am a regular user of Ross Road (A49)
- d) I am a regular user of Belmont Road (A465)
- e) I regularly walk or cycle in Hereford

a)	
b)	
c)	
d)	
e)	

Question 2

Please rank the following SWTP objectives in order of importance to you (1 being the most important and 6 being the least important)

- a) Reduce congestion and delay
- b) Enable access to developments such as the HEZ
- c) Reduce the growth in emissions
- d) Reduce traffic noise
- e) Reduce accidents
- f) Encourage physical activity

a)	
b)	
c)	
d)	
e)	
f)	

Question 3

Please score your level of support for each of the possible improvements. Use the space in Question 4 to make comments on improvements that are of specific interest to you.

Improvement	Strongly oppose ←			→ Strongly support	
	1	2	3	4	5
(1) 20 mph residential areas	1	2	3	4	5
(2) Belmont Road bus priority measures	1	2	3	4	5
(3) Belmont Road walking and cycling improvements	1	2	3	4	5
(4) Belmont Road weight restriction	1	2	3	4	5
(5) Belmont Road (West) walking and cycling improvements	1	2	3	4	5
(6) Better walking and cycling routes to Hereford Enterprise Zone	1	2	3	4	5
(7) Hoarwithy Road and Hinton Road walking and cycling links	1	2	3	4	5
(8) Holme Lacy Road—further walking and cycling improvements	1	2	3	4	5
(9) Walnut Tree Avenue / Hunderton Road traffic reduction	1	2	3	4	5



Question 4

What do you like about the proposed improvements listed in Question 3? **(Please use the improvement reference number shown above when writing your comments and continue on a separate sheet of paper if required)**

.....

.....

.....

.....

.....

Question 5

Are there any other active travel improvements in the South Wye area you would like to see? **(Please continue on a separate sheet of paper if required)**

.....

.....

.....

.....

.....

Question 6

Have you attended a public exhibition?

Yes (go to Q. 7)	No (go to Q. 9)	Not yet but intend to

Question 7

- a) Did the exhibition meet your expectations?
- b) Was there enough information to answer any queries that you may have had?
- c) Did the venue suit you?
- d) Were the times appropriate?
- e) Were the staff sufficiently informed to answer your questions?

Yes	No

Question 8

How did you hear about this exhibition? **(Tick all boxes that apply)**

- a) Local poster / flyer
- b) Social media
- c) Newspaper advert
- d) Local radio
- e) Word of mouth
- f) Other, please specify

a)	
b)	
c)	
d)	
e)	
f)	

.....



Question 9

Which age group do you belong to?

- a) Under 17 years old
- b) 17-24 years old
- c) 25-34 years old
- d) 35-44 years old
- e) 45-54 years old
- f) 55-64 years old
- g) 65-74 years old
- h) 75 years or older
- i) Prefer not to answer

a)	
b)	
c)	
d)	
e)	
f)	
g)	
h)	
i)	

Question 10

What is your gender?

- a) Male
- b) Female
- c) Prefer not to answer

a)	
b)	
c)	

Question 11

Do you consider yourself to have a disability?

- a) Yes
- b) No
- c) Prefer not to answer

a)	
b)	
c)	

Access to Information

Herefordshire Council and its consultants will use the questionnaires to provide evidence for developing ways to promote walking and cycling in the South Wye area. The data collected will not be used for any other purpose and the questionnaire will be disposed of securely after they have served this purpose.

Herefordshire Council is subject to the Freedom of Information Act, 2000, (Fol) and Environmental Information Regulations (EIRs) which means that questionnaires may be released in response to a request for information. However, all personal data will be treated in line with our obligations under the Data Protection Act, 1998. This means your personal data will not be shared.

Alternative formats of this questionnaire are available upon request from **SouthWyeTP@balfourbeatty.com**.

If you would like to make any further comments please email **SouthWyeTP@balfourbeatty.com** or write to us at:

FREEPOST:RTHL-BBZH-JATH
 (SWTP Active Travel)
 Balfour Beatty Living Places
 Unit 3, Thorn Business Park
 Rotherwas
 HEREFORD
 HR2 6JT

Please return this questionnaire and feedback by Tuesday 25th October 2016

THANK YOU FOR TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE

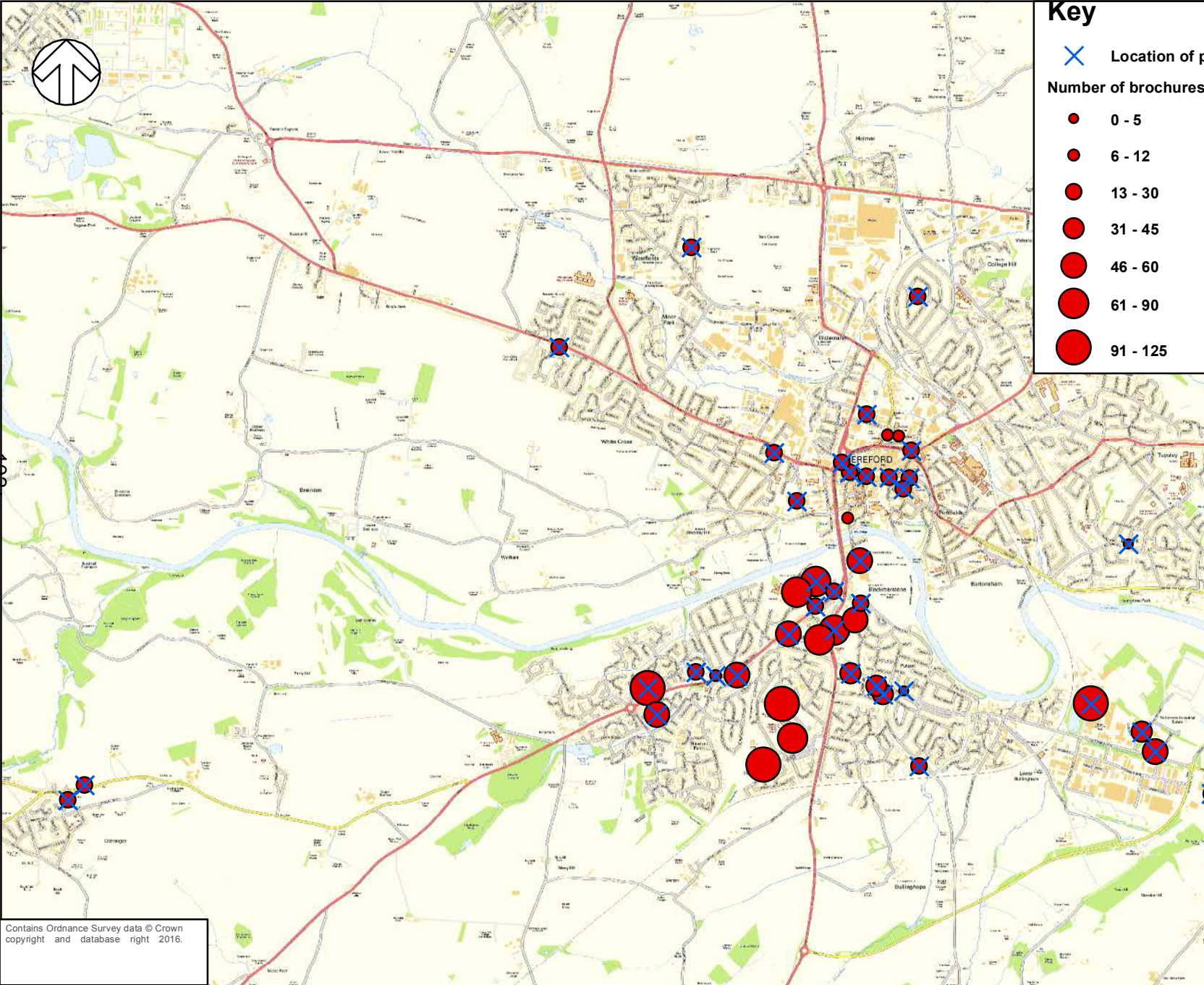


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Appendix D

POSTER AND BROCHURE DISTRIBUTION



Key

-  Location of posters and flyers according to postcode
- Number of brochures distributed according to postcode**
-  0 - 5
-  6 - 12
-  13 - 30
-  31 - 45
-  46 - 60
-  61 - 90
-  91 - 125



TITLE:
 SWTP ACTIVE TRAVEL CONSULTATION-
 POSTER AND BROCHURE DISTRIBUTION

FIGURE No:
 APPENDIX D

Contains Ordnance Survey data © Crown copyright and database right 2016.

Appendix E

EXHIBITION PANELS

What is the South Wye Transport Package?

The South Wye Transport Package (SWTP) aims to promote economic growth within Hereford while tackling specific problems in the South Wye area. The aim is to promote economic development by unlocking the barriers to economic growth, including land at the Hereford Enterprise Zone (HEZ).

SWTP Objectives

Reduce congestion and delay

Enable access to developments such as the HEZ

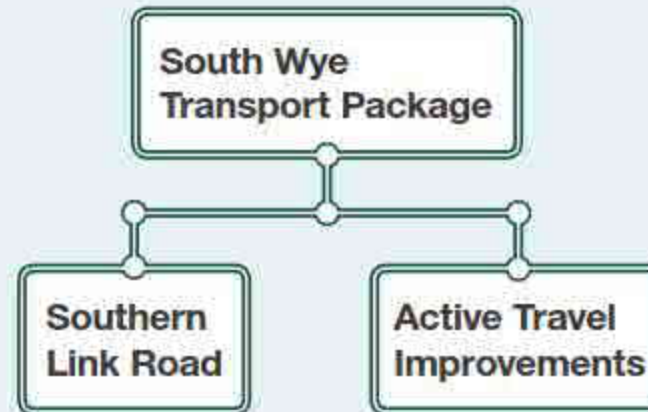
Reduce the growth in emissions

Reduce traffic noise

Reduce accidents

Encourage physical activity

The South Wye Transport Package (SWTP) comprises:



The Southern Link Road (SLR) has recently been granted planning permission and the delivery of the scheme continues.

Why are active travel measures proposed?

Herefordshire Council is looking at ways to improve active travel (including walking and cycling) in South Wye, Hereford. This consultation is specifically seeking your views on a range of possible active travel improvements.

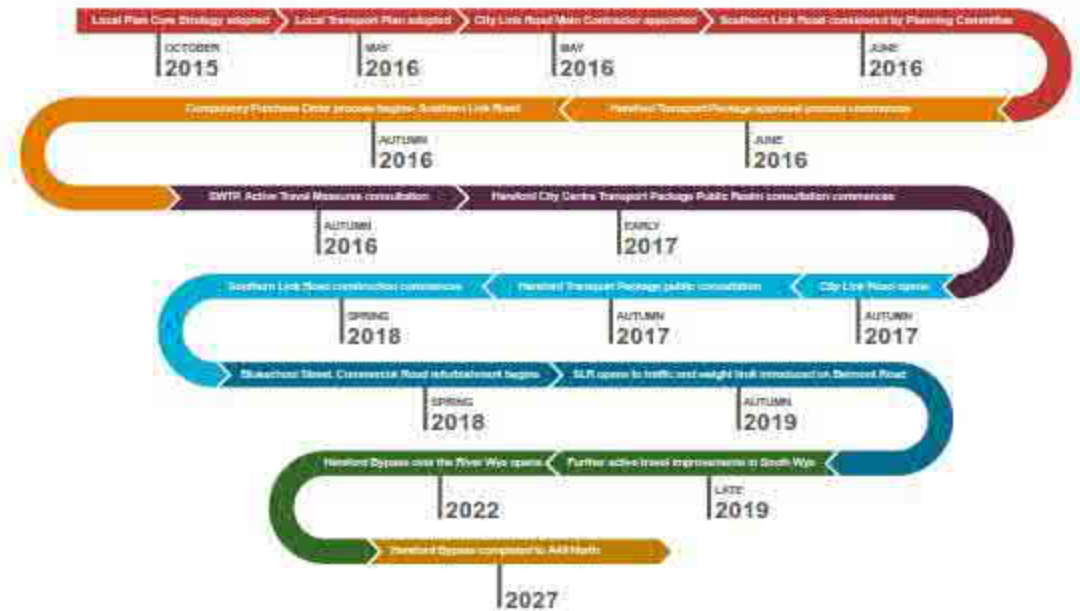
What is active travel?

Active travel is about physical activity in the form of walking and cycling, rather than motorised forms of travel, such as the private car.





Infrastructure timeline



105

What have we already delivered?

South Wye Transport Package

Hereford Connect2 Bridge & Greenway

New crossing

Traffic free

Commuter route



Goodrich Grove — The Oval cycle lane

New links

Traffic free



Rotherwas Link to Greenway

Commuter route

Traffic free



Greenway link

Holme Lacy Road

New crossing

Safer routes to school

Traffic free



Walnut Tree Avenue —20 Zone

Quieter streets



Belmont cycleway

Family route

Traffic free



A49—Bullingham Lane

New crossing

Safer routes to school



Rural access

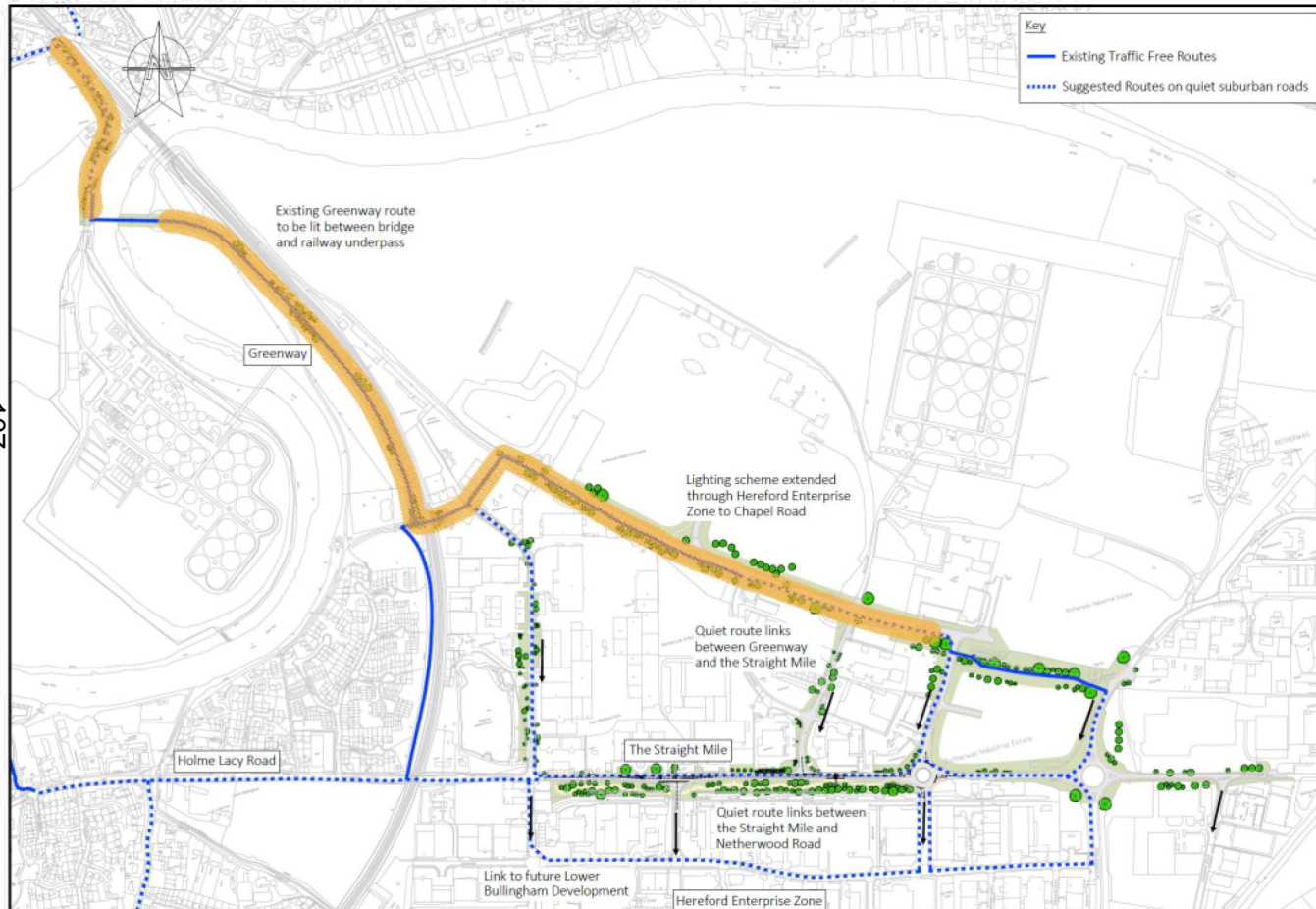
Commuter route



106

Hereford Greenway lighting and The Straight Mile cycle route

We are providing new lighting on the Hereford Greenway and a new cycle route along The Straight Mile.



Visualisation of lighting scheme along Hereford Greenway

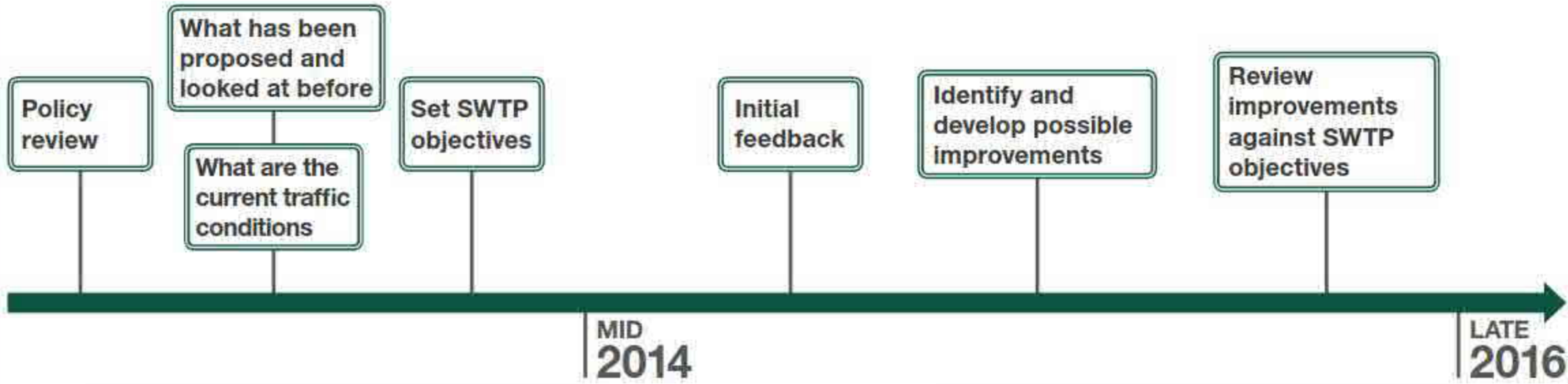


Visualisation looking east. Entrance to Edison's coffee shop is on the left



107

108



INITIAL PUBLIC CONSULTATION IN 2014

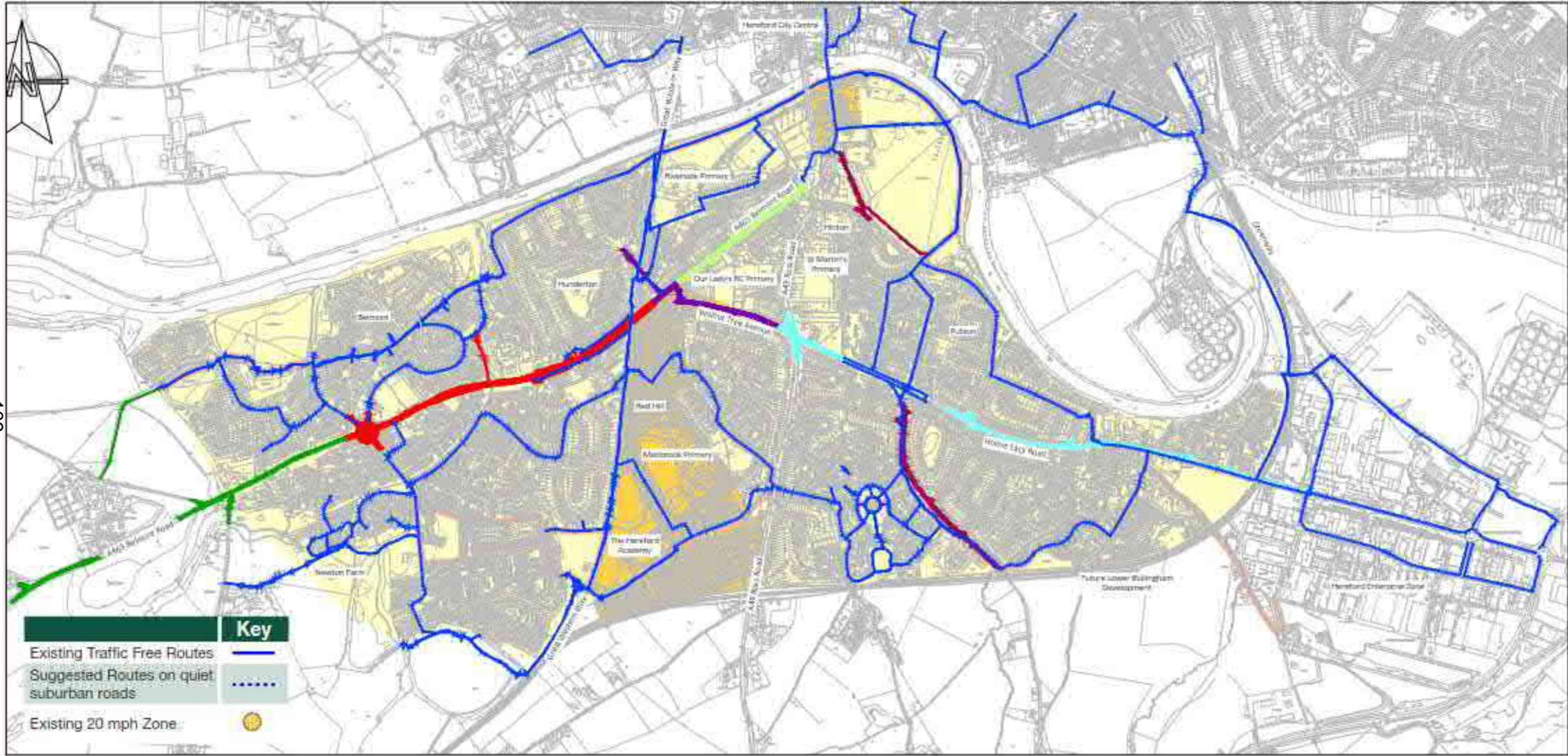
At the 2014 consultation you said:

- Poor walking and cycling is one of the top five transport issues in South Wye
- You support more and improved walking and cycling infrastructure in South Wye

SECOND PUBLIC CONSULTATION IN 2016

At this consultation we want to hear:

- Your level of support for each of the possible improvements, what you like about them, and what could be improved?



109

Possible Improvements	Key	Possible Improvements	Key	Possible Improvements	Key
20 mph residential areas		Belmont Road weight restriction		Hoorwithy Road and Hinton Road walking and cycling links	
Belmont Road bus priority measures		Belmont Road (West) walking and cycling improvements		Holme Lacy Road—further walking and cycling improvements	
Belmont Road walking and cycling improvements		Better walking and cycling routes to Hereford Enterprise Zone		Walnut Tree Avenue / Hunderton Road traffic reduction	

Possible improvements and SWTP objectives	Reduce congestion and delay	Enable access to developments such as the HEZ	Reduce the growth in emissions	Reduce traffic noise	Reduce accidents	Encourage physical activity
20 mph residential areas	✓	✓	✓	✓	✓	✓
Belmont Road bus priority measures	✓	✓	✓		✓	✓
Belmont Road walking and cycling improvements	✓	✓	✓	✓	✓	✓
Belmont Road weight restriction	✓		✓	✓	✓	✓
Belmont Road (West) walking and cycling improvements	✓		✓	✓	✓	✓
Better walking and cycling routes to Hereford Enterprise Zone	✓	✓			✓	✓
Hoarwithy Road and Hinton Road walking and cycling links	✓	✓	✓	✓	✓	✓
Holme Lacy Road—further walking and cycling improvements	✓	✓	✓	✓	✓	✓
Walnut Tree Avenue / Hunderton Road traffic reduction	✓	✓	✓	✓	✓	✓

110

20 mph residential areas

A 20 mph area covering all residential streets in South Wye excluding primary routes (A Roads)

Benefits

More walking and cycling friendly streets

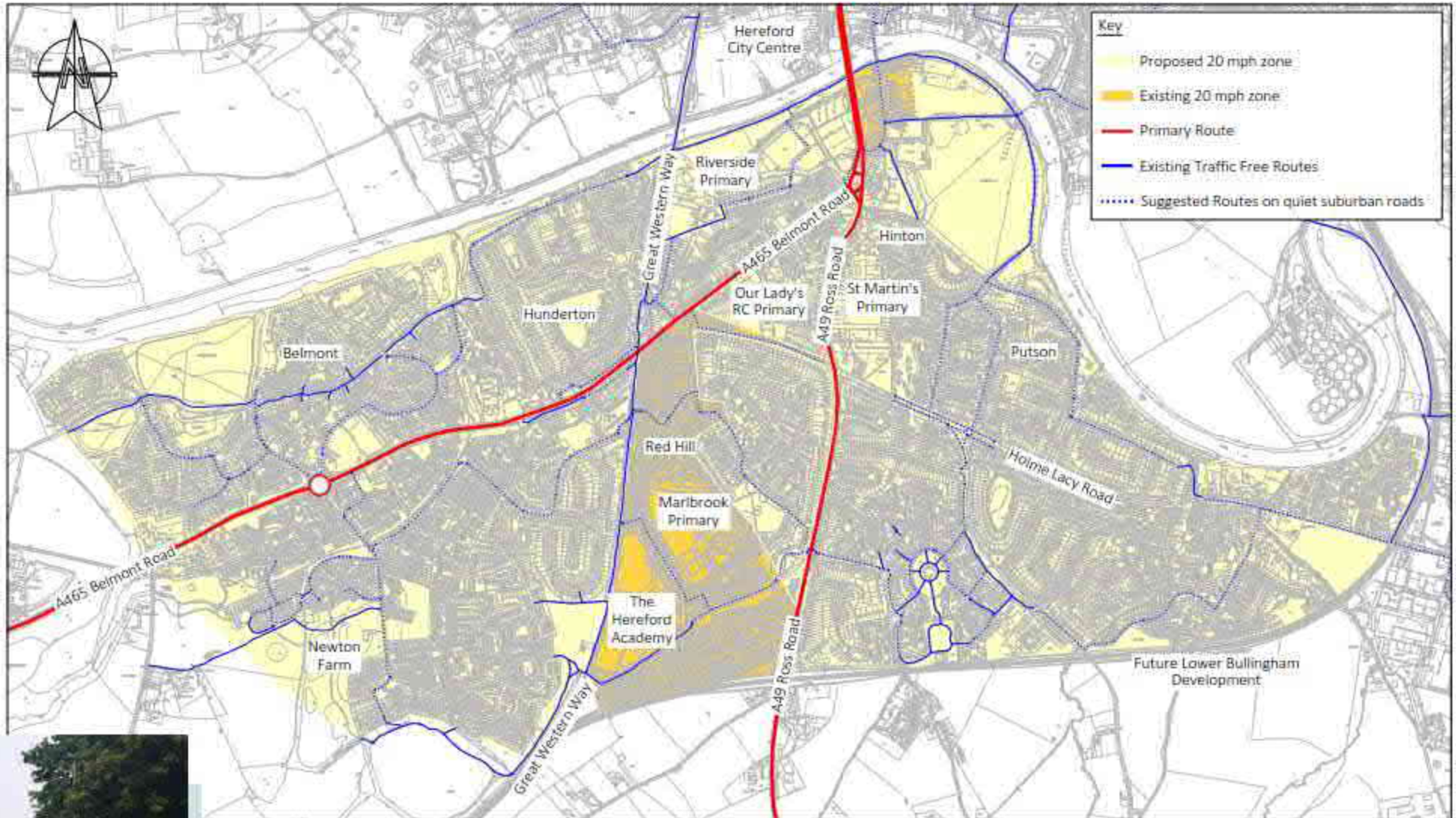
Better connected local communities

Cleaner air quality

Quieter streets

Safer journeys for all road users

Healthier and happier journeys



Artist's impression of 20mph gateway on Belmont Avenue

Belmont Road bus priority measures

An inbound bus lane on Belmont Road (A465) complemented by new and improved cycleway/footways and an improved crossing at Belmont Avenue

Benefits

An inbound bus lane and new cycleway from Hunderton Road to Asda Roundabout

Easier to cross Belmont Road

Safer journeys to the city centre

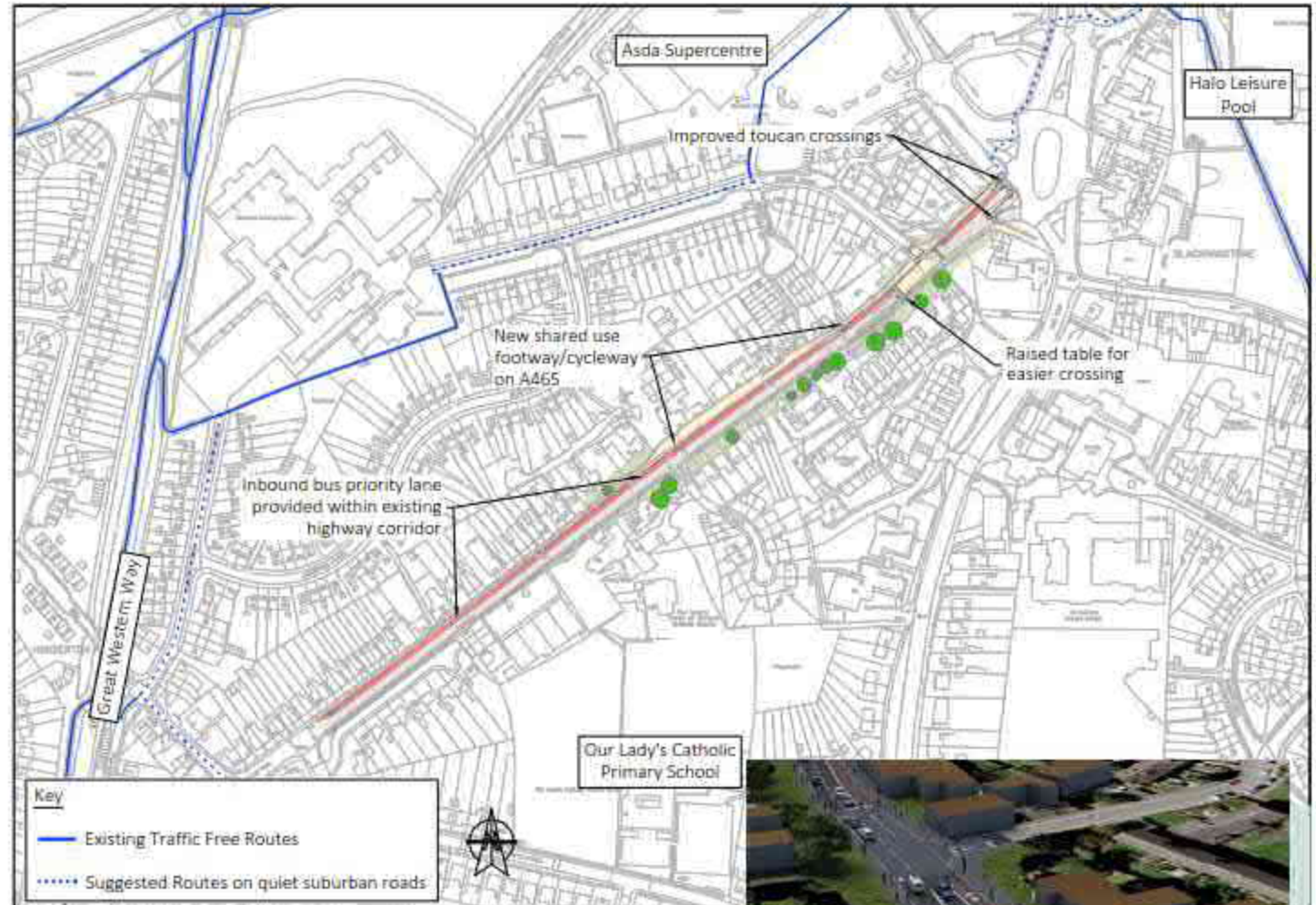
Improved bus journey times to the city centre

Cleaner air quality

Healthier and happier journeys

Encourages inexperienced and returning cyclists

Visualisation looking north-east from Walnut Tree Avenue junction to show possible bus priority measures along the A465



Visualisation of possible bus priority measures and improved crossings along the A465 approaching the Asda Roundabout



Belmont Road walking and cycling improvements

Improving the environment for walking and cycling and connecting communities either side of Belmont Road

Benefits

A new cycleway on Belmont Road from Tesco Roundabout to Walnut Tree Avenue

Easier to cross Belmont Road

Better connected local communities

Safer journeys to school

Healthier and happier journeys to school

Improved links to existing walking and cycling routes, such as Great Western Way

Improved tree-lined street environment

Encourages inexperienced and returning cyclists



Visualisation of possible walking and cycling improvements at Tesco Roundabout



Visualisation of possible new toucan crossing on Belmont Road near Newton Brook, with connecting shared use path and improved link to Sydwall Road



Belmont Road weight restriction

Diverting heavy goods vehicles away from communities, improving the environment for walking and cycling. The location of the weight restriction is subject to separate consultation.

Benefits

Improved traffic flow & fewer HGVs on Belmont Road

Cleaner air quality

Quieter streets

Safer journeys for all

Healthier and happier journeys

113

Belmont Road (West) walking and cycling improvements

Improving the environment for walking and cycling and connecting communities along Belmont Road west of Tesco Roundabout

Benefits

A new cycleway on Belmont Road from Ruckhall Lane to Tesco Roundabout

Better connected local communities via new cyclepath from Ruckhall Lane

Cleaner air quality

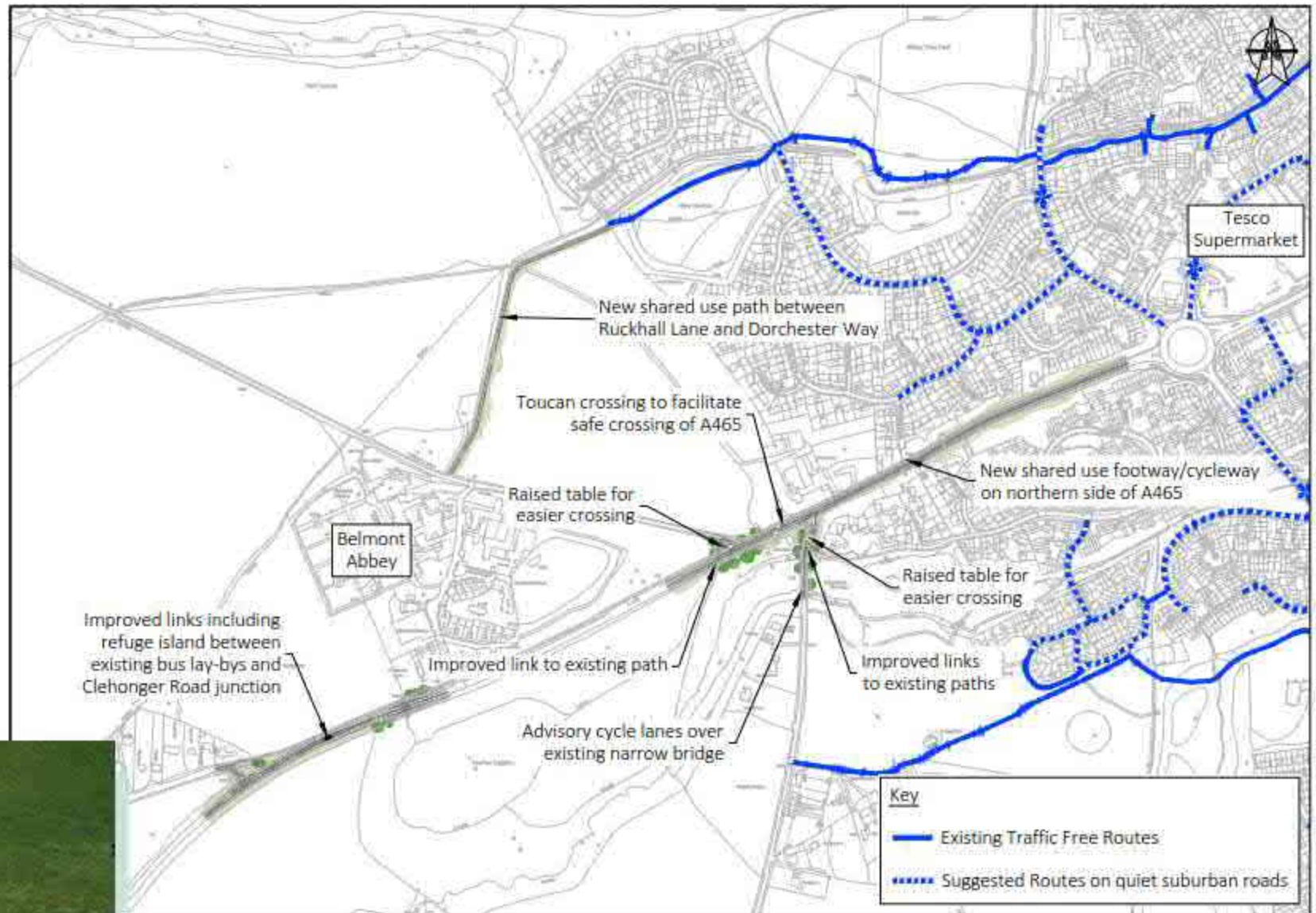
Quieter streets

Easier to cross Belmont Road

Safer journeys for all

Healthier and happier journeys

Encourages inexperienced and returning cyclists



Visualisation looking northwest of possible walking and cycling improvements at western end of Belmont Road. Shows possible Toucan crossing of Belmont Road and improvements at junction with Ruckhall Lane

Better walking and cycling routes to Hereford Enterprise Zone

Improving quieter alternatives to the main roads for walking and cycling, extending from Belmont to Hereford Enterprise Zone

Benefits

Tackling barriers to walking and cycling

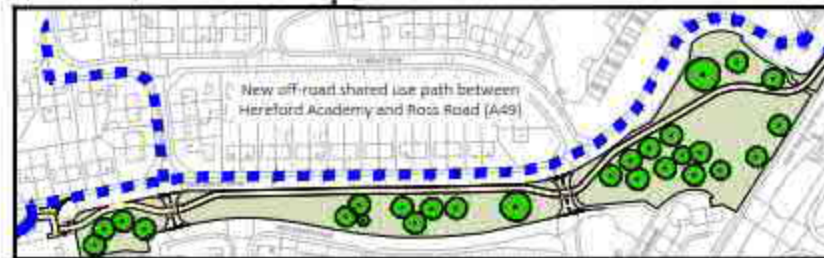
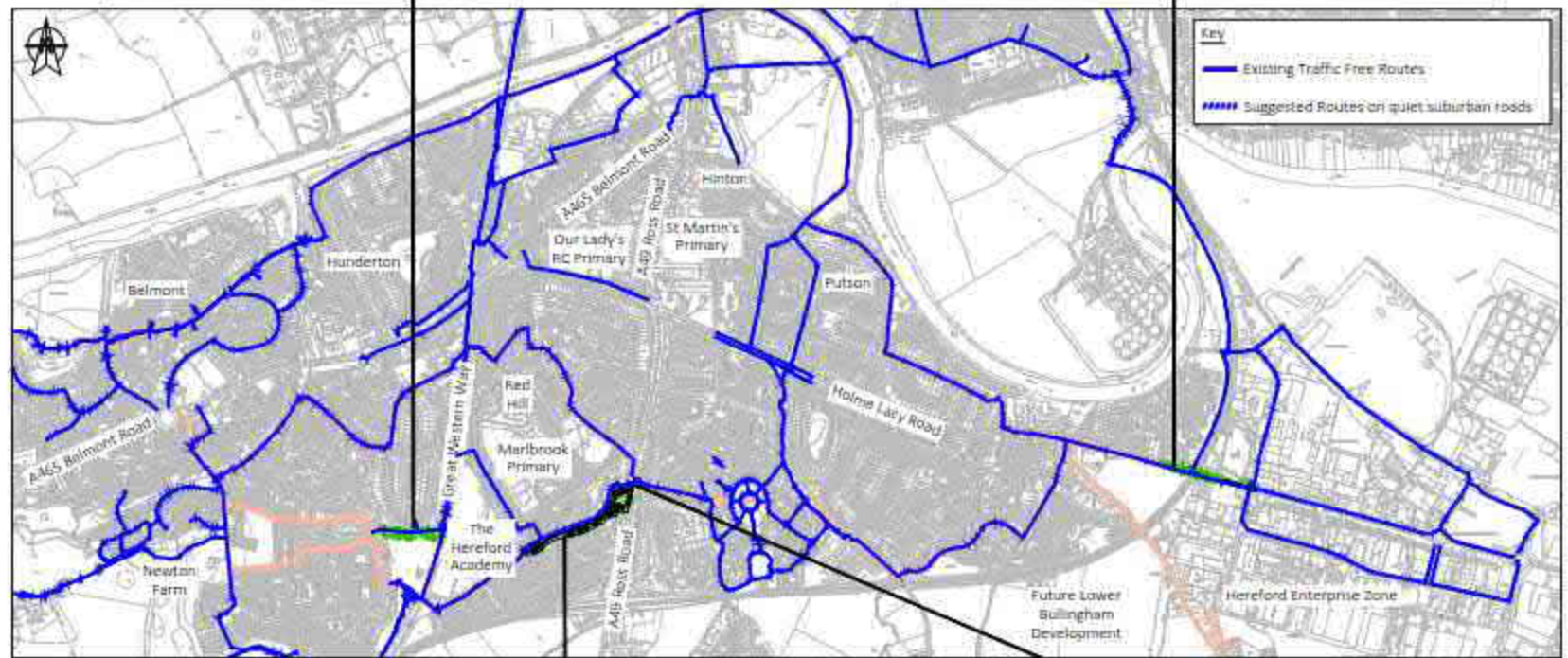
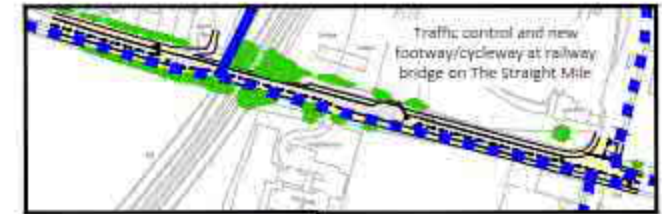
Opening up new links and opportunities for walking and cycling

Encourages inexperienced and returning cyclists

Safer journeys to school and work

Healthier and happier journeys to school and work

Visualisation looking east along Marlbrook Road showing possible off-road shared use path from Hereford Academy to Ross Road (A49)



115

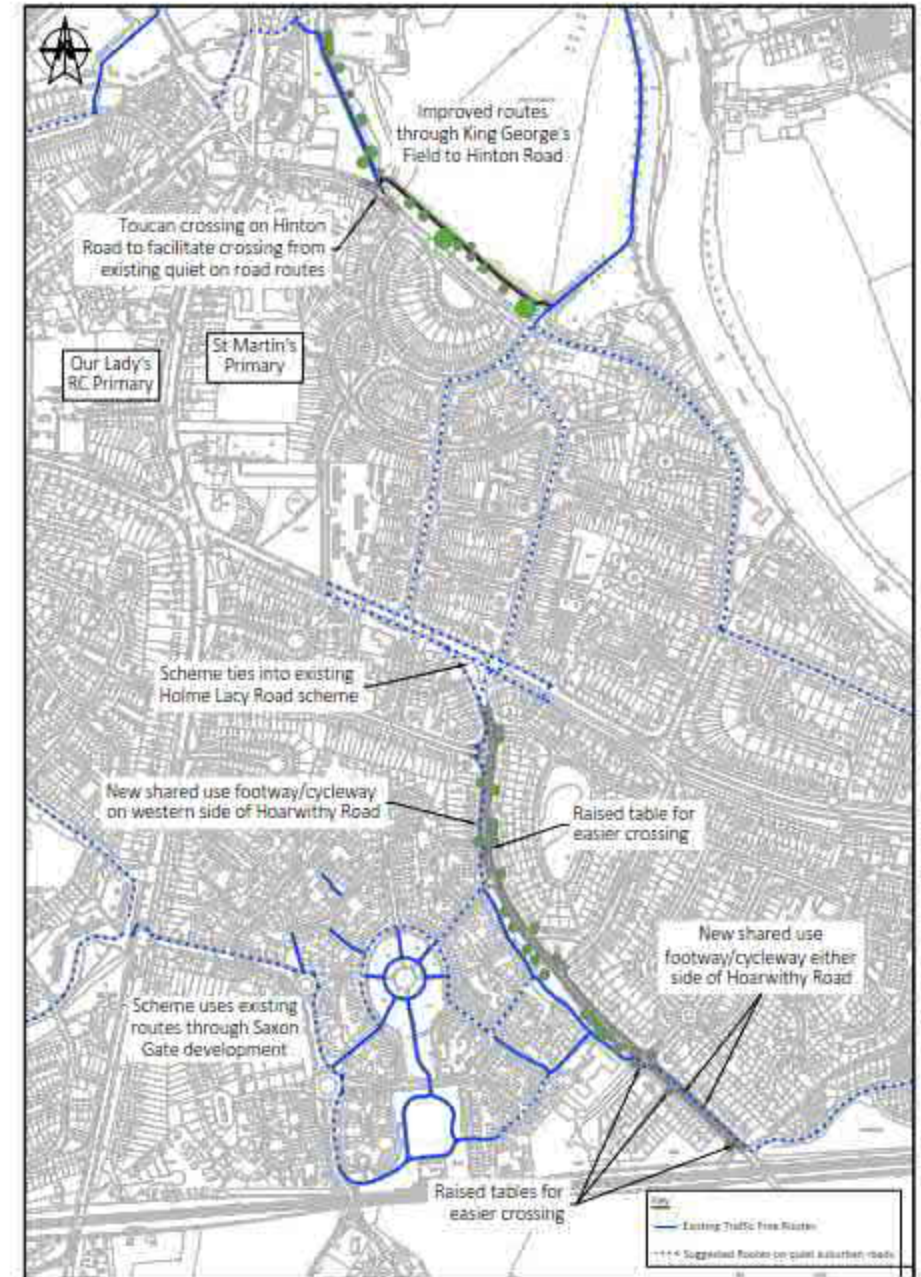
Hoarwithy Road and Hinton Road walking and cycling links

Improving links to Holme Lacy Road from the north and south, connecting communities with the city centre and HEZ.

Benefits

- New cycleway on Hoarwithy Road from The Pastures to Holme Lacy Road
- Improved link between Hinton Road and the Leisure Pool and city centre
- Improved connections between the city centre and the HEZ
- Better connected local communities
- Easier to cross Hoarwithy Road and Hinton Road
- Safer journeys to work
- Opening up new links and opportunities for walking and cycling
- Encourages inexperienced and returning cyclists

119 Visualisation of possible shared use footway/cycleway either side of Hoarwithy Road at the Aconbury Avenue / Saxon Hall entrance crossroads, looking north towards existing cycleway at Poppy Walk



Holme Lacy Road – further walking and cycling improvements

Improving the environment for walking and cycling and connecting communities along Holme Lacy Road to the HEZ

Benefits

New cycleway between Walnut Tree Avenue and the HEZ

Priority working under rail bridge

Improved walking and cycling route under rail bridge

Joining up recent improvements on Holme Lacy Road

Improved connections to the HEZ

Better connected local communities

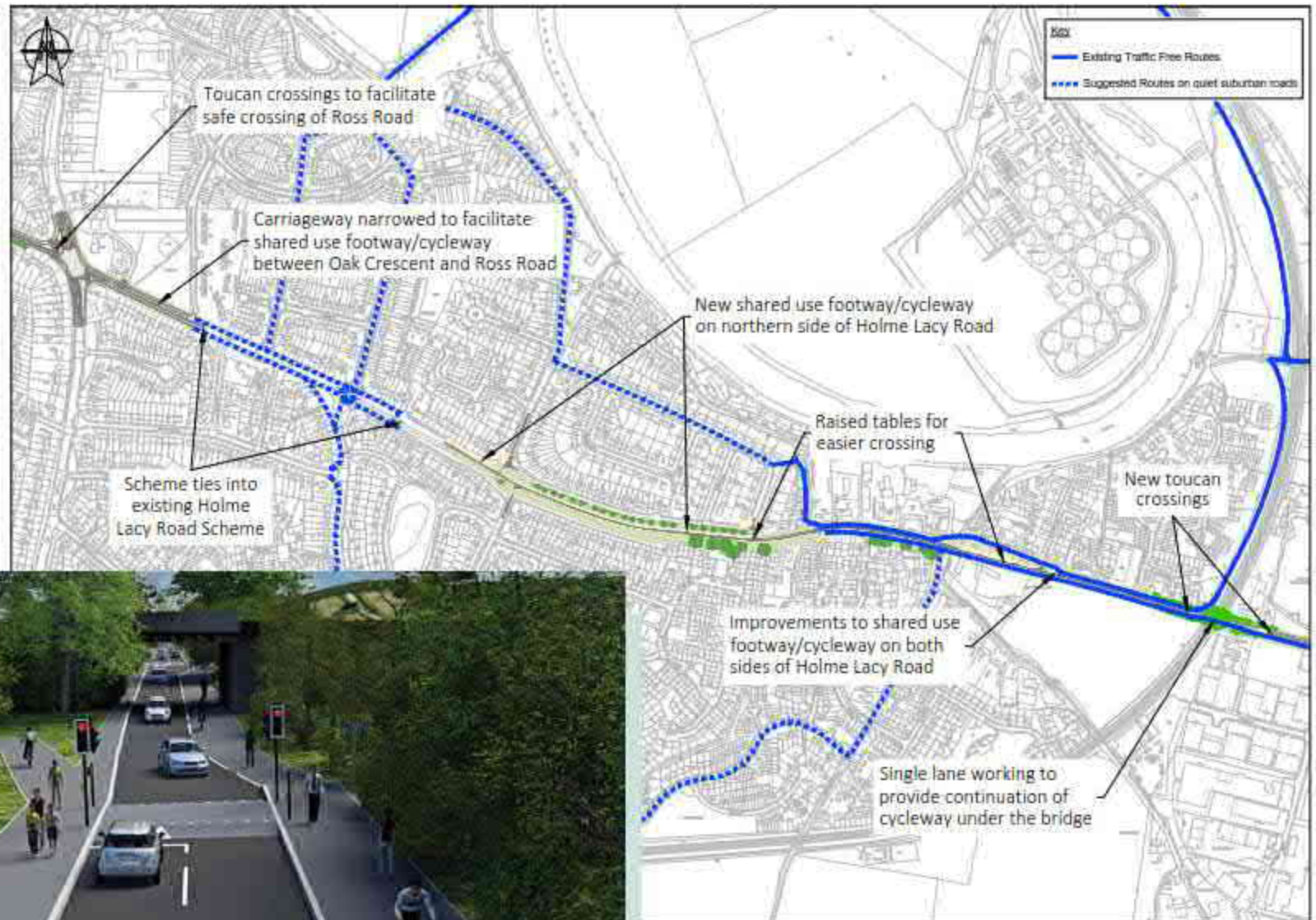
Easier to cross Holme Lacy Road

Safer journeys to work

Healthier and happier journeys to work

Encourages inexperienced and returning cyclists

Opening up new links and opportunities for walking and cycling



Visualisation of possible shared use footway/cycleway under the rail bridge on The Straight Mile, looking towards Hereford Enterprise Zone. Shows toucan crossing and the priority working for motor vehicles under rail bridge

Walnut Tree Avenue / Hunderton Road traffic reduction

Removing through traffic and connecting communities either side of the A465 to enable a walking and cycling friendly environment

Benefits

Through traffic removed from Walnut Tree Avenue and Hunderton Road

Better connected local communities

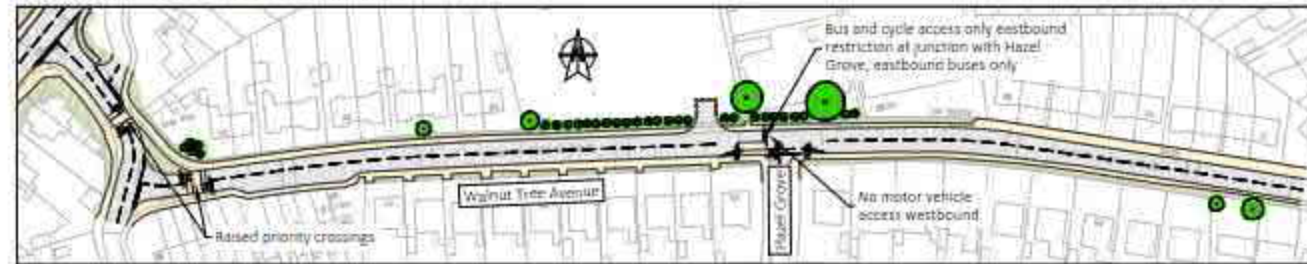
Easier to cross Belmont Road

Safer journeys to school

Healthier and happier journeys to school



Inset plan – Walnut Tree Avenue



Overview plan



Inset Plan – Hunderton Road



Key
 Existing Traffic Free Routes

Visualisation looking south showing possible walking and cycling improvements at the Belmont Road / Walnut Tree Avenue / Home Lane junctions.

Visualisation of Walnut Tree Avenue looking towards Belmont Road showing possible bus and cycle only access at Hazel Grove junction.



Have your say

If you would like more information on the improvements presented today or to give your views on what you've seen, you can:

- Speak to a member of the team
- Visit our website at:
www.herefordshire.gov.uk/south-wye-transport-package
- Fill in the questionnaire today or return it in the Freepost envelope provided
- Email us: southwyeTP@balfourbeatty.com
- Write to us at:
FREEPOST: RTHL-BBZH-JATH
(SWTP Active Travel)
Balfour Beatty Living Places
Unit 3, Thorn Business Park
Rotherwas
HEREFORD
HR2 6JT

The closing date for feedback is:
Tuesday 25th October 2016

What happens next?

Late 2016

- Public consultation until 25th October
- Review of consultation feedback
- Council decides improvements to take further

2017 and onwards

- Preliminary design
- Further community consultation
- Detailed design and implementation

 www.facebook.com/hereford2020

 www.twitter.com/hereford_2020

Appendix F

SUSTAINABLE DROP-IN DAY FLYER



Hereford Enterprise Zone
developed with business in mind



Bill Jackson, High Sheriff of Herefordshire and Chair of Hereford Enterprise Zone Board invites you to drop in to hear about new initiatives to improve your home to work travel.

WHAT: Sustainable travel drop-in day

WHEN: 7:30am to 6:30pm, Monday 19 September

WHERE: Business Solutions Centre, Skylon Court, Coldnose Road, Rotherwas

You will have an opportunity to hear about, sign up to or have your say on:

■ **Improvements on the Enterprise Zone**

- New lighting on the Greenway cycleway
- A new regular bus service from the city centre to Rotherwas and back
- A proposed scheme providing a new cycleway along the Straight Mile

■ **Rotherwas Travel Plan initiatives**

- How to Get to Guide - cycling and walking routes to and from Rotherwas
- Grants to assist businesses to provide pool bikes, changing facilities for cyclists, video-conferencing equipment and more

■ **Consultation on South Wye Transport Package options including**

- Belmont Road walking and cycling improvements
- better routes to HEZ
- further Holme Lacy Road improvements
- 20mph residential zones

Experts from Herefordshire Council, JMP, Safer Roads Partnership and the Enterprise Zone will be present to offer advice and listen to your suggestions



BIKE MARKING service available



Free refreshments will be available throughout the day from 7.30am to 6.30pm,
including shepherd's pie and mushy peas between 12:00 and 2:00pm

Appendix G

DISTRIBUTION OF QUESTIONNAIRE RESPONDENTS

Appendix H

WRITTEN RESPONSES TO THE CONSULTATION

From: [REDACTED]
Sent: 25 October 2016 15:03
To: SouthWyeTP
Cc: [REDACTED]
Subject: Response from Here for Hereford to the SWTP Active Travel Measures Consultation

The following is the Response from Here for Hereford, a local residents group holding the Council to account – we have been unable to complete the online questionnaire as it does not provide for a group response, only an individual one.

Please publish this response and acknowledge receipt of this response by email to

[REDACTED]
[REDACTED]
Thank you

1. The Sustainable Transport Package – Deliver it now!

NB This was known as the Package Assembly Report (PAR) in the original SWTP Consultation documents, and is now referred to as SWTP Active Travel Measures (ATM'S)

1.1 Here for Hereford notes that Cabinet (18/12/14, Minutes #49, p.2) confirmed that

“...the delivery of a sustainable package is integral to the [SWTP] scheme, both for the benefits to the local community and as its delivery is a condition of the funding.”

1.2 Here for Hereford has always supported DfT guidance that sustainable transport measures should be introduced first, before building new roads, such as the Southern Link Road (SLR).

1.3 The Full Business Case (FBC) for the SLR funding package from the Local Growth Fund (LGF) has not, as yet, been prepared. Building the SLR is at least two years behind schedule and its estimates have not been adjusted for cost-inflation arising from this delay, and from further delays anticipated before the start of construction, if approval is given. The DfT has indicated that all costs aside from the conditional LGF £27M must be provided locally. There is every likelihood that building the SLR will cost more than £27M. The Council might consider additional local funding from CIL but this is on hold at the moment. All predictions are that housing sales will not recover for some time and yet the Council wishes to press ahead regardless when it could, instead, concentrate on the ATM's.

1.4 The Council has agreed to fund the ATM's to the tune of £8M, and the Council should go ahead with them forthwith.

2. Drawbacks if the ATM's are not implemented first:-

- 2.1 Walnut Tree Avenue will still be used as a cut-through in place of the SLR
- 2.2 The Belmont Road will still not have a bus lane
- 2.3 The weight restriction on the Belmont Road will not be in place
- 2.4 The 20 mph in selected residential areas will not be in force
- 2.5 The various proposed walking and cycling improvements will not be in place

3. Build on the Success of the Destination Hereford (DH) project

- 3.1 The trend noted in the September 2016 DH report - reduced number of car-based trips as a proportion of all trips; increased walking and cycling; increased public transport trips – will continue in this upward trajectory if the SWTP ATM's are introduced with no further delay.
- 3.2 The recent Rotherwas Employment Travel Survey indicated that most of the people who work there live in the South Wye area – these are the very people who will benefit from the ATM's and who support economic growth in the County (see #4.2 below).

4. Realising the Vision of the Local Transport Plan

- 4.1 Implement the ATM's now (see #1 and #2 above)
- 4.2 This would assist the Council in realising its Vision of a Transport Network that:

'supports growth enabling the provision of new jobs and houses, whilst providing the conditions for safe and active travel, which reduces congestion and increases accessibility by less polluting and healthier forms of transport than the private car'.

5. Assess the current proposal for a light tram system round Hereford now

- 5.1 Upwards of 450 petition signatures asking for this assessment to take place will be delivered to the Council to form part of the response to this ATM Consultation. This tally far exceeds the number of people (253) who responded to the SWTP Consultation in the summer of 2014. The Council should take the proposal seriously.
- 5.2 See 'HTA – Trams for Hereford' <https://www.youtube.com/watch?v=l1kEIEshbMc>
- 5.3 The Parliamentary Transport Committee is examining appropriate measures to form integrated urban traffic management strategies. Its scope of enquiry includes bus priority measures, cycling and walking infrastructure and street-running trams. Introducing the ATM's and tram proposal now would show that Hereford transport management has truly entered the 21st century. Go for it! Together they would appear to cost less than the SLR which does nothing to reduce traffic congestion in Hereford.

6. Assess the functionality of any proposed ATM's to make sure they are 'simple and sweet'

- 6.1 Learn from the lessons of the current Holme Lacy Road scheme where, we understand:-
The road has been narrowed to make excessively wide cycle lanes;

White paint and stop lines for cyclists, pedestrians and traffic proliferate at all angles;

There is no bus bay and the bus shelter is isolated on tarmac about 3m from the road;

There are too many traffic light pedestrian crossings, unnecessarily close together.

6.2 Do not resort to the tactic of making traffic so bad in Hereford that residents decide they do want a Bypass. Only a tiny proportion of traffic in and around Hereford would divert to a Bypass.

Such a tactic flies in the face of the national and local imperative to assist healthy life styles, see:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523460/Working_Together_to_Promote_Active_Travel_A_briefing_for_local_authorities.pdf

7. Here for Hereford concludes this response with the observation that the Consultation should have taken place months ago, but it nevertheless welcomes it.

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From: [REDACTED]
Sent: 24 October 2016 17:15
To: SouthWyeTP
Subject: South Wye Transport Package - response to consultation on Active Travel Improvements

Please see below

Herefordshire Transport Alliance – response to Herefordshire Council consultation on South Wye Transport Package Active Travel Improvements

General comments

1. TIMING

We understand it is intended that these active travel Improvements are to be delivered in the period 2019-2022, i.e. AFTER the completion of the Southern Link Road – this is WRONG. As many as possible should be undertaken immediately to benefit from the high return on investment of active travel initiatives - as acknowledged here by DfT in 2014:

‘Claiming the Health Dividend’ report commissioned by DfT, published in Nov 2014

“ (...) potential health benefits arising from transport investment are now an integral part of the assessment and decision making process. Walking and cycling are the principal means by which we can build physical activity into our lifestyles and so stay healthy, become more healthy and/or reduce our risk of developing 20 conditions and diseases; including coronary heart disease, stroke, type 2 diabetes, cancer, obesity and mental health problems. These health impacts are not only a drain on the NHS but on the economy not least through absenteeism. So, a healthier population makes for a more robust and prosperous economy. So, improving health through cycling and walking benefits society at large.

This report compiles the latest available cost benefit evidence from the UK and abroad from studies that have calculated health benefits alongside other benefits such as savings in travel time, congestion and accidents.

The results are compelling. The typical benefit cost ratios are considerably greater than the threshold of 4:1 which is considered by the Department for Transport as ‘very high’ value for money. This supports the conclusion drawn by Eddington that small-scale transport schemes can really deliver high value for money.

*In an era of close scrutiny over public spending there will be added pressure to achieve exceptional value for money. Within transport, investment in walking and cycling are likely to provide low cost, high-value options for many local communities. **Moreover, delivery time-spans are far shorter than for most other interventions** – which provides another good reason to invest in walking and cycling to help achieve many co-benefits – for business, health, carbon reduction, education, pollution reduction, social cohesion etc.”*

For example, the 20mph speed limits in residential areas - they do not have to await opening of the SLR. Similarly for the walking and cycling improvements on Hoarwithy Road, Hinton Road and Holme Lacy Road.

2. 'THE SCHOOL RUN'

Traffic congestion in Hereford reduces considerably outside school term. Herefordshire Council's own figures bear this out. 2010 traffic data shows that outside term time, morning peak flows decrease by a minimum of 23% and maximum of 52% across the city, and along Belmont Road by 27%.

The proposals in the SWTP scheme do not specifically address the school run, and this is a missed opportunity. The DfT report referred to above lists a number of 'Links to Schools' schemes, which should be studied to ascertain how the more successful ones could be adopted for use in the South Wye area.

A local example is 'Bike it Plus' in Gloucestershire – a partnership between Council and Sustrans

[http://www.thinktravel.info/files/uploads/Bike It Plus Gloucestershire 2013-2014.pdf](http://www.thinktravel.info/files/uploads/Bike%20It%20Plus%20Gloucestershire%202013-2014.pdf)

3. INTEGRATION WITH PUBLIC TRANSPORT

Public Transport is 'Active Travel' – according to the Destination Hereford report, and ought to be considered as part of the South Wye Transport Package. A majority of the population will not want to or be able to cycle and walk to destinations in the City or to the HEZ. Many people need to use the quickest and most efficient/convenient mode of transport as they have little time to spare. Many people simply need public transport because of age (young and old) and because of disability. The cost of bus travel and taxis are prohibitive for people on low incomes.

Hereford's bus network is in decline. Bus service levels in terms of journey frequency and time of day reduced by 40% between 2002 and 2011 and continues to decline (there are no city buses after 19.00 or on a Sunday). Traffic congestion, low investment in environmentally friendly vehicles and a lack of bus priority schemes all lead to the current low usage of a limited network. It is not surprising that a large proportion of people do not consider buses an alternative to the car. Less than 10% of peak hour trips are made by public transport in the city, a poor comparison with other cities in Britain. To help reverse the decline in bus services, there must be provision in the SWTP for measures over and above the very short bus priority lane at the city-end of Belmont Road that is not likely to be very effective. In addition, Hereford needs better bus provision, shared ticketing across different operators, co-ordination of timetables between bus, rail and possibly tram.

4. GREAT WESTERN WAY

Below we are proposing that a light tram system for Hereford could provide an additional means of public transport which would be immune to traffic congestion and would reduce car usage. Part of the route would be along the Great Western Way (GWW), and we envisage trams, walking and cycling sharing that existing space. A full scheme comprising trams and electric buses around the city would benefit students at colleges, the proposed new University, people attending hospital and people going to leisure amenities in the evening.

The current provision for cycling and walking on the GWW could be usefully improved whether or not the tram scheme is developed. Better lighting and CCTV would help users feel more secure, encouraging journeys to school (Hereford Academy / Marlbrook Primary / Riverside Primary).

5. TRAM SCHEME

Kinetic energy lightweight trams have been shown to be commercially viable, and could help manage travel into and around Hereford City, reducing congestion and journey times. We urge the Council to implement a full assessment of such a scheme for Hereford **before** further work is progressed on the South Wye Transport Package, including the Southern Link Road. Rail & Bus for Hereford have published a proposal for a tram

using the Great Western Way: this should be part of the assessment. Part of their recent report is reproduced here:

In 2010/11 Herefordshire transport geographer Gareth Calan Davies and Phil Evans, Managing Director of Pre-Metro Operations Ltd undertook a preliminary study of a light tramway route in Hereford. They concluded that:

1. *Given the fact that Herefordshire Council own and maintain the Great Western Way, considerable savings can be made on a phase 1 light tramway using this route in conjunction with a walk/cycle way.*
2. *Major land use development within the city demands a system with a considerable degree of connectivity internal to the city.*
3. *The use of lightweight kinetic energy trams removes the need for an electricity supply, electric substations and costly overhead transmission lines.*
4. *There is now greater ease of track construction with the development of 'carpet' track. Costs have significantly reduced.*
5. *New signalling developments have reduced the need for expensive systems.*
6. *Vehicle construction costs have reduced following the trial and experience of operation of lightweight trams on the Stourbridge Town rail branch.*
7. *The environmental advantages of kinetic energy trams are overwhelming given a near nil dependence on diesel or petrol as a power supply.*

In the last three weeks, more than 450 people have signed the petition asking that Council give consideration the trams scheme.

6. ALTERNATIVE USE OF 'RETAINED' FUNDS PROVISIONALLY GRANTED FOR THE SOUTHERN LINK ROAD

- Widen the railway bridge at eastern end of Holme Lacy road so that a one way traffic light system is not needed to allow for cycle lane. The proposal to implement single lane working controlled by traffic lights will cause traffic congestion and delays, and cause frustration to car and freight vehicle drivers. The road there is subject to flooding, which dissuades cycling. The proposed arrangement does nothing to address this problem. Why not widen the bridge, so that there are two lanes of traffic and a separate raised pedestrian / cycle track?

- Park & ride scheme on the A465 opposite its junction with the B4349. Services such as 39, 442, 447 and 448 could be re-phased to call in there. This would increase the benefit of the proposed bus priority arrangement further into Hereford starting at Walnut Tree Avenue, by generating additional passenger interest.

Q4 What do you like about the proposed improvements?

(1) 20 mph residential areas

We strongly support this proposed measure, and trust that the funding will cover a meaningful level of enforcement to ensure speeds are actually cut.

Road danger is rising - especially for older people and cyclists. Vehicle drivers increasingly have electronic devices and can be distracted when using them.

Lower speed reduces the likelihood of an accident and the effects of a crash - according to the Transport Research Laboratory every 1mph less reduces injuries by 5-6%. 20mph limits prevent about 20% of casualties. Collisions are 10 times more likely to be fatal at 30mph than 20mph for 60+ year olds.

The City of Edinburgh recorded a trebling of cycling to school and doubling of permission for children to play out after 20mph limits were established.

(2) Belmont Road bus priority measures

This should in most circumstances speed bus journeys slightly into the city, although it does not address queuing earlier in such journeys, e.g. from the Tesco roundabout to Walnut Tree Ave. Has any modeling been done to assess the likely reduction in bus journey times? Are police resources available to enforce? Allowing cyclists to use the bus priority lane would be good.

(8) Holme Lacy Road – further walking and cycling improvements.

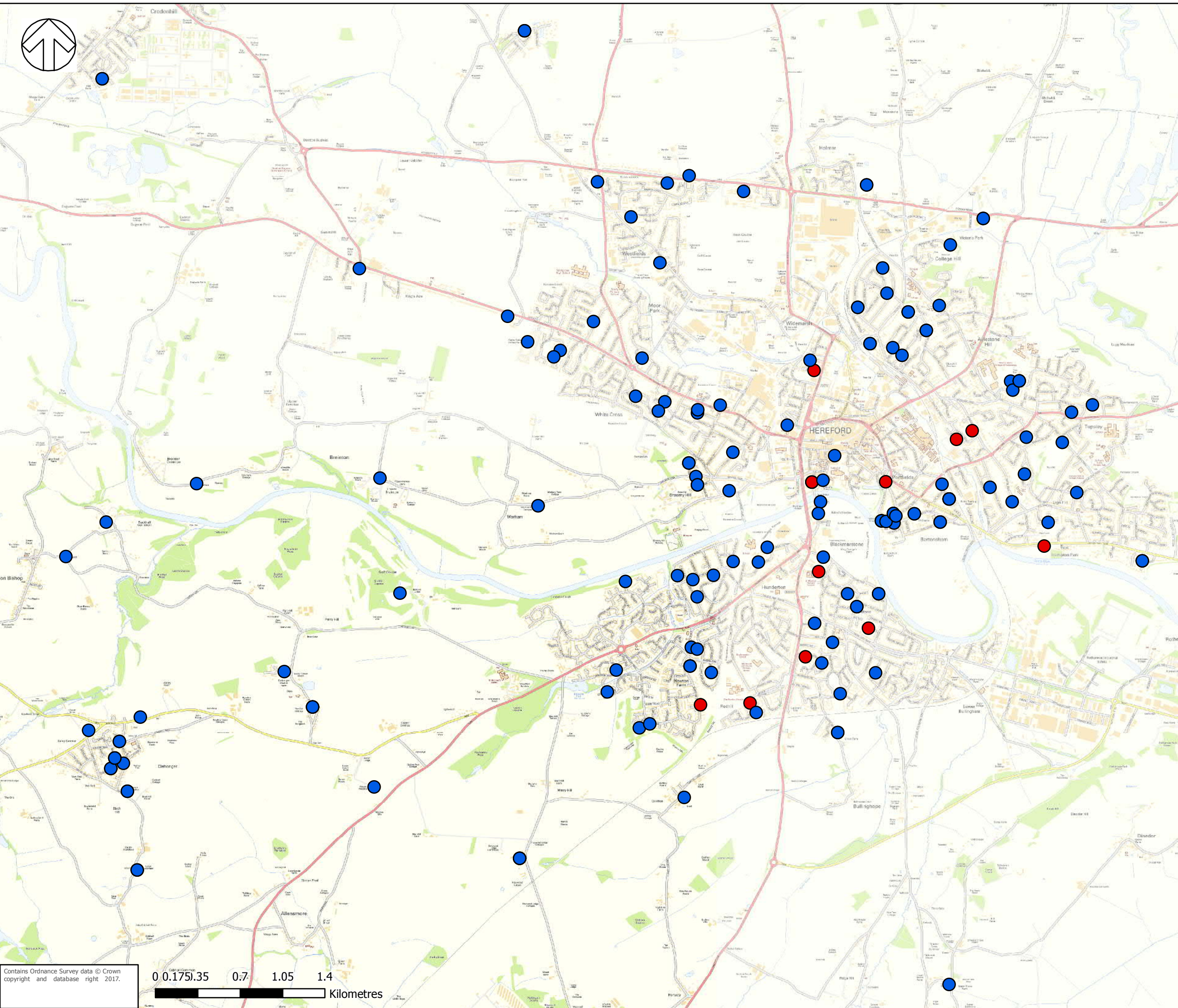
The recently installed changes need to be carefully assessed before proceeding with further measures. See the critique in the latest Hereford Civic Society Newsletter. Unnecessary road narrowing has reduced capacity, leading to hold-ups e.g. behind buses at the new bus stop, and more traffic queuing due to increase in traffic light controlled pedestrian crossings, which are rather too close together. Emissions from the increase in static traffic are unpleasant and unhealthy for adjacent pedestrians and cyclists. This scheme does not reduce congestion.

The proposal to re-engineer the railway bridge at the end of Holme Lacy Road / start of The Straight Mile is flawed. The single lane traffic working will cause traffic congestion and delays, and cause frustration to car and freight vehicle drivers. The road there is subject to flooding, which dissuades cycling. The proposed arrangement does nothing to address this problem. Why not widen the bridge?

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Appendix I

DISTRIBUTION OF PETITION SIGNATORIES



Key

Tram Petition Postcodes

- Likely
- Known

Note: A further 58 signatories fall outside of the map boundary



TITLE:
SWTP Active Travel Consultation

Drawing Title:
Tram Petition Signatories by Postcode

FIGURE No:
Appendix J

Scale at A3:
1:30,000

Drawn: TJ Date: 25/01/2017

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Appendix J

DETAILED QUESTIONNAIRE RESPONSES

	QUESTION	ALL	COMMENTS
1	Tick those boxes that apply to you:	a) I live in South Wye (205)	62%
		b) I work at the Hereford Enterprise Zone (HEZ) / Rotherwas Industrial Estate (39)	12%
		c) I am a regular user of Ross Road (A49) (166)	50%
		d) I am a regular user of Belmont Road (A465) (219)	66%
		e) I regularly walk or cycle in Hereford (159)	48%
			331 people answered Question 1. % given is as a proportion of the responses received.

	QUESTION	TOTAL SCORE	OVERALL RANK	COMMENTS
2	Please put the following SWTP objectives in order of importance to you (1 being the most important and 6 being the least important)	a) Reduce congestion and delay	1,721	1
		b) Reduce accidents	1,134	2
		c) Reduce the growth in emissions	1,109	3
		d) Enable access to developments such as the HEZ	913	4
		e) Encourage physical activity	886	5
		f) Reduce traffic noise	831	6
				341 people answered Question 2. The score is a weighted calculation. Items ranked first are valued higher than the following ranks. The score is a sum of all weighted rank counts.

		QUESTION	1 - STRONGLY OPPOSE	2	3	4	5 - STRONGLY SUPPORT	COMMENTS
3	Please score your level of support for each of the possible improvements. Use the space in Question 4 below to make comments on improvements that are of specific interest to you.	(1) 20 mph residential areas (323)	12.1% (39)	8.4% (27)	22.0% (71)	15.8% (51)	41.8% (135)	328 people answered Question 3. % given is as a proportion of the responses received.
		(2) Belmont Road bus priority measures (322)	20.8% (67)	12.4% (40)	26.4% (85)	14.6% (47)	25.8% (83)	
		(3) Belmont Road walking and cycling improvements (320)	9.7% (31)	13.1% (42)	20.9% (67)	19.1% (61)	37.2% (119)	
		(4) Belmont Road weight restriction (321)	9.0% (29)	10.0% (32)	35.8% (115)	17.8% (57)	27.4% (88)	
		(5) Belmont Road (West) walking and cycling improvements (315)	8.3% (26)	12.7% (40)	23.2% (73)	19.4% (61)	36.5% (115)	
		(6) Better walking and cycling routes to Hereford Enterprise Zone (318)	7.9% (25)	13.2% (42)	24.8% (79)	19.5% (62)	34.6% (110)	
		(7) Hoarwithy Road and Hinton Road walking and cycling links (317)	9.8% (31)	13.9% (44)	25.2% (80)	20.8% (66)	30.3% (96)	
		(8) Holme Lacy Road—further walking and cycling improvements (318)	14.2% (45)	15.1% (48)	24.5% (78)	15.7% (50)	30.5% (97)	
		(9) Walnut Tree Avenue / Hunderton Road traffic reduction (322)	16.8% (54)	11.2% (36)	25.5% (82)	18.0% (58)	28.6% (92)	

	QUESTION	ALL	COMMENTS
4	What do you like about the proposed improvements listed in Question 3? (Please use the improvement reference number shown above when writing your comments)	64%	215 people added further comments. % given is as a proportion of all respondents.

	QUESTION	ALL	COMMENTS
5	Are there any other active travel improvements in the South Wye area you would like to see?	63%	210 people added further comments. % given is as a proportion of all respondents.

	QUESTION	ALL	COMMENTS
6	Have you attended a public exhibition?		330 people answered Question 6. % given is as a proportion of the responses received.
	Yes (123)	37%	
	No (145)	44%	
	Not yet but intend to (62)	19%	

	QUESTION		ALL	COMMENTS
7	a) Did the exhibition meet your expectations? (121)	Yes (82)	68%	123 people answered Question 7. % given is as a proportion of the responses received.
		No (39)	32%	
	b) Was there enough information to answer any queries that you may have had? (118)	Yes (68)	58%	
		No (50)	42%	
	c) Did the venue suit you? (119)	Yes (110)	92%	
		No (9)	8%	
	d) Were the times appropriate? (120)	Yes (105)	88%	
		No (15)	13%	
	e) Were the staff sufficiently informed to answer your questions? (116)	Yes (74)	64%	
		No (42)	36%	

	QUESTION	ALL	COMMENTS	
8	How did you hear about the exhibition? (Tick all boxes that apply)	a) Local Poster / flyer (34)	20%	174 people answered Question 8. % given is as a proportion of the responses received.
		b) Social Media (50)	29%	
		c) Newspaper advert (41)	24%	
		d) Local Radio (19)	11%	
		e) Word of mouth (49)	28%	
		f) Other. Please specify (36)	21%	

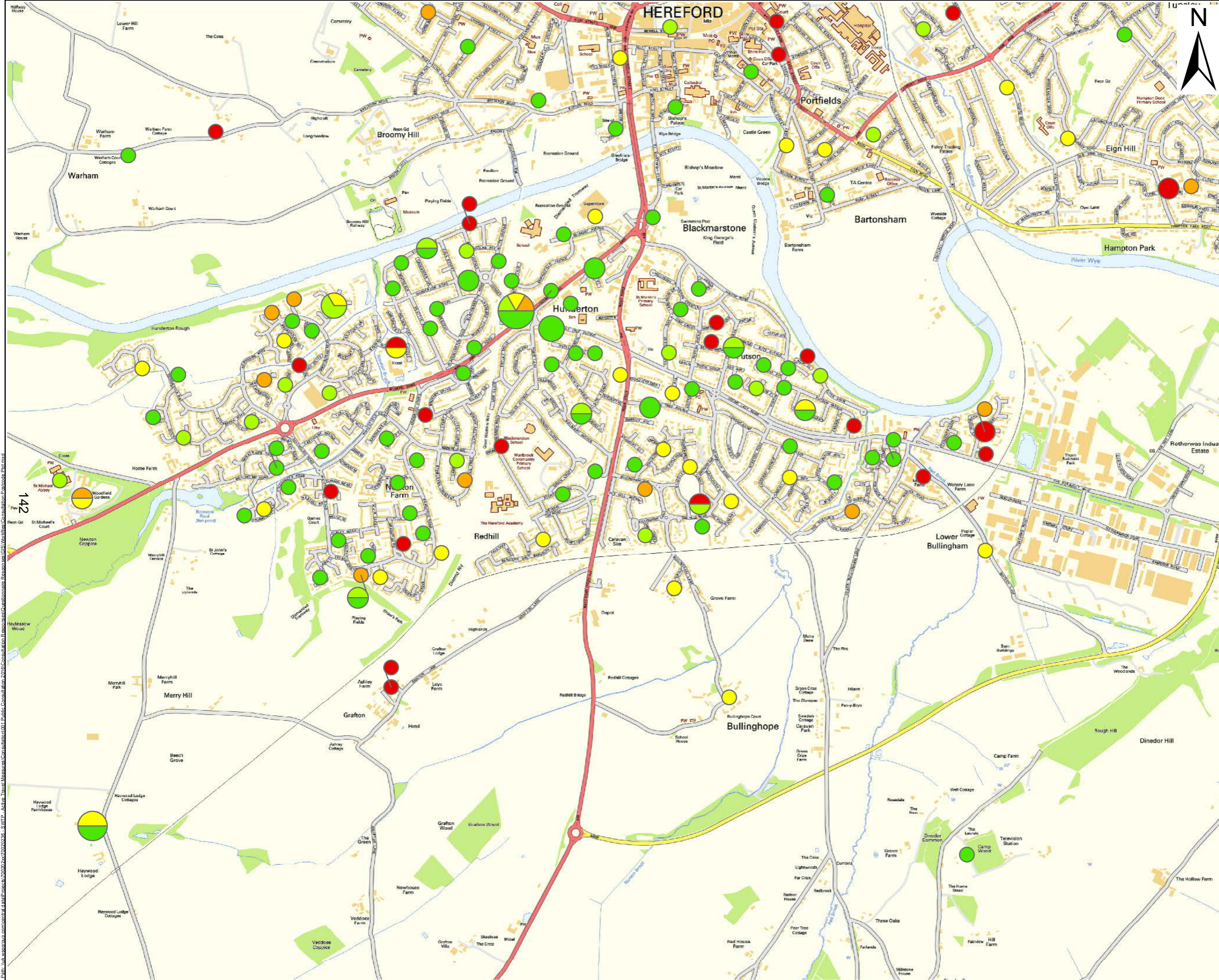
	QUESTION	ALL	COMMENTS	
9	Which age group do you belong to?	a) Under 17 years old (1)	0%	330 people answered Question 9. % given is as a proportion of the responses received.
		b) 17-24 years old (20)	6%	
		c) 25-34 years old (45)	14%	
		d) 35-44 years old (61)	18%	
		e) 45-54 years old (65)	20%	
		f) 55-64 years old (64)	19%	
		g) 65-74 years old (48)	15%	
		h) 75 years or older (18)	5%	
		i) Prefer not to answer (8)	2%	

QUESTION		ALL	COMMENTS
10	What is your gender?	a) Male (165)	326 people answered Question 10. % given is as a proportion of the responses received.
		b) Female (145)	
		c) Prefer not to answer (12)	

QUESTION		ALL	COMMENTS
11	Do you consider yourself to have a disability?	a) Yes (39)	325 people answered Question 11. % given is as a proportion of the responses received.
		b) No (274)	
		c) Prefer not to answer (12)	

Appendix K

SPATIAL ANALYSIS OF QUESTION 3



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Key

Level of Support for:

20mph Residential Areas

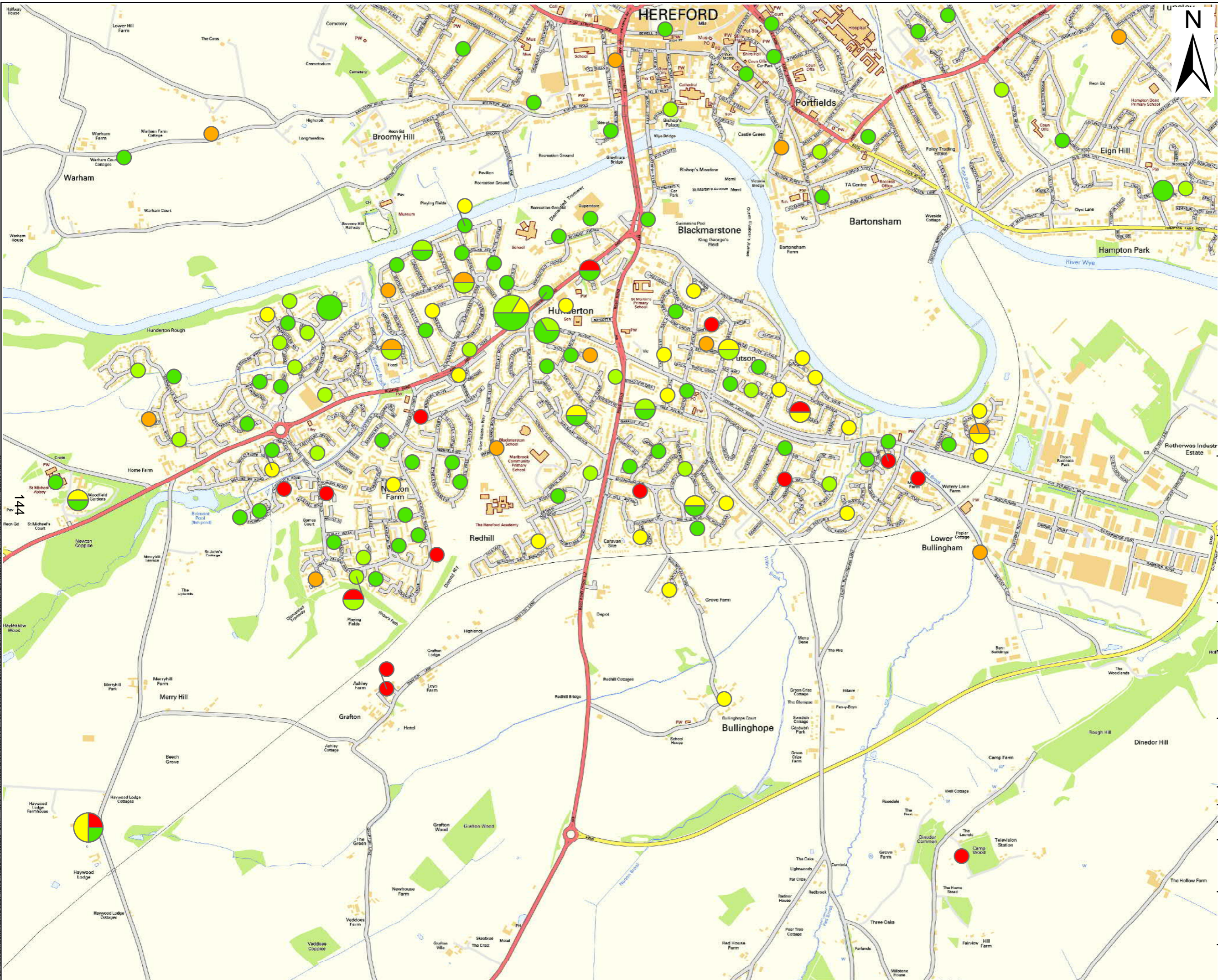
- 1 Strongly Oppose
- 2
- 3
- 4
- 5 Strongly Support

Size and proportion of charts indicate number of responses from each postcode

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Job Title			
SWTP Active Travel Consultation			
Drawing Title			
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Key

Level of Support for:

Belmont Road Walking and Cycling Improvements

- 1 Strongly Oppose
- 2
- 3
- 4
- 5 Strongly Support

Size and proportion of charts indicate number of responses from each postcode

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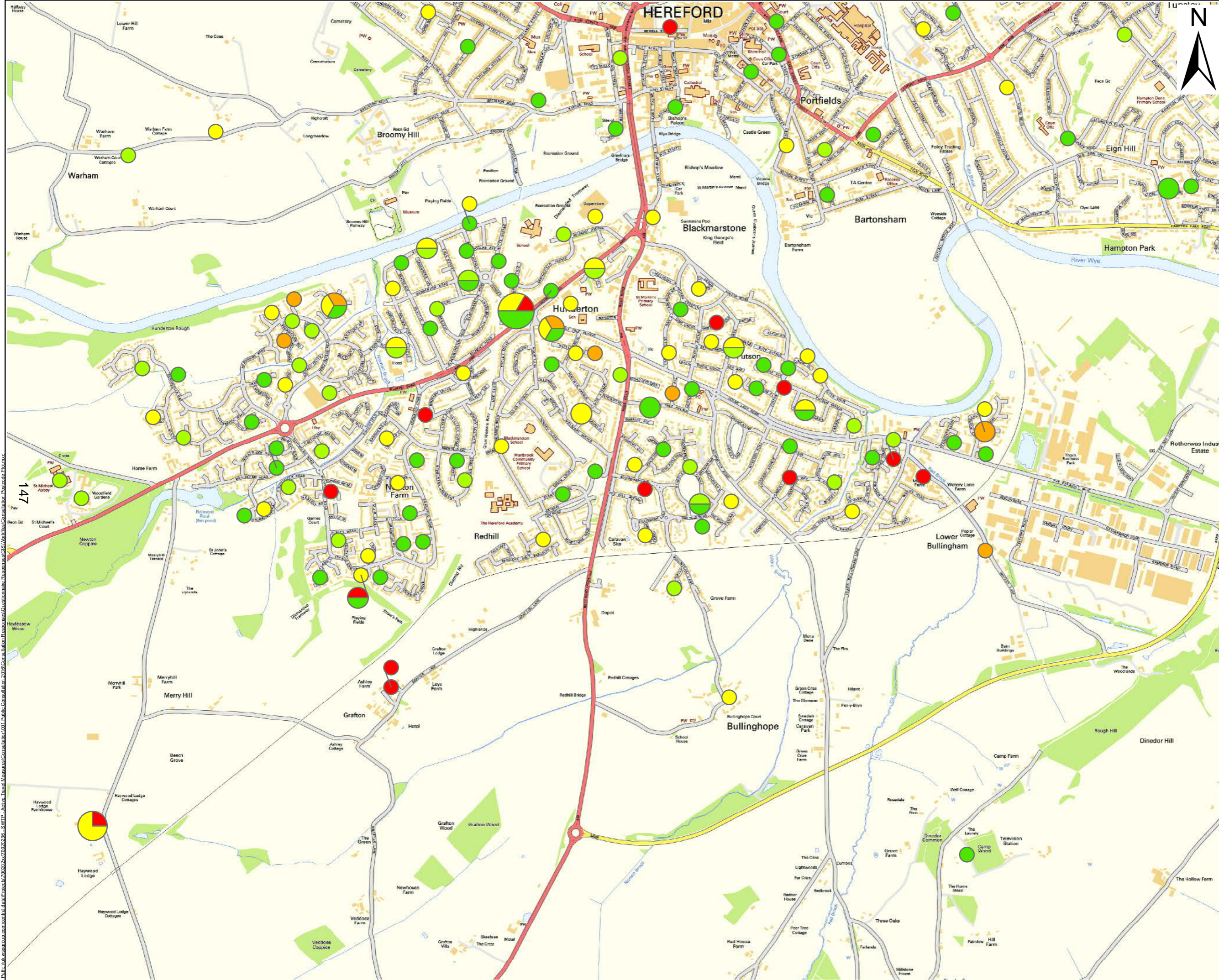
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Key

Level of Support for:

Better Walking and Cycling Routes to Hereford Enterprise Zone

- 1 Strongly Oppose**
- 2**
- 3**
- 4**
- 5 Strongly Support**

Size and proportion of charts indicate number of responses from each postcode

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Job Title: **SWTP Active Travel Consultation**

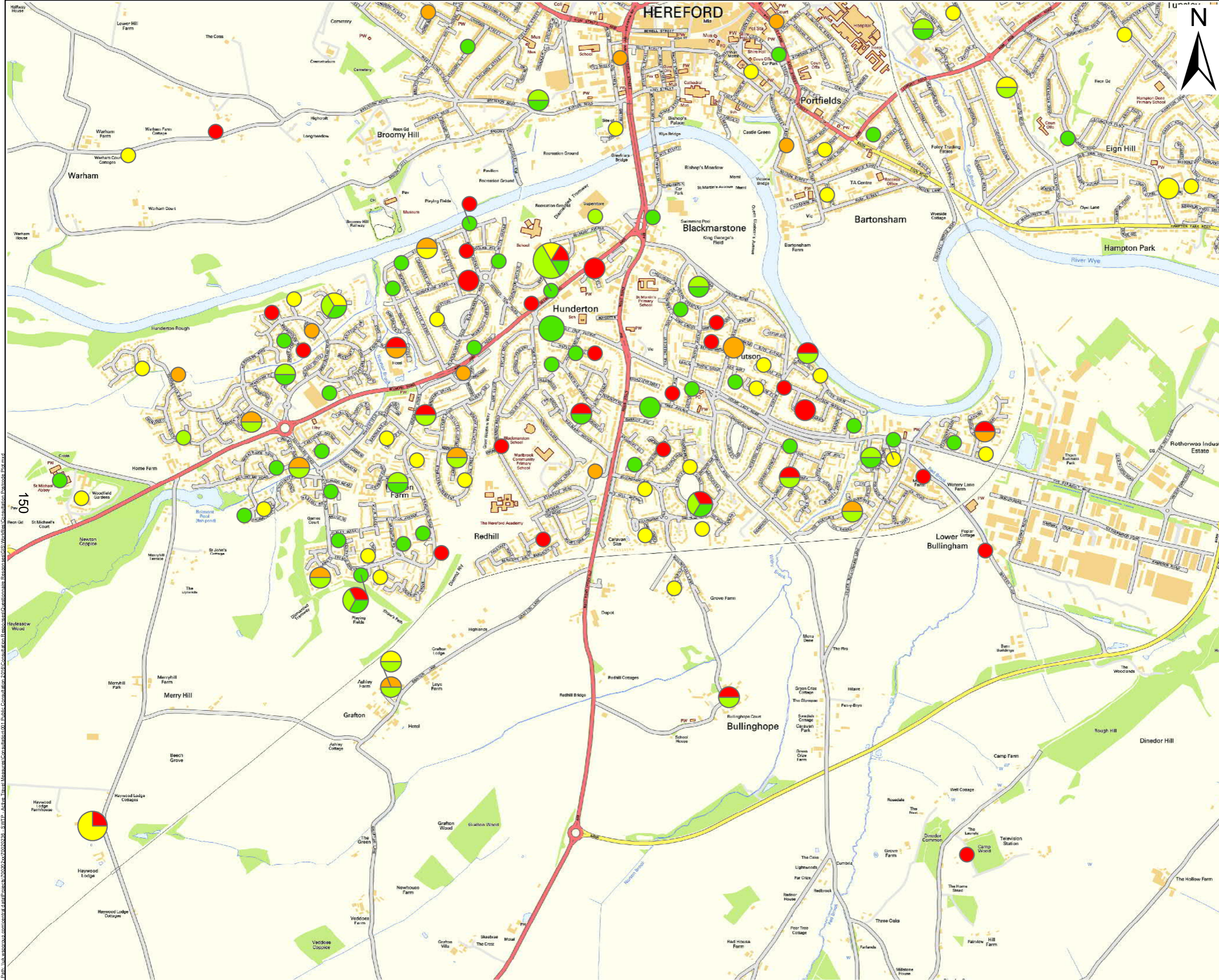
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 Tel: 02920 769200

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Key


Level of Support for:

Walnut Tree Avenue / Hunderton Road Traffic Reduction

- 1 Strongly Oppose
- 2
- 3
- 4
- 5 Strongly Support

Size and proportion of charts indicate number of responses from each postcode

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Lower Bullingham Parish Council
Clerk to the Council
Mrs Kath Greenow
Hackford House
Dinedor
Hereford HR2 6PD
Email: kathgreenow@btinternet.com
Tel:01432 870874
Date 23/08/2017

Richard Ball
Economy, Communities & Corporate Directorate
Assistant Director Environment & Place
Plough Lane
Hereford
HR40LE

Re: Holme Lacy Road- Road & Cycleway Improvements

Dear Mr Ball.

At the extra Ordinary Meeting of Lower Bullingham Parish Council held on 21/8/2017 the council meet to discuss our preferred plan to complement the traffic calming on Holme Lacy Road.

The Parish Councils requests are as follows which should not prejudice our separate issue of non-compliance to planning conditions attached to planning consent DCCE2004/3733/F dated 8th December 2005

1.A traffic light controlled pedestrian crossing at or near The Wye Inn. The local bus service has stops on either side of the road here & users of this service have great difficulty crossing the road .The stops are also used by the school transport provision and children have to cross the road here often with no supervision. The Parish Council believes this to be a matter of great concern to public safety.

The Parish Council have discussed this previously as part of the traffic calming package, with both Council officials & Miread Lane, minutes of these meetings are available, and the Parish Council have retained plans of the “agreed measures.”

2. The footpath from The Wye Inn down to Goodwin way has been a designated cycleway, although it would appear that this is no longer the case, markings and signage are no longer displayed. However cyclists still use the pathway, which is causing a hazard to both pedestrians and motor vehicle users at various property entrances and junctions along the .A member of the public reported to the meeting a cyclist had ran into his passenger door whilst he was waiting to exit The Forge venue.

The Parish Council ask that the footpath be clearly defined and appropriate signage for cyclists to use the highway where no cycleway is provided.

Vehicle exiting is also made difficult by unkept perimeter vegetation, Balfour Beatty locality Officer has been informed of this.

3. The surface of the Holme Lacy road from the end of the CO-OP is generally appalling, with many pot holes and carriageway damage to the edge of the highway which causes cyclists that do use the road unnecessary hazards. In the interest of road safety, we would ask that the highway is resurfaced upto Holme Lacy road railway bridge.

4. The Parish Council requests that the council the provision of a cycle/pedestrian tunnel adjacent to highway through the railway embankment.
The Parish Council would remind you that with the impending Southern Urban Expansion being such close proximity the use of single carriageway/traffic lights are an unsuitable option and we must jointly plan for the future.

The railway bridge currently has a 7.5 tonne weight limit restriction and height restriction. It is suggested that a lower height restriction would facilitate the unenforceable weight restriction.

5. Within this package we would also draw your attention to Watery Lane, and we ask that the lane is brought into a 30mph zone, also that in order to prevent a unsatisfactory "Rat Run" it is deemed Access Only, No through traffic.

6. With reference to the road signage the Parish Council has held discussions with the Enterprise Zone Board and would wholeheartedly agree that clearly defined signage is required on the A49 to inform HGV drivers that they must use the access road to enter the Industrial Estate. Signage between The Grafton Inn and the roundabout clearly needs to state All HGV access to Industrial Estates to use Access Road.

Clear signage needs to be on A49 Southbound near to the Hinton Community Centre again stating clearly No HGV access to Industrial Estate. Brown HGV logo pointing southbound. The current signage here is inadequate. This signage being reinforced by St Martins Church

7. It is the requested that these measures be implemented into a plan of works in an expedited manner. To complement the South Wye Transport Package, but delivered within a defined and agreed timescale.

The Parish Council request that the planning of these measures be a continuing dialogue between The Parish Council, Herefordshire Council and its highways service provider.

We would also take this opportunity to inform you that many the requests we have made are incorporated into our Made Lower Bullingham Neighbourhood Plan

Yours Sincerely

K Greenow

Mrs Kath Greenow Cert He CEG AILCM
Parish Clerk
Lower Bullingham Parish Council



Meeting:	Cabinet
Meeting date:	Thursday 14 December 2017
Title of report:	To approve the mobilisation of the development and regeneration programme
Report by:	Cabinet member contracts and assets

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose and summary

To approve the allocation of budget to deliver the mobilisation phase of the procurement programme following the appointment of a developer to work in partnership with the council in delivering the development and regeneration programme.

In June 2016, Cabinet decided that the council should carry out a procurement to identify a developer partner. The aim was to maximise the benefit that the council could achieve from the land that it owns with development potential. This procurement process resulted in a Cabinet decision on 27 July 2017 to appoint Keepmoat Homes as the preferred bidder.

The cabinet report in June 2016 confirmed that resources required for the procurement of the developer had been estimated at £250K and a budget was provided for this. The final cost of the

procurement, including market consultation and additional due diligence checks, was £300k. The additional budget was approved by the Cabinet member in October 2017 and will allow the procurement process to complete and for the contract award to be confirmed.

Once the contract award is confirmed the development partnership will need to be mobilised. The recommendations in this report are required to ensure that the mobilisation is effective.

Recommendation(s)

That:

- (a) legal and commercial support to finalise the contract (development and regeneration programme overarching agreement) with the development partner be procured at a cost of not more than £90k;**
- (b) subject to satisfactory completion of contractual arrangements the appointed development partner be requested to develop within 3 months of the formal request being made, a stage 1 submission, including a business case and estimated timescales for housing on the Bromyard depot land and paddock site;**
- (c) subject to satisfactory completion of contractual arrangements, to include the tranche 1 projects – county bus station and car park; Model Farm, Ross-on-Wye; Hildersley SUE, Ross-on-Wye – onto the programme subject to the council completing its internal (stage 0) approval, including options appraisal, for each site;**
- (d) the council's client side revenue costs, estimated at £155k annually, be funded from within existing operational budgets; the client side capital costs, including externally commissioned professional services, are estimated at £503k annually and are included in the council's capital programme; and**
- (e) the programme director growth be authorised, following consultation with the chief finance officer, to take all operational decisions necessary to allocate the above client side resources in accordance with contractual and client side requirements.**

Alternative options

- 1 The council could determine not to proceed to the mobilisation phase. This is not recommended as Cabinet has agreed to award the contract to the preferred or the reserve bidder and has confirmed the first batch projects – Bromyard depot and Station Approach – onto the programme.
- 2 The council could determine not to approve the allocation of funding to enable the delivery of the mobilisation phases of the programme. This is not recommended as failure to secure expert legal and contract mobilisation support would significantly increase the timescales of mobilisation of the development partnership and legal support will be required to ensure we have a comprehensive contract which adequately reflects the council's requirements.

Key considerations

- 3 The council's corporate plan 2016-2020 includes the following strategic priorities: helping residents to live safe, healthy, independent lives; keep children and young people safe and give them a great start in life; support the growth of our economy; and to secure better services, quality of life and value for money.

- 4 In July 2017 Cabinet appointed Keepmoat Homes Ltd as its preferred development partner and authorised the director for economy, corporate and communities to complete contractual arrangements subject to satisfactory confirmation of tender commitments.
- 5 The stand-still period required under procurement regulations and the completion of due diligence activities such as the gathering of references is now complete and the council is in a position to confirm the contract award and commence the contractualisation and mobilisation phases of the project. Authorisation to confirm the contract award was delegated to the director economy communities and corporate following consultation with the chief finance officer and cabinet member contracts and assets.
- 6 Mobilisation of the programme will involve:-
- formal confirmation of most economically advantageous tender;
 - finalisation of contractual details or queries to the agreement of both partners;
 - the agreement and calibration of the Key Performance Indicators;
 - scheduling of tendered commitments;
 - establishment of programme boards and operational management arrangements; and
 - delivering briefings to stakeholders, contract management and other services to embed contract in day-to-day activity.
- 7 These activities will require external legal and commercial support. This report seeks to authorise the procurement of external legal and commercial support and the allocation of a further £90k that will be required for final negotiations with the developer and completion of the contract.
- 8 Two potential projects were identified in the Cabinet report in July 2017 as the first batch projects of the programme. These include the first batch projects: Bromyard depot land and paddock site; and station approach. During the procurement bidders were asked to develop proposals for both sites and these sites will be included in the programme when the contract award is confirmed. A number of other potential projects have been proposed as potentially suitable for inclusion in the programme: county bus station and carpark; Model Farm, Ross-on-Wye; and Hildersley SUE, Ross-on-Wye. The Cabinet member contracts and assets is recommended to be delegated authority to include the tranche 1 projects subject to the council successfully completing its internal appraisals.
- 9 Current base budget funding will be used to support the mobilisation of the partnership, continue to develop the programme, and to manage the contracts relating to each individual development project. **The total revenue cost of the client has been estimated as £155k annual cost which will be funded from within existing operational budgets.** The client arrangements are described in appendix 2.
- 10 The council's capitalisation guidelines will be used to identify where future programme management spend will be included in the overall cost of projects within the programme. This spend will be treated as capital spend as it is contributing towards the development of specific assets identified in the project business case. The total estimated capital cost of the council's client has been estimated as £503k which will be funded from the council's capital programme.

- 11 Initial feasibility costs will be funded from the revenue base budgets. Only allowable costs will be capitalised and treated as part of the capital programme.
- 12 The overarching agreement specifies that the developer partner will work with the council to prepare the programme business case and the outline development appraisals for the first batch projects for consideration by cabinet. As part of the mobilisation and early stages of the contract, the developer partner will be expected to engage with stakeholders to facilitate the progress of the development and regeneration programme. Communications, mobilisation and marketing plans have been developed as part of the procurement process to ensure that stakeholders are informed and involved as appropriate. Any further development costs associated with the first batch projects – Bromyard depot and station approach – will be agreed with the developer.
- 13 The partnership arrangement will fully comply with the council's framework for partnerships governance. The partnership agreement will set out the terms of reference for a joint partnership board that will provide strategic governance and the DRP Team which will provide operational management. The partnership board will recommend to cabinet how the programme should be developed.

Community impact

- 14 The council's corporate plan 2016-2020 includes the following strategic priorities: helping residents to live safe, healthy, independent lives; keep children and young people safe and give them a great start in life; support the growth of our economy; and to secure better services, quality of life and value for money.
- 15 The wider Herefordshire economic vision sets out a bold and ambitious framework for economic growth within the county, guiding investment to, and within, the county and is supported by the recently adopted core strategy. Delivery of the core strategy and economic vision will rely on significant investment in a variety of developments across the county.
- 16 Supporting the corporate plan and economic vision, the council's property strategy for 2016 to 2020 includes the objectives to maximise the economic benefits of the council's property asset base and to support economic development and housing growth.
- 17 The project has the potential to significantly contribute to the achievement of a number of council strategies. Agreement to apply funding towards the mobilisation of the development partnership will enable progress to be made towards delivering against those strategic objectives.

Equality duty

- 18 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 19 The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

- 20 It is estimated that the total one off cost for completing the mobilisation phase will be approximately £90k. This cost will be met from within existing Growth operational budgets including any balances remaining within the £300k budget for the procurement originally agreed in June 2016 and increased in October 2017.
- 21 The programme of delivery will be subject to future decisions for individual or grouped projects. Each decision will be made using the appropriate council governance processes and will include project specific financial implications.
- 22 The council's capital programme, approved in December 2016, included initial indicative capital expenditure of £20.6m over the first three years of the programme. This is subject to identifying funding of £20m. The assumed principle of the programme is that it generates net capital and revenue returns for the council and is thus self-financing, with programme surpluses potentially supporting the council's medium term financial strategy. The use of these capital resources will be proposed in specific business cases and subject to the council's normal governance processes.
- 23 Future programme management spend to support potential development projects will also be included in the overall cost of those projects. This spend, subject to it being in accordance with the council's capital accounting policy, will be treated as capital spend as it is contributing towards the development of the asset specified in the project business case. Any costs that are not directly associated with the development of specific projects will be funded from within the existing operational budgets managed by the programme director – housing and growth.
- 24 Initial feasibility costs will be funded from the revenue base budgets. Only allowable costs will be capitalised and treated as part of the capital programme. This will take into account the possibility that either the council decides not to place the project on the programme (at stage 0), or that the project is not taken forward by the development partner or the council (at stage 1 or 2).
- 25 The current planning assumptions are that there will be:
- a) 2 stage 0 projects at any one time. It is assumed that the external cost of developing the outline business case to a level that satisfies the capital strategy working group will be £30k for each project, paid for from the DRP capital budget. This assumes that external technical support is sourced in accordance with the council's contract procedure rules and that all other resource requirements are met via internal resources and previously allocated budgets; and
 - b) 2 projects in stage 1 and stage 2 of the new project approval process. Each will have an agreed development programme fee, paid for from the DRP capital budget, that represents the likely costs of developing the project to the developer.
- 26 If there is a requirement for more projects than is anticipated in the planning assumptions then there will be an increased need for resources. This spend, subject to it being in

accordance with the council's capital accounting policy, will be treated as capital spend as it is contributing towards the development of the asset specified in the project business case.

- 27 Initial feasibility costs will be funded from the revenue base budgets. Only allowable costs will be capitalised and treated as part of the capital programme.

Legal implications

- 28 The legal department has undertaken a procurement in accordance with the council's contract procedure rules and selected a preferred external provider.
- 29 The mobilisation of the contract is necessary to ensure that the partnership can be utilised when a suitable development is approved.
- 30 Requesting a stage one submission from Keepmoat is the first part of the process and will incur payment of fees and contractual commitments by the council. The terms of the contract will be the subject of discussions between the preferred bidder and the council during mobilisation. The decision to finalise the contract will be taken by the director for environment, communities and corporate in consultation with the chief financial officer and Cabinet member for contracts and assets after consideration of the finalised terms.

Risk management

- 31 A risk managed approach has been taken in the programme management of the development and regeneration partner procurement. Risk management will continue to form part of the future stages of the project. The following major risks are being monitored and managed:
- 32 Risk: insufficient projects are identified to justify the programme; response: the council's land holdings have been analysed as part of the procurement process and a draft programme has been developed based on the analysis of these properties.
- 33 Risk: potential projects do not result in developments; response: a revenue reserve will be put in place to cover the cost of any potential projects that are aborted during the new project approval process.
- 34 Risk: there is insufficient technical resource to support the programme; response: the business case for each project will include an assessment of the need for external technical support.
- 35 Risk: there is insufficient legal support for the programme; response: legal services are putting in place arrangements that will allow the programme access to external legal support that is knowledgeable about the programme and its legal foundations. The business case for each project will include the requirement for this external legal support.
- 36 Risk: succession planning – there is a need to ensure that sufficiently experienced staff with the right skills are in place to manage the programme; response: the programme management team has been identified from the current council establishment. This team will be supplemented with external technical support as required. Contract management will be provided by the council's environment and place contract management team. This team has recruited additional resource in anticipation of this programme. It manages a number of similar contracts and has experience of working in a partnership environment.

- 37 Risk: delivery issues – there is a risk that the delivery partner does not deliver to an appropriate standard: response: the council will work closely with the developer to identify and deal with issues of quality at an early stage. The contract is designed to encourage issues to be identified early and dealt with in a transparent and cooperative way.
- 38 Risk: partnership working – the overarching agreement assumes that the council and the developer will establish a long term partnering relationship which will develop openness and trust. There is a risk that adversarial attitudes develop that will waste time and money; response: the partnership agreement will encourage the appropriate behaviours and these will be monitored as part of mobilisation and programme delivery.

Consultees

- 39 Consultation was carried out during the market consultation to inform the development of the procurement strategy agreed in June 2016. This included engagement with members and key stakeholders.
- 40 The overarching agreement with the developer will specify the consultations that will be required at each stage of the approval process.
- 41 Group leaders have been consulted and no comments have been received.
- 42 The local ward members have also been consulted. They are supportive but would like to ensure local members are consulted on the implications of any local developments on future public service delivery; specifically health service provision.

Appendices

Appendix 1 – commissioning objectives

Appendix 2 - council client arrangements

Background papers

None identified.

APPENDIX 1 – COMMISSIONING OBJECTIVES

The commissioning objectives are the essential outcomes of the programme. They will be used as 'golden threads' which will run through each stage of the procurement. Each bidder's proposals were evaluated (as appropriate for each stage) on how successfully the evidence presented ensured the achievement of the objectives.

- Delivery of the development and regeneration programme in a manner which is responsive to local needs and priorities;
- Maximisation capital and revenue generation for the council and optimise the timing of those receipts;
- Quality of developments: Developments will enhance the county's natural and built environments creating stronger communities, and supporting economic growth. The provision of quality housing, which enhances the quality of life for residents by providing accommodation which meets their needs
- Funding arrangements which balance the risks to the council whilst providing value for money;
- Assurance of best value facilitated by the competitive pricing; maximisation of land value; minimisation of overheads and administrative costs; robust and transparent costings supported by open book accounting; performance reporting and monitoring;
- Workforce and training initiatives which meet or exceed the benchmark standards contained within the Construction Industry Training Board Client Based Approach (CITB CBA) framework;
- Environmental protection and improvements;
- Development of sub-contracting and supply chain opportunities for local SME's including transparency of opportunities and award procedures including open advertisement;
- Increased social capital through engagement and consultation with the community;
- Contribution to the regeneration of the economy in Herefordshire to support the creation of:
 - a vibrant local economy;
 - a competitive Herefordshire through enhanced facilities and connectivity for businesses;
 - creation of employment and skills opportunities (including working with disadvantaged and targeted groups and social businesses).
- Wider benefits to the community from the DRP For example the Development Partner staff volunteering and supporting community groups and third sector organisations to create resilience and increased capacity to address challenges in the local community

Contribution to education such as through work placements, school visits and volunteering and support for national curriculum topics such as: numeracy; literacy; science and careers. For instance, the programme could encourage innovative approaches such as the creation of a schools' entrepreneurship project or seek provider support to establish an apprenticeship academy which would provide 'shared' apprenticeships for project across the county.

APPENDIX 2 COUNCIL CLIENT ARRANGEMENTS

1. OVERVIEW

The development and regeneration programme client will have a number of responsibilities:

- Develop and manage the programme;
- Property specific development leadership and management;
- Ensure that the council's technical requirements are met;
- Ensure that the business cases are commercially sound;
- Put in place profitable project development agreements;
- Manage the contracts and provider performance effectively.

The council's client is a virtual team drawn from a number of services and including some new posts that will provide capacity for:

- Forward Development Pipeline – to work with the developer and other council partners to co-ordinate the development of a forward programme of potential projects for inclusion in the programme which emerge from the Council's corporate plans and strategic partnerships, including Invest Herefordshire;
- Programme management – to work with the developer to identify and carry out options appraisals on proposed projects. Responsibility for the co-ordination of governance and decision-making processes for the programme;
- Commercial management – provide strategic direction to the developer to ensure that the programme delivers the council's objectives; use property specific professional and commercial knowledge to ensure that the development agreements meet the council's needs provide commercial challenge to the developer;
- Contract management – the management of contracts for each project and performance management of the developer will be the responsibility of the environment and place contract management team;

The programme will require additional capacity/support which will be provided by a mixture of established posts, new posts specific to the management of the DRP and Invest Herefordshire and externally commissioned services:

- Financial support to assess the business cases provided in preliminary development appraisals. This financial support will be provided by the council's finance team through a new commercial manager and, as required, externally commissioned services;
- Quantity surveyor support via a new corporate quantity surveyor role to assess proposals from the developer, ensure that development agreements are sound, and Property project management to manage all aspects of each development project from conception to completion including technical quality assurance of project delivery;

- Legal support – a long term commissioned relationship has been put in place with a specialist law firm; an internal client will be established to carry out project by project commissioning.

Herefordshire Council Client		Funding Assumptions/Estimates	
		Capitalised against developments	Revenue costs (met from existing budgets)
Programme Management	<ul style="list-style-type: none"> • Programme Director – Housing and Growth • DRP Programme Manager • Growth Programmes Support Officer 	£50k	£73k
Property and Commercial Management	<ul style="list-style-type: none"> • Strategic Development Manager • Quantity Surveyor/Project Delivery Manager 	£146k	£44k
Technical Support	<ul style="list-style-type: none"> • Growth Programmes Technical Manager + Commissioned Technical Support 	£115k	£15k
Financial and Legal Support	<ul style="list-style-type: none"> • Corporate Capital Accountant • Finance Team + Commissioned Financial or Legal Support 	£140k	£0k
Contract Management	<ul style="list-style-type: none"> • Contract Manager • Senior Contract Officer • Contract Officer 	£52k	£23k
		£503k	£155k

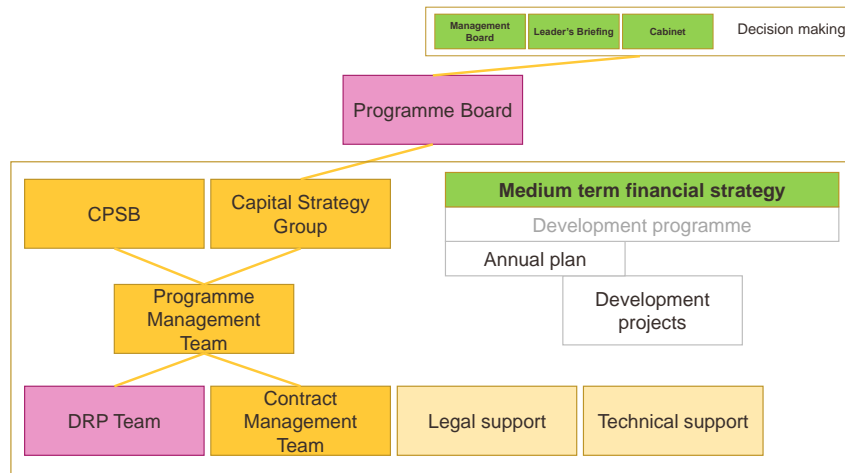
2. GOVERNANCE

A three stage new project approval procedure, illustrated in annex 3, applies so that:

- Stage 0 is a process which carries out options appraisal of a site (proposed project) and seeks approval for a site to be included within the programme (become a new project). Whilst stage 0 is primarily an internal council process, the developer will be expected to provide services to support stage 0 and will be consulted as part of the stage 0 process;
- The Stage 1 process seeks to progress the new project to receiving Cabinet approval for the design to be submitted for planning permission (on the basis of agreed initial costs and appraisals within the preliminary development appraisal);
- Stage 2 approval seeks to finalise the development appraisal and costs (taking account for example the discharge of any planning conditions imposed as part of obtaining satisfactory planning permission) in the form of a detailed development appraisal, (returning to Cabinet for approval for construction to commence if material changes have identified as necessary by the detailed development appraisal).

Internal approvals for the new project approval process will be obtained via the corporate property strategy board (CPSB) and the capital strategy working group (CSWG). The CPSB will ensure that proposed projects are in line with the council's property strategy and the CSWG will approve the business cases included in the preliminary development appraisal. This internal approval process will be supported by the council's programme management team and subject to timescales agreed within the overarching agreement.

DRP decision making and management



Once a project becomes a stage 2 approved project the council and the developer will finalise and enter into the development agreement for the project. This process will require legal support. This ongoing legal support has been procured by the Head of Legal and Governance. The bulk of the work will be commissioned from the external legal provider with the council's legal team providing an internal client for the work.

A diagram describing the implementation of the council's client team and showing the integrated contract management arrangements is included at annex 1.

The development and regeneration programme team (DRP team) is a joint team comprising the council's programme management team and representatives from the provider.

3. PROGRAMME MANAGEMENT

The programme management team is drawn from environment and place, housing and growth in environment communities and corporate, and adult wellbeing commissioning. It includes programme management, procurement, planning, contract management and housing expertise. The Programme Director – Housing and Growth will be responsible for the management of the Development Partnership, reporting to the Director ECC. 1 no. Programme Support Officer post has been proposed to support the DRP Programme and One Public Estate respectively under the direction of the Programme Director Housing and Growth

The DRP team will take accountability for the overall success of the programme, for managing the relationship with the partner and other stakeholders, and for taking projects through the new project approval process. The Programme Manager (Environment And Place) will be responsible for managing the DRP programme including governance under the direction of the Programme Director. They will ensure that the council and its advisors (from legal services, financial services and property and asset management services teams) provide responses and comments on the stage 1 and stage 2 submissions to the developer within the deadlines agreed in the new project approval process.

The programme team and CPSB and CSWG will assess whether the submissions have met the council's requirements and approve any recommendations likely to be made by the programme board to Cabinet.

Additional input may be sought from the Invest Herefordshire Board, which would be a consultee where input will inform and assist delivery.

4. PROPERTY AND COMMERCIAL MANAGEMENT

The council's development manager will be accountable for ensuring that the council client team has sufficient property focussed commercial and technical capability to:

- Provide strategic direction to the developer, ensuring that the development programme is realistic, meets the council's needs, and contains opportunities for which the development and regeneration programme is the most appropriate commissioning approach;
- Provide technical input to the council's stage 0 options appraisal;
- Ensure that the technical solutions offered by the developer provide best value to the council;
- Ensure that the council's technical feedback to the stage 1 and stage 2 submissions is timely and accurate;
- Ensure that the technical input to the development agreements (and any other property contracts) reflect the stage 1 and stage 2 appraisals;
- Ensure the technical assessment of liabilities for payments under contracts through the DRP and also the technical quality of delivered developments.

5. CONTRACT MANAGEMENT

The development agreements and any other contracts entered into as part of the programme will be managed by the environment and place contract management team (described in annex 2). The contract management team will be accountable for ensuring that the council and the provider meet their obligations in the contract. In particular, ensuring that deliverables are provided meet their specifications, deadlines are understood and observed, any contract changes are managed. The contract team will be involved in the development of all contracts relating to the programme (including the finalisation of the overarching agreement), and will be accountable for managing the programme's performance framework including ensuring that the provider carries out performance reporting and that all quality commitments are met.

6. LEGAL, TECHNICAL, AND FINANCIAL SUPPORT

Legal support has been procured from a specialist firm with significant experience supporting similar arrangements. This organisation will support the final discussions with the provider and their legal representatives, building up the knowledge required to provide ongoing support to the programme. They will then be available to help put in place development agreements for each of the projects in the programme.

A corporate quantity surveyor role is proposed. Technical support will initially be externally commissioned by the council's property management department to provide assurance of technical information provided by the developer and to support the stage 0 process if required.

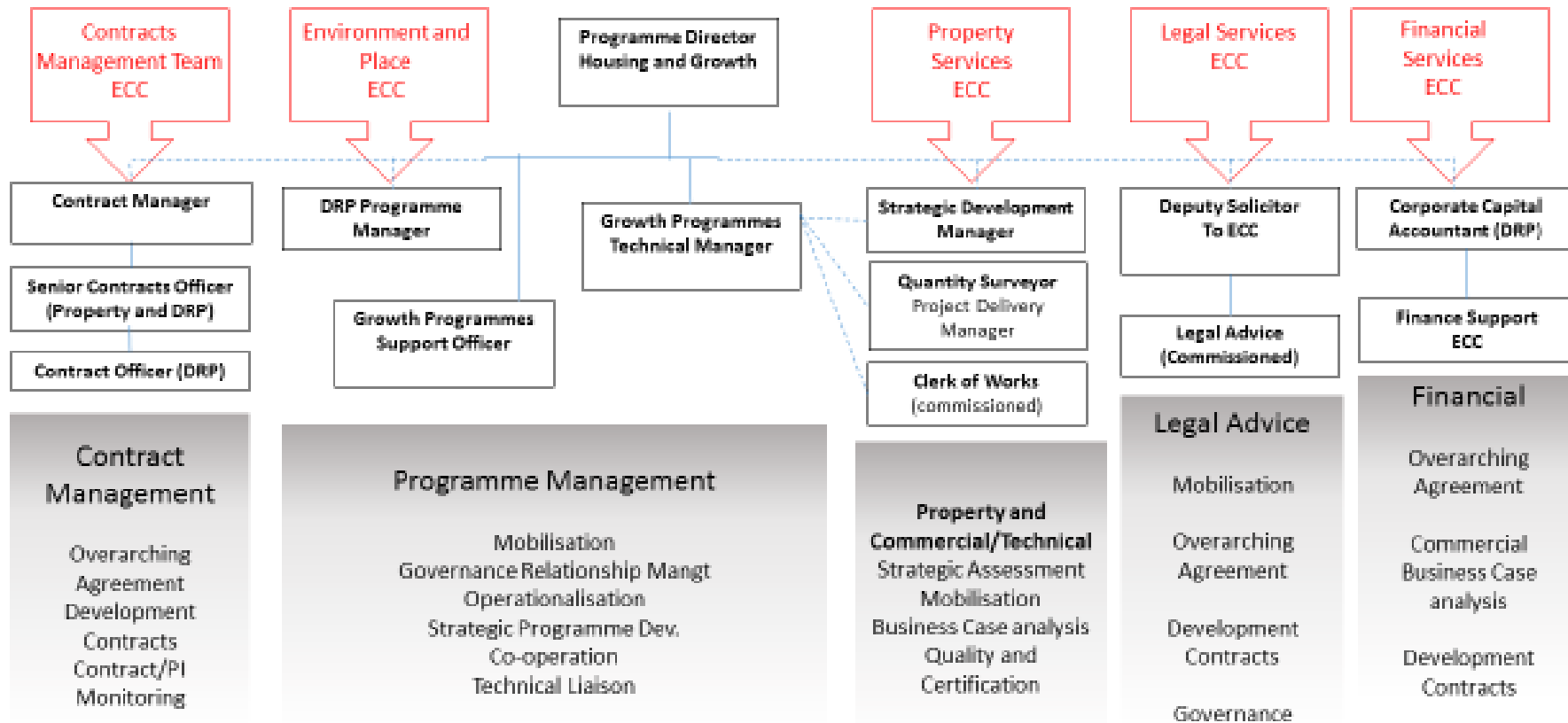
Financial support will be provided by a new corporate accountant (commercial), with the additional option of commissioning extra support subject to the scale of development/investment on a case by case basis commissioned by the council's head of corporate finance. The council's approach to managing capital projects is being reviewed. The project will work closely with the head of corporate finance to ensure that the programme's way of working is integrated into the new arrangements.

Estimates have been made regarding the client side costs that can be capitalised and are illustrated in the tables below. The staffing resource applied to the client-side management of the DRP will be kept under review to align with any significant growth in the overall development programme delivered through the DRP Partnership.

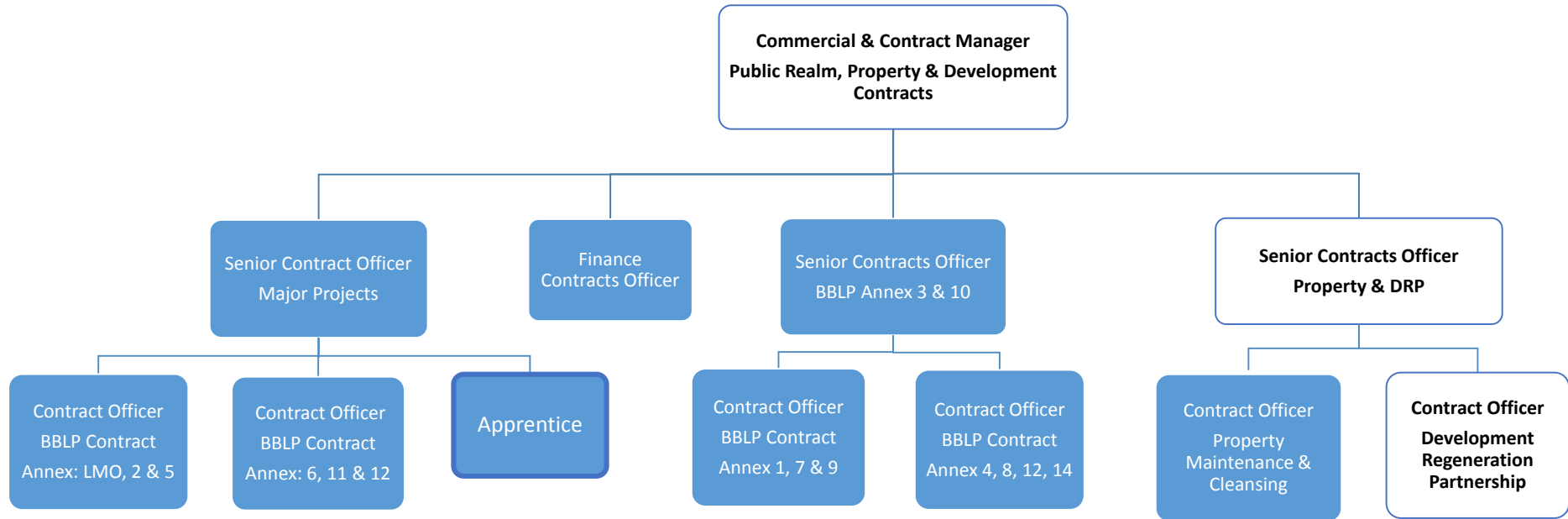
Annex 1 Development and Regeneration Programme – Council Client Arrangements

Development and Regeneration Partnership – Council Client Arrangements

Appendix 3



Annex 2 Environment and Place contract management team

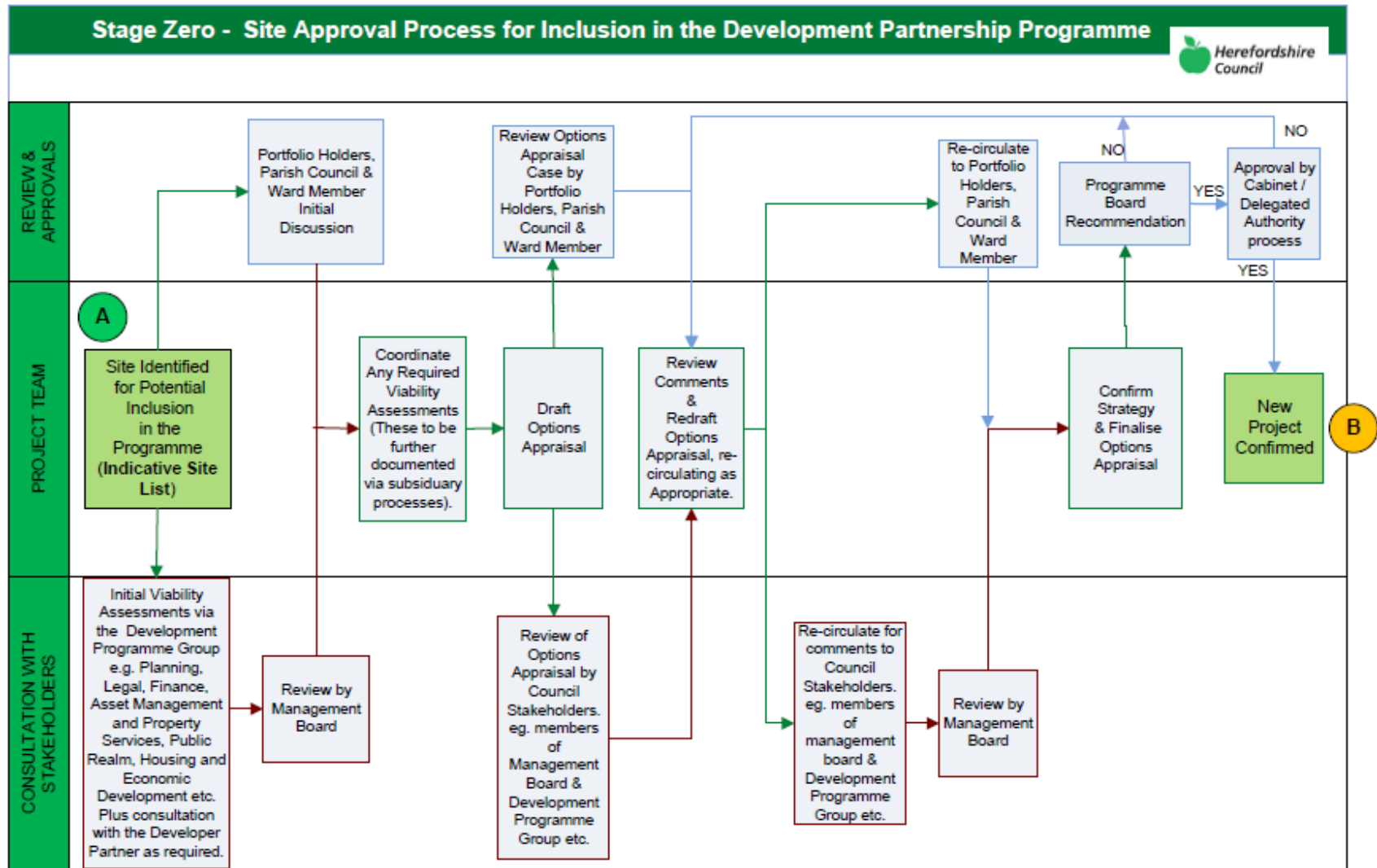


Annex 3 Client costs

Client Function	Total DRP Cost	Revenue Cost	Capitalised Cost
Programme Management	£122k	£73k	£49k
Property and Commercial Managemement	£190k	£44k	£146k
Technical Support	£130k	£15k	£115k
Financial and Legal Support	£140k	£0k	£140k
Contract Management	£75k	£23k	£53k
Total	£658k	£155k	£503k

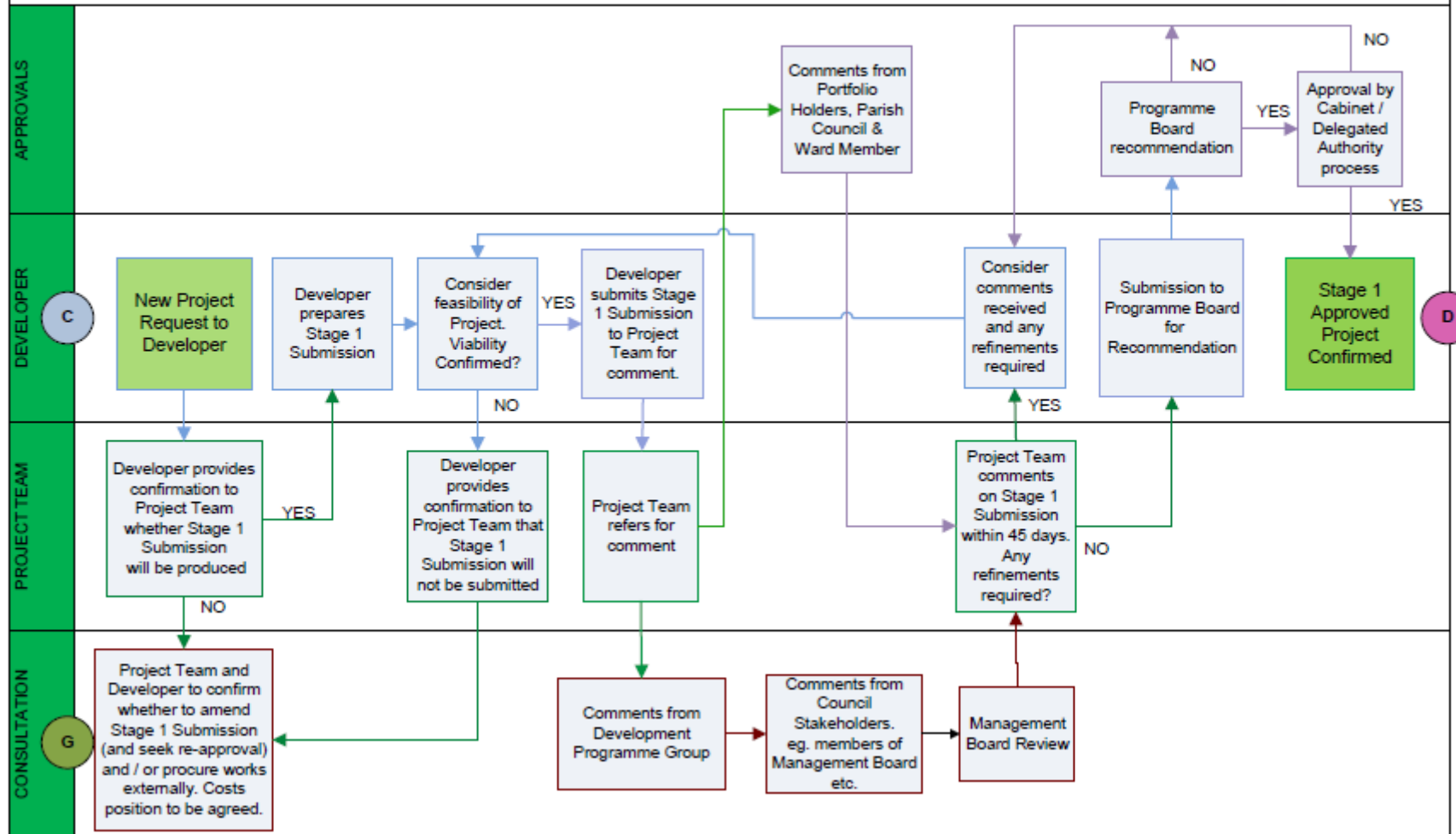
Annex 4 three stage

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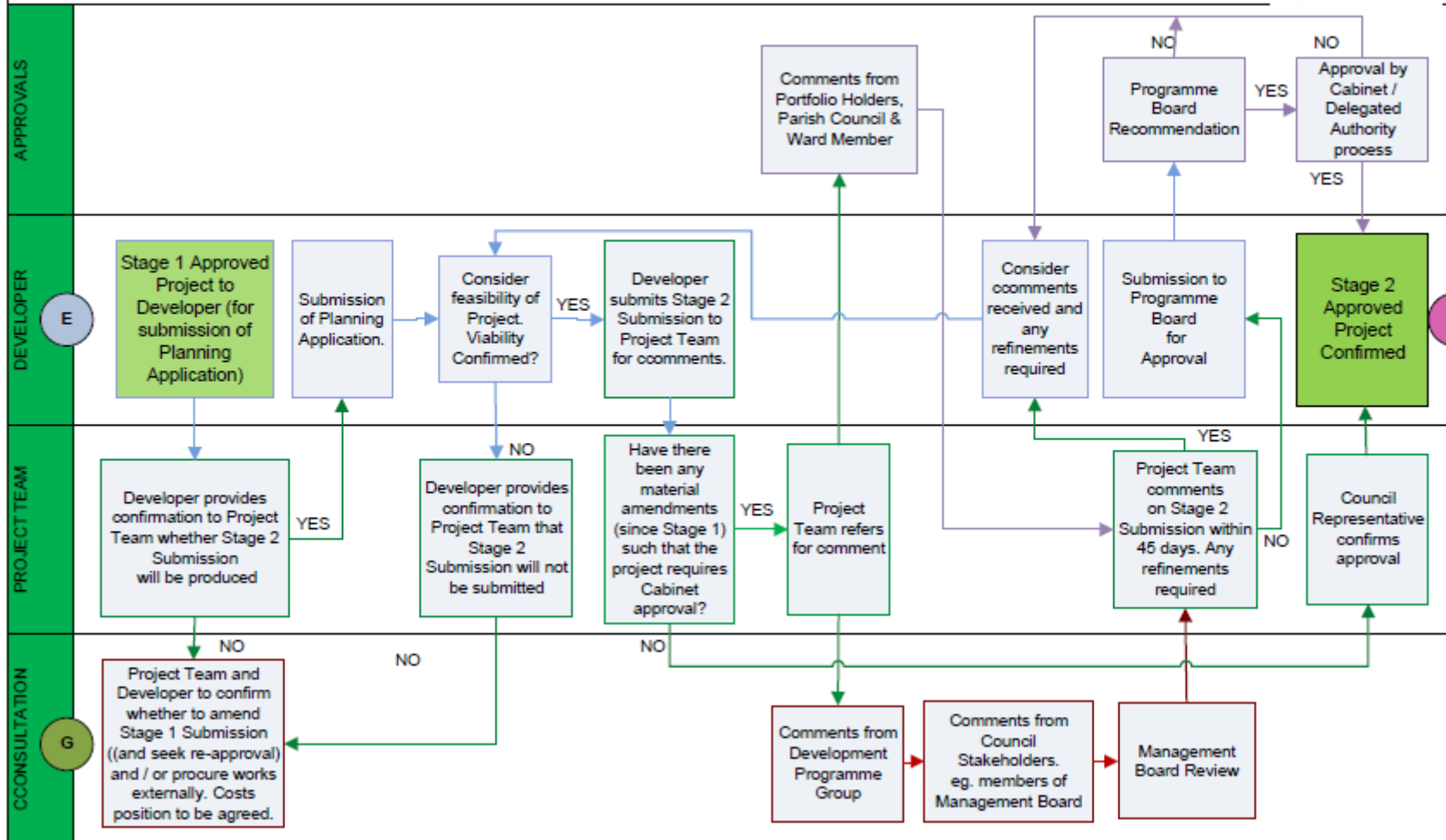


process

Stage One - Project Approval Process (Preliminary Appraisal)



Stage Two - Project Approval Process (Detailed Appraisal)





Meeting:	Cabinet
Meeting date:	Thursday 14 December 2017
Title of report:	Public Accountable Body for NMiTE
Report by:	Cabinet member finance, housing and corporate services

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

All Wards

Purpose and summary

To seek approval for the council to act as the accountable body for public funding allocated to the new Hereford university, NMiTE (new model in technology & engineering), during its establishment phase.

Accountable body status means that the council will be accountable for funding allocated to the new university project by central government. Accountability involves receiving funds from central government, ensuring those funds are allocated and spent in accordance with any funding

conditions specified, and providing reports on that expenditure.

The council has been approached by NMiTE to provide this role and, if approved, would work to support independence as soon as practical.

Recommendation(s)

That:

- (a) the responses to the recommendations of the general scrutiny committee at appendix 4 be approved;**
- (b) Herefordshire Council act as accountable body for public funding to support establishment of a new university in Hereford; and**
- (c) the chief finance officer be authorised, following consultation with the monitoring officer and cabinet member corporate strategy and budget, to complete such legal documentation as is appropriate to protect the council's interests and take all operational decisions necessary to implement the above recommendations.**

Alternative options

1. Not to act as accountable body for NMiTE. This is not recommended because, in the absence of an accountable body acceptable to the Department for education and the Marches Local Enterprise Partnership the funds are unlikely to be released and elements of the funding may be withdrawn if not used within the timescales specified by the funders.

Key considerations

2. On 26 October the Department for Education (DfE) announced up to £15m funding over three years to support the establishment of the new university in Hereford, NMiTE (New Model in Technology & Engineering). In addition to this funding, NMiTE is due to receive further funding, £8m, through the Marches Local Enterprise Partnership (LEP). The recommendation is for the council to act as the accountable body for the DfE funding announced and a project accountable body role in support of the Marches LEP funding.
3. NMiTE aims to become the first new 'greenfield' university in the UK for 30 years, addressing the growing need for engineering talent in sectors such as advanced manufacturing, artificial intelligence and cyber-security.
4. The funding relies on the meeting of a set of milestones and criteria and will be used to develop the faculty, campus and curriculum, creating a new institution.
5. NMiTE aims to take its first cohort of students in September 2020, with development cohorts in 2018 and 2019.
6. The council providing accountable body status involves making approved government funding will available to NMiTE on the basis of the project meeting specified milestones and criteria in order to satisfy that it is delivering value for money. This will be detailed in legal documentation that are appropriate to protect the Council's interests. As at the date of this report the Council has been presented with a memorandum of understanding (MOU) which is currently being constructed. The Council's legal services team are also recommending that there should be a legally binding funding agreement that the Council

enters into with the Department for Education, and a separate legally binding 'flow-down' agreement that the Council enters into with NMiTE. This document structure and the documents themselves need to be agreed with the Department and NMiTE but are likely to include:-

- a. Payment schedule
 - b. Agreed milestone evidence specification
 - c. NMiTE governance
 - d. Agreed formal change request procedure
 - e. NMiTE agreed monthly financial reporting template
7. By being the accountable body the council is required to ensure that funding is provided against the achievement of reaching agreed milestones as detailed in the MOU. The council will also be required to ensure funding is released to NMiTE in line with the agreed payment schedules. In addition the accountable body needs to be satisfied that:-
- a. expenditure is in line with the relevant financial and contract procedure rules, attached at appendix 1.
 - b. commitments are not made until income is secured.
 - c. effective systems for auditing and monitoring expenditure are established and maintained.
 - d. a proper audit trail is maintained with appropriate records and copy invoices for expenditure incurred and justifiable commitments to meet the needs of NMiTE to support the release of funds
 - e. all supporting records are maintained in line with the appropriate retention schedule.
8. The existing partnership agreement will be reviewed and revised as appropriate to reflect any change in roles and responsibilities and maintain effective partnership governance arrangements in accordance with our framework for partnership governance.

Community impact

9. Acting as accountable body will help support the establishment of NMiTE which will in effect support the council's corporate plan priorities of giving young people a great start in life and support the growth of our economy.
10. The opportunity of attending a new university in Hereford could also help to promote the life chances of those children we, as the council, are parents to.

Equality duty

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

13. The DfE grant funding, which comprises both capital and revenue funding, will only be released upon the reaching of agreed milestones as defined in the MOU. It is the accountable bodies' role to provide this assurance. The MOU sets out the financial arrangements which have been agreed to support the central Government Section 31 Grant funding of New Model in Technology & Engineering.
14. The funding will be received through a section 31 grant of the Local Government Act 2003 which enables a grant to be paid to the council on terms as determined. The associated terms will be shared following reaching agreement on the joint MOU.
15. The LEP grant funding, which is capital funding, will only be released upon NMiTE demonstrating that it has incurred qualifying capital expenditure i.e. the money has been spent on capital items. The project accountable bodies' role is to provide this assurance to the Marches LEP.
16. Use of funds will be in accordance with HM Treasury's guidance entitled 'Managing Public Money' which can be accessed via the following link <https://www.gov.uk/government/publications/managing-public-money>
17. No council funds will be payable to NMiTE however the management of the flow of funds between the accountable body and NMiTE and the discharging of the obligations of being an Accountable Body and project Accountable Body will require resourcing. The cost of resourcing these additional operational tasks is to be financed from a share of the grant allocation.
18. Accountable body status only applies to the grant funding stream, private funding to NMiTE would be managed directly by NMiTE and be visible to the council on the cashflow documentation, included at appendix 2

Legal implications

19. The grant funding is to be transferred to the council by the Department for Education under section 31 of the Local Government Act 2003, which confers upon a Minister of the Crown the power to pay a grant to a local authority in England towards expenditure incurred or to be incurred by it. The amount of a grant, the manner of its payment and the conditions attaching to it are to be such as the Department may determine; these conditions may, in particular, include provisions as to the use of the grant and provisions as to circumstances in which the whole or part of the grant must be repaid. It will be apparent that the council may have limited scope to negotiate the terms of this grant. However, the council will ensure that the provisions of the grant are 'flowed-down' to NMiTE under a separate legally binding agreement that is to be entered into with them. This will similarly address matters such as amount of a grant, the manner of its payment and the conditions attaching to it, including its use and repayment by NMiTE. The memorandum of understanding which has been presented to the Council is a three-way agreement that is to be entered into between the Council, the Department for Education

and NMiTE. It is expressed not to be legally binding and accordingly will need to refer to and reflect the terms of the two funding agreements that the council will enter into.

20. Similar agreements will be entered into in respect of the Marches Local Enterprise Partnership funding.
21. There is no formal legal status of, nor responsibilities flowing from, the council being a 'publically accountable body' in receipt of the grant funding. However, the council's general duties relating to the use of public money and expenditure would continue to apply, In addition, the s31 terms need to be observed. The council will need to ensure that these terms are flowed down to and are observed by NMiTE.
22. The council does not have a duty to enter into these arrangements but it has the power to do so under Section 1 of the Localism Act 2011 which confers upon the council a power to do anything that individuals generally may do (the general power of competence); any pre-commencement restrictions or post-commencement limitations which would apply to the exercise of this power have been identified.

Risk management

23. The legal documentation will clarify the risks of entering this arrangement. Ultimately the Department for Education could require the Council to repay the grant funding that it has received and which it will have paid to NMiTE. Whilst this obligation will also be passed down to NMiTE through the flow-down agreement, it is possible that NMiTE would not be able to make any required repayment, which would therefore leave the Council out of pocket. The risk of any claw-back can be managed/mitigated by ensuring compliance with the grant funding terms through the monitoring and reporting obligations that will be put in place.
24. In addition the council needs to be aware that if ineligible expenditure is incurred by NMiTE this would not be covered by the grant and could therefore cause a cashflow concern to NMiTE which may lead to a reputational risk.
25. These risks will be identified and monitored within the corporate finance risk register.
26. The draft MoU has a right for the Council, the Department for Education and NMiTE to terminate on giving not less than three months' notice. However, this document is not expressed to be legally binding and appropriate rights of termination will need to be included in the legally binding funding agreements that will also be entered into

Consultees

27. The proposals are scheduled for consideration by general Scrutiny Committee at its meeting on 11 December. Any recommendations of the committee, and the proposed response to those recommendations, will be published as a supplement to the agenda as soon as available.

Appendices

- Appendix 1 NMiTE control procedures
- Appendix 2 NMiTE cashflow
- Appendix 3 Presentation

Further information on the subject of this report is available from
Josie Rushgrove, Tel: 01432 261867, email: jrushgrove@herefordshire.gov.uk

Appendix 4 recommendations from general scrutiny committee and proposed responses
(to follow as a supplement)

Background papers

None identified

**New
Model**
In Technology
& Engineering

Standing Orders

(including Financial and Procurement Regulations)

November 2017

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Part 1 – General Provisions

1 Background

1.1 New Model in Technology & Engineering (the NMiTE) was incorporated on 3 December 2013 as a NMiTE limited by guarantee (NMiTE Number 08800142). The NMiTE intends to become a charity and to meet the conditions for registration as an English provider of higher education under the regime of the Office for Students. Until such time it will act and comply with the rules and regulations set by Higher Education regulatory bodies in order to comply with the standards of a publicly accountable body which is in receipt of government grants and funding.

1.2 The strategic objectives¹ of the NMiTE are to:

- to advance education by establishing, maintaining, developing and running in or near the City of Hereford and elsewhere in the County of Herefordshire a tertiary education centre with a view to it obtaining university status, and
- to advance such other exclusively charitable purposes compatible with the advancement of a tertiary education centre seeking to obtain university status as the Directors in their absolute discretion determine.

2 Status of the Standing Orders

2.1 This document sets out the the standing orders for the conduct of meetings of the NMiTE Board, and NMiTE's financial and procurement regulations. The financial and procurement regulations amplify the NMiTE's broad policies relating to financial control and compliance to procurement legislation and good practice in order that the NMiTE attracts the best value for money in its contracting arrangements. For the time being, the Board has decided to adopt the procurement regulations practised in the public sector, specifically those approved for use by University of Warwick. This document and therefore the standing orders and financial and procurement regulations within it were approved by the Board at its April 2017 meeting. The regulations apply to the NMiTE, the Directors, Co-opted Members, Staff, Contracted Professionals, and Volunteers.

2.2 The financial and procurement regulations support the NMiTE's memorandum and articles of

¹ The NMiTE's strategic objectives will be updated as and when it becomes a Charitable Trust and also these will change as part of the process of achieving the highest level of Approved Provider status with the Office for Students (OFS). Higher education institution (HEI) is a term from the Further and Higher Education Act 1992. According to the Act, it means any provider which is one or more of the following: a UK university; a higher education corporation; a designated institution. OFS may choose to fund higher education institutions for teaching and research if they meet the conditions of grant. Higher education institutions are also required to subscribe to the Office of the Independent Adjudicator.

association and also regulate any conditions/bequests attached to any donation.

- 2.3 The purpose of these financial and procurement regulations is to provide control over the totality of the NMiTE's resources. They provide Directors and management with assurances that the resources are being properly applied for the achievement of the NMiTE's strategic and charitable objectives and that it is in compliance with relevant procurement legislation and with best practice in the higher education sector.
- 2.4 Compliance with the financial and procurement regulations is compulsory for all individuals² connected with the NMiTE. An individual who fails to comply with the financial and procurement regulations may be subject to disciplinary action under the NMiTE's disciplinary policy. The Board will be notified of any such breach through the Audit & Risk Committee. It is the responsibility of the COO to ensure that all individuals¹ are made aware of the existence and content of the NMiTE's financial and procurement regulations.
- 2.5 The COO will conduct periodic reviews of the financial and procurement regulations and will recommend to the Board necessary and proposed additions and changes for its approval.
- 2.6 In exceptional circumstances, the Audit & Risk Committee may authorise an exemption from the detailed provisions herein on application from the CEO, who in time will also be the Accounting Officer when NMiTE is designated by the Office for Students as an Approved Provider. Any such exemption will be reported to the Board at the earliest opportunity.

² Directors, Co-opted Members, Staff, Contracted Professionals, and Volunteers.

Part 2 – Governance: Standing Orders for the Board

1. MEETINGS

General

- 1.1 The meetings of the Board shall be held at such time and place as the Board may from time to time determine, subject to the provisions of the remainder of these Standing Orders.

Chair's/Deputy Chair's/Company Secretary's Power

- 1.2 The Chair (or, in her/his absence, the Deputy Chair, or in her/his absence, the Company Secretary) may at any time alter the time and/or place already decided upon for a meeting, or may order the convening of a meeting.

Requisitions

- 1.3 The convening of a meeting may be requested at any time by written requisition signed by three members of the Board, specifying the nature of the business desired to be transacted at such meetings. The Chair will determine whether to accede to such a requisition. If she/he does not so accede, she/he will write to the members giving reasons and report the matter to the next meeting of the Board.

Emergencies

- 1.4 In case of emergency certified by the Chair (or, in her/his absence, the Deputy Chair or in her/his absence, the Company Secretary), a meeting of the Board may be convened always providing that at least three members shall be present even though:

- (1) notice shall not have been given as required by these Standing Orders and/or
- (2) the quorum of members prescribed in these Standing Orders may not be met.

The business transacted at an emergency meeting shall be reported to the next scheduled meeting of the Board and must be confirmed at the latter meeting or by correspondence with all members of the Board prior to that (to the extent that the authority of the Board is required in that connection).

2. QUORUM

Number of Members

2.1 The quorum of the Board shall be 7 independent members if the total number of members of the Board is between 10 and 15 members (15 is the maximum number of members including employee and student members). During the start-up period of the NMiTE, the membership of the Board will be less than 15 and therefore the quorum will be smaller as follows:

- (1) 5 members – a quorum of 3 independent members
- (2) 6 to 10 members – a quorum of 5 independent members

General Rule on Transaction of Business

2.2 The general rule is that no business shall be transacted at any meeting of the Board unless the prescribed quorum of members is present.

Exception to the Rule

2.3 Notwithstanding the general rule, a meeting may proceed, in respect of any item or items on the agenda, if, in accordance with the provisions of 1.4, the Chair has certified an emergency and three members of the Board are present.

3. CHAIRING MEETINGS

The Presiding Member

3.1 Meetings shall be chaired by:

- (1) The Chair; or
- (2) The Deputy Chair (in the absence of the Chair); or
- (3) Any other member of the Board selected by resolution of the members present (in the absence of both the Chair and the Deputy Chair).

3.2 Any power or duty assigned to the Chair in relation to the conduct of a Board meeting may be exercised by the person presiding at that meeting.

Powers of the Presiding Member

3.3 The member presiding at any meeting shall decide all questions of order, relevancy and competency arising at that meeting. However, any member present may take exception to any such ruling. In that event, the person presiding shall, without further

discussion, submit the matter to that meeting, and his/her ruling shall not take effect unless it is supported by a simple majority of members present.

4 ADJOURNMENTS

- 4.1 The Board may adjourn any meeting to any other time and any other place following a motion proposed by the presiding member.

5. MINUTES OF MEETINGS

Keeping of Minutes

- 5.1 Draft minutes shall be circulated to Board Members in accordance with these Standing Orders.
- 5.3 Draft minutes shall be submitted to the next meeting of the Board for approval.
- 5.4 Minutes which are being submitted for approval shall be taken as read and then approved, with or without amendment. No discussion shall be allowed on such minutes except as to their accuracy.
- 5.5 Approved minutes shall be deemed to be a true record of the meeting to which they relate and they shall be signed by the person presiding at the meeting at which they were approved.
- 5.6 The approved minutes of each meeting of the Board shall be digitally secured on the Company's server and kept for access by members on application to the Company Secretary.

Publication of Minutes

- 5.6 Once approved by the Board, non-confidential minutes of Board meetings will be a matter of public record and made publicly available on the NMiTE website. This will be in line with the NMiTE's policy and protocol on matters of confidentiality and non-confidentiality.

Records of Attendance

- 5.7 In the minutes of any Board meeting the names of members present and officers in attendance at the meeting shall be duly recorded together with their arrival and departure times.
- 5.8 A register shall be kept showing details of attendance of members at meetings.

6. NOTICE OF MEETINGS AND AGENDA

Documents to be Provided Prior to Meetings

6.1 Five clear working days at least before any meeting of the Board, there shall be issued to every member a copy of the following:

- (1) A notice convening the meeting, giving its time and place;
- (2) A statement of the business to be transacted at that meeting (in these Standing Orders referred to as the agenda);
- (3) All reports and other documents referred to in, or to be read with, the agenda.

However, any report or other document, a copy of which cannot for good reasons be circulated with the agenda, may nevertheless, by agreement of the Chair, be circulated at a later date in advance of the meeting or tabled at the meeting, and duly considered. If due notice of any meetings, or any agenda, is not issued to any member, those defects shall not affect the validity of the relevant meeting or of any subsequent meeting.

Matters/Business to be Discussed

6.2 No matter or business shall be discussed or decided at a meeting, if reference to this is not set forth in the agenda, except with the consent of a majority of members present at that meeting.

6.3 Any member may require that any subject may be placed on the agenda and that any document relating to such subject shall be circulated, on giving seven working days' notice in writing to the Company Secretary

Order of Business

6.4 Subject to paragraph 6.5 below, the order of business at every meeting of the Board shall be as follows:

- (1) To choose a person to preside (if the Chair and Deputy Chair are both absent).
- (2) To note apologies and declare any interests
- (3) To approve as a correct record and sign the minutes of the last Board meeting.
- (4) To dispose of business (if any) remaining or arising from that previous meeting.
- (5) To deal with any business expressly required by statute to be done.
- (6) To deal with any business in the order in which it is listed in the agenda.
- (7) To deal with any other business.

- 6.5 The foregoing order of business may be varied by the person presiding at his/her discretion, with the consent of a majority of the members present at the relevant meeting.

7 A DEFERRED OR WITHDRAWN PAPERS

At Board Meetings, Papers may on Occasion be Deferred or Withdrawn

- 7.1 On occasion, papers on the Board agenda may be deferred due to time constraints or pending the outcome of some other event. No action should be taken on deferred papers until the paper is re-submitted and approved by the Board. Deferred papers will be noted on the matters brought forward/outstanding matters list until the required action is taken by the relevant Director.
- 7.2 On occasion, papers on the Board agenda may be withdrawn either prior to, or at a Board meeting. In such instances the papers are recorded as withdrawn and returned to the relevant Director by the Company Secretary. No action should be taken in respect of any withdrawn paper. If any action is requested by the Board this should be recorded on the matters brought forward/outstanding matters list.

8. VOTING

Mode of Decision-Making

- 8.1 Every question shall (except where otherwise required by law or otherwise provided in these Standing Orders) be determined by a simple majority of the members present and voting.
- 8.2 The member presiding at the meeting shall have a second or casting vote in cases of equality (i.e. a tied vote).
- 8.3 The votes shall be taken by a show of hands or otherwise as the meeting shall decide.

Records of Votes

- 8.4 On the request of any member, a record shall be made in relation to each member of how that member voted and of whether that member abstained.

9. DISCLOSURE OF PECUNIARY AND PERSONAL INTERESTS

The Legal Obligations

- 9.1 **Disclosure of pecuniary interests.** Board members are required at the beginning of all meetings, working groups or other official meetings related to NMiTE, to declare their interests before the start of the meeting in relation to any specific item on the agenda.

The Company Secretary will keep a Register of Pecuniary and Personal Interests related to any specifically mentioned declaration and provide all Directors with an Annual Return to be completed by all Directors/Trustees (declaring all relevant interests).

Staff are required to declare their interests as part of their contractual requirements and any changes to their circumstances need to be reported to the HR Manager and the Company Secretary. All relevant interests will be recorded on Personnel files for the period of employment.

The Requirements of The Code

- 9.2 Members are also reminded of the requirements of these codes of practice for Board Members in relation to disclosure of interests.

10 Board Statement of Primary Responsibilities and Matters Reserved for the Board

Statement of Primary Responsibilities

- 10.1 *The Board's Terms of Reference are compliant with the Higher Education Code of Governance issued by the Committee of University Chairs unless otherwise stated and explained. The Board's primary responsibilities are as follows (The Statement of Primary Responsibilities are listed here as a first step to establishing NMiTE. However, in future these responsibilities will be set out in a separate document to be updated/amended every year for re-approval by the Board at its first meeting of the academic year):*

- (1) To safeguard the good name and values of NMiTE.
- (2) To approve the mission and strategic vision of the Institution, long-term academic and business plans and key performance indicators, and to ensure that these meet the interests of stakeholders.
- (3) To determine the ethical values to be promoted throughout the Institution.
- (4) To delegate authority to the Founding President, as Chief Executive, for the academic, corporate, financial, estate and human resource management of the Institution. To establish and keep under regular review the policies, procedures and limits within such management functions as shall be undertaken by and under the authority of the Chief Executive.
- (5) To ensure the solvency of the NMiTE and the safeguarding of the NMiTE's assets.
- (6) To ensure that the financial, planning and other management controls, including controls against fraud and theft, applied by NMiTE are appropriate and sufficient to safeguard public funds.

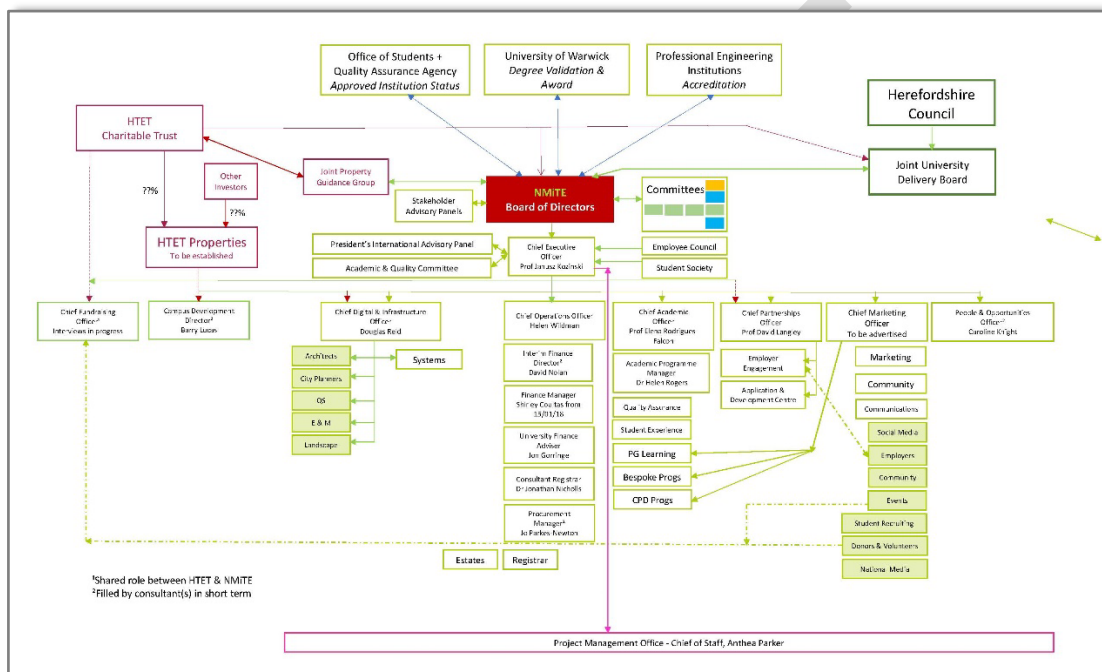
- (7) To ensure the establishment and monitoring of systems of control and accountability, including financial and operational controls and risk assessment, and procedures for handling internal grievances and for managing conflicts of interest.
- (8) To ensure processes are in place to monitor and evaluate the performance and effectiveness of the Institution against the plans and approved key performance indicators, which should be, where possible and appropriate, benchmarked against other comparable institutions.
- (9) To establish processes to monitor and evaluate the performance and effectiveness of the governing body itself.
- (10) To conduct its business in accordance with best practice in higher education corporate governance having regard to the principles of public life drawn up by the Committee on Standards in Public Life.
- (11) To appoint the Founding President as chief executive, and to put in place suitable arrangements for monitoring his/her performance.
- (12) To appoint a Secretary to the Board (Company Secretary) and to ensure that, if the person appointed has managerial responsibilities in the Institution, there is an appropriate separation in the lines of accountability.
- (13) To be the employing authority for all staff in the Institution and to be responsible for establishing a human resources strategy.
- (14) To be the principal financial and business authority of the Institution, to ensure that proper financial records are kept, to approve the annual budget and financial statements, and to have overall responsibility for the Institution's assets, property and estate.
- (15) To secure the efficient, economical and effective management of all the NMiTE's resources and expenditure, capital assets and equipment, and staff, so that the investment of public funds and private donations are not put at risk.
- (16) To ensure that appropriate financial considerations are taken into account at all stages in reaching decisions and in their execution.
- (17) To plan and conduct its financial and academic affairs so that its total income is not less than sufficient, taking one year with another, to meet its total expenditure.
- (18) To approve an annual budget before the start of each financial/academic year – 1 August to 31 July.
- (19) To determine fees and charges. To approve the Institution's tuition fee strategy and widening participation policies.

- (20) To approve the NMiTE's strategic objectives and financial statements.
- (21) To be the Institution's legal authority and, as such, to ensure that systems are in place for meeting all the Institution's legal obligations, including those arising from contracts and other legal commitments made in the name of the Institution.
- (22) To make such provision as the Board sees fit for the general welfare of students, in consultation with the Academic Board or whatever entity is established.
- (23) To ensure that systems are in place to provide equality and diversity of opportunity for staff and students.
- (24) To act as trustee for any property, legacy, endowment, bequest or gift in support of the work and welfare of the Institution. This will be in line with NMiTE's strategy and policies on fundraising which will be approved by the Board.
- (25) To ensure that the Institution's Instrument and Articles of Association are observed and that appropriate advice is available to enable this to happen.

10.2 Other Matters that are considered by the Board

- (1) To approve expenditure in relation to any project, initiative or acquisition which falls outside those authorities delegated to the executive.
- (2) To approve the creation or dissolution of any subsidiary that will or does form part of the Institution.
- (3) To ensure that the Institution has in place relevant policies which uphold the ethical values of the Institution, particularly in terms of research, business development and corporate social responsibility.
- (4) To approve the appointment of Members of the Board and the filling of casual vacancies.

- (5) To appoint the Founding President as Chief Executive, and to put in place suitable arrangements for monitoring his/her performance as well as appoint, grade, suspend, dismiss and determine the pay and conditions of the NMiTE Senior Leadership Team (SLT) which, in the initial phase of the start-up, will consist in addition to the Founding President (the Chief Executive Officer), Chief Operating Officer, Chief Academic Officer, Chief Marketing Officer, Chief Partnerships Officer, Chief Digital & Infrastructure Officer, Chief Fundraising Officer³ and the People & Opportunities Officer (see the following structure chart).



- (6) To approve the establishment and membership of any NMiTE Committees, Councils, Forums or Panels which are the responsibility of the Board, including (but not be restricted to):
- the Employee Council with one member elected to represent ten employees from which a Chair and Vice Chair shall be elected by staff of NMiTE and a committee of not more than 10 members (elected as one constituent group rather than separate representation from specific groups of staff). The Chair shall have a seat on the Board. The committee shall have a direct relationship with SLT; the CEO shall be accountable to the Employee Council meeting twice yearly. *(This will require further discussion and agreement by the Board)*
 - All students will be entitled to join the Students' Society (Students' Union). The Board's responsibilities as regards the Student's Society are detailed in a separate policy paper - **Requirements to be Observed in relation to the Students' Union – Education Act 1994**
 - The Academic & Quality Committee chaired by the Chief Executive (CAO)
 - the Staff Appeals Committee from which a Panel shall be identified by the Committee (or Chair) for any individual case.

³ The Chief Fundraising Officer may be employed in a shared role with Herefordshire Tertiary Education Trust (HTET).

- (e) the Student Disciplinary Appeals group from which a Panel shall be identified by the Committee (or Chair) for any individual case.
 - (f) the Student Suspension Review Panel, the membership of which shall be identified by the Committee (or Chair) separately for any individual case.
 - (g) the Special Committee to be convened in the event of the dismissal of holders of senior posts including the Chief Executive and the Company Secretary to the Board.
-
- (7) To receive the annual report of the Audit & Risk Committee for submission to Office for Students & QAA, together with an annual report for each of the other Board Committees.
 - (8) To receive the Office for Students' annual assessment of institutional risk.
 - (9) To approve amendments to the Standing Orders and the Academic Regulations (as approved by the Academic & Quality Committee).
 - (10) To approve the annual calendar of meetings for the Board and Committees.
 - (11) To ensure that the Institution has a written statement of policies, and to monitor the implementation of such policies through the receipt of an annual report. See the following table, which is not a definitive list of policies, but will evolve as the Board develop NMiTE.

Policy		
<p>HR Ultimately a fully encompassing Staff Handbook will be compiled which will include the induction process and will have a core of policies and specific policies depending on role for individual Company Directors.</p>	<ul style="list-style-type: none"> • Employment Code of Practice • Code of Conduct • Bullying and Harassment • Grievance, Disciplinary • Equality/Equity • H & S, welfare and hygiene at work • Salary Policy • Holiday • Sickness, Injury and maternity • Safeguarding • Company property • Use of computer equipment • Email and internet • Gifts • Termination • Expense policy • Relocation policy 	<ul style="list-style-type: none"> • Promotion policy and procedure • Staff appraisal policy • Substance Misuse • Whistleblowing • Anti-bribery • Safeguarding and Child Protection • Capability procedures • Disciplinary procedures • Work Life Balance • External affairs communications policy • Social media policy • Avoidance of redundancy and redundancy procedure policy • Modern Slavery Act 2015 statement
<p>Finance</p>	<ul style="list-style-type: none"> • Finance Handbook/financial regulations • Accounts payable procedures • Delegation of authority policy • Procurement Policy • Anti-bribery policy 	<ul style="list-style-type: none"> • Travel, expenses and benefits for volunteers policy • Comprehensive finance handbook developed by the Chief Operating Officer • Treasury management
<p>IT – this will be developed with the IT department and evolve over the time of the development of the IT infrastructure.</p>	<ul style="list-style-type: none"> • Code of Conduct • Rules for use of NMITE computers • Business continuity plan • Security policy • IT Strategy • ICT Acceptable Use Policy • Information Framework • Associates IT Access Control Policy • IT Procurement Policy • Mobile Devices Policy • Network Security & Connection Policy 	<ul style="list-style-type: none"> • Procurement policy • Acceptable use policy <ul style="list-style-type: none"> ○ Access by Ex-Employees to IT Accounts ○ IT Arrangements for Leavers and their Managers ○ Retention of IT System Log files, Deleted Emails and Leavers' Accounts

	<ul style="list-style-type: none"> • Network and Technology Policy 	<ul style="list-style-type: none"> • ICT AUP Code of Practice for Students
Governance	<ul style="list-style-type: none"> • Policy framework for official Documents • Data Quality Policy • Management of Conflicts of Interests Policy • Risk Management Policy • Directors service agreement 	<ul style="list-style-type: none"> • Director appraisal plan • Director succession plan • Director skills matrix • Instrument of Government • Freedom of Speech Policy
Data Protection	<ul style="list-style-type: none"> • Data Protection Policy • Information Framework • Information Security Policy • Information and Records Management Policy • Intellectual Property Policy • Guidelines for the writing of references for students • Retention of Key School Records 	<ul style="list-style-type: none"> • Data Protection: Fair processing of student personal information • Freedom of Information Policy <ul style="list-style-type: none"> ○ FOI Procedure ○ FOI Fees Statement ○ FOI Complaints Procedure
Estates and Buildings	<ul style="list-style-type: none"> • Emergency Planning Policy • Environmental Sustainability Statement • Estates Masterplan • Estates Tendering Procedures • Campus Security Policy • CCTV Policy 	<ul style="list-style-type: none"> • Carbon Management Plan • Fair Trade Policy • Naming the University Estate Policy • Sustainable Environment Policy • Transport
Other	<ul style="list-style-type: none"> • Service level agreement for consultants • Conflict of interest Policy • Environmental Policy • Customer Charter • Admissions policies • Charging and remissions • Governors/directors allowances. 	<ul style="list-style-type: none"> • Equality of information and objectives • Statement of procedures for allegations of abuse against staff • Staff appraisal policy • Accessibility plan

11. The Employee Council - NMITE Employee Participation Model

TO BE RE WRITTEN WHEN EMPLOYEE DELIBERATIONS COMPLETE

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12. THE COMMON SEAL (when obtaining Charitable Status) – The use of the Common Seal is detailed in a separate Policy Paper

Custody of the Seal

- 12.1 Always when not in use, the Common Seal of the Executive (“the Seal”) shall be kept locked in a manner and in a place as agreed by the Chief Executive.

Affixing the Seal

- 12.2 The Seal shall not be set to any document without the authority of a resolution of the Board unless the affixing of the Seal is consequential to a relevant decision.

- 12.3 In this Standing Order, “a relevant decision” is a decision which duly authorises:

- (1) The acceptance of any tender; or
- (2) The purchase, sale, letting or taking of any property; or
- (3) The making of any contract.

Attestation

- 12.4 The Seal when applied to a document shall be attested by two of the following:

- (1) The Chair of the Board
- (2) The Company Secretary
- (3) Any member of the Board other than the Chair
- (4) The Chief Executive

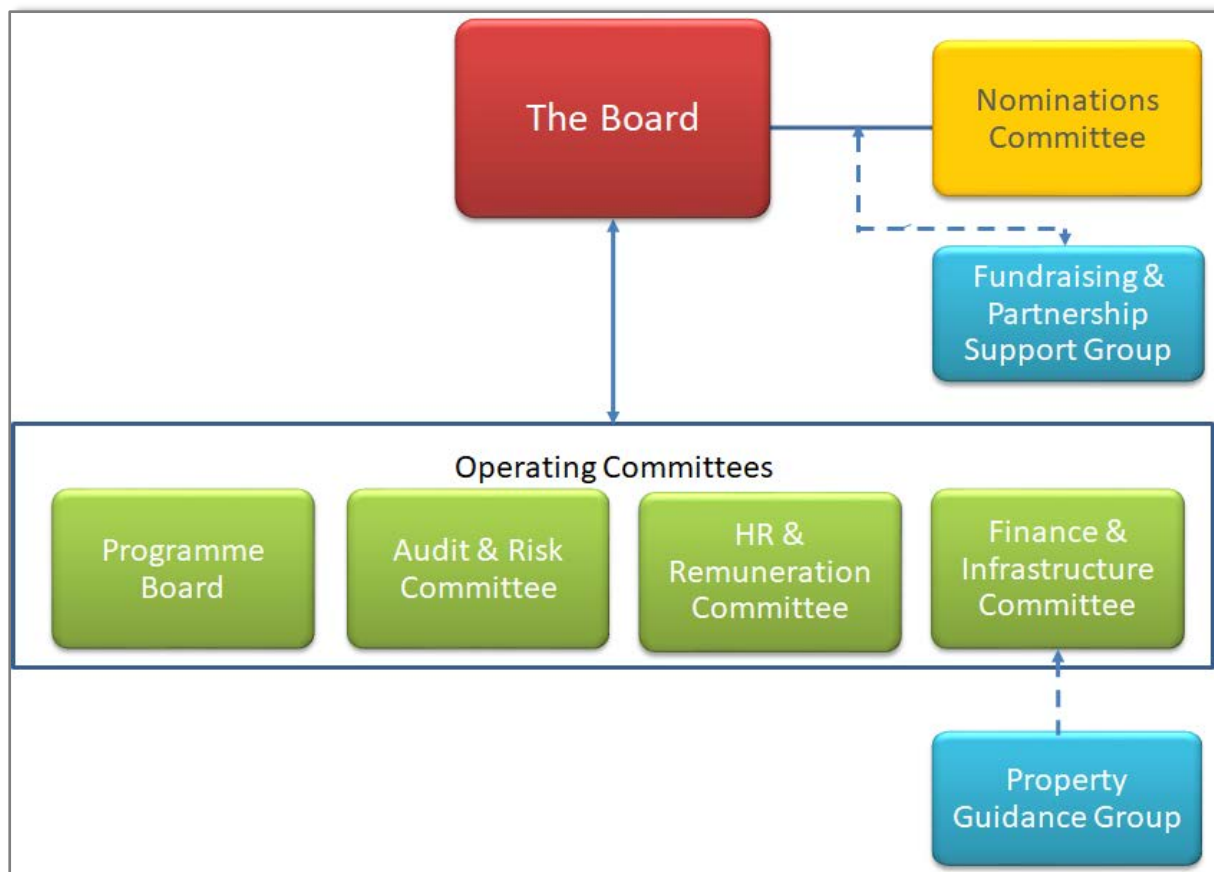
Records of Attestation

- 12.5 The Company Secretary attesting the execution of any document under the Seal shall ensure that a record of the of that document is entered in a book which must be kept for that purpose.

13. COMMITTEES

Constitution of Committees

13.1 The Board may constitute committees of its members, to which it may delegate such of its functions as it may specify, with such terms of reference and with such powers as it may determine. The Board has adopted the following Committee structure in order to undertake its business. Membership, quoracy, and frequency of meetings is shown in Appendix A and the Main Committees terms of reference are detailed in Appendix B.



13.2 Unless any such committee is explicitly delegated with powers of determination, all findings of that committee shall be of an advisory nature only.

Procedures of Committees

13.3 The Board, through the Nominations Committee, shall appoint the Chair of any committee which it may establish.

13.4 The provisions of these Standing Orders shall apply as if the committee were referred to instead of the Board, except that no business shall be transacted at any meeting of any committee unless at least two Board Members are present.

- 13.5 Each committee shall observe its Terms of Reference (See appendix B) which shall be approved by the Board
- 13.6 Any such committee shall, subject to any directions by the Board, meet at such times and at such places as the committee may from time to time determine.

14 DELEGATION BY THE BOARD

Delegations

- 14.1 The Board may decide to delegate, where it has power to do so, responsibility for specified matters to:
- (1) A committee of the Board; or
 - (2) Any committee of officers; or
 - (3) Any officer.

Any specific delegation may refer to posts, as distinct from referring to the individuals who occupy those posts.

Scheme of Delegations See part 3

- 14.2 A scheme of delegations, which will be updated regularly, provides Board guidance covering:
- (1) Matters which are delegated, and
 - (2) Matters which are reserved for decisions by the Board (see paragraph 10.2).

15 EMERGENCY ACTION

Procedure

- 15.1 Between meetings of the Board, the Chief Executive (or in his / her absence, the nominated Officer) after consultation with the Chair (or, in his/her absence, the Deputy-Chair or Secretary to the Board), may authorise such action to be taken on behalf of the Executive as may be required with respect to matters which will not admit delay, provided that all such action must be reported to the next scheduled meeting of the Board.

16 INSPECTION OF DOCUMENTS

Member's Right to Inspect

- 16.1 A Board Member may, for the purposes of his/her duty as such member but not otherwise, on application to the Secretary to the Board, inspect any document of a committee or of the Board and if copies are available shall on request be supplied with a copy of such a document.

Professional/Pecuniary Interests

- 16.2 A Board Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he or she is professionally interested or in which he or she has directly or indirectly any pecuniary interest.

17 APPOINTMENTS

Canvassing

- 17.1 Canvassing of members of the Board for any appointment under the Executive shall disqualify the candidate concerned for that appointment.
- 17.2 A member shall not solicit for any person for any appointment by the Executive.
- 17.3 A member shall not solicit for any public or private enterprise or third party in relation to any appointment/contract.

18 References

- 18.1 A member shall not give a written testimonial of a candidate's ability, experience or character for submission to the Executive with an application for appointment unless the applicant is currently that member's employee.

19 Disclosure of Relationships

- 19.1 Every applicant for a post as an officer or appointee of the Executive shall be required, when making application, to disclose in writing whether to his/her knowledge he/she is related to any Board member officer of the Executive or principal adviser.
- 19.2 An applicant who fails to so disclose shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice.

20 CONFIDENTIALITY

- 20.1 All agenda reports and other documents and all proceedings of the Board or of a committee shall be treated as confidential unless and until:
- (1) The Board or the Chairman decides otherwise; or
 - (2) They become public in the ordinary course of the Executive's business; or
 - (3) Confidentiality is, in all the circumstances, incompatible with any right of access to information conferred by the Freedom of Information Act 2000.

21 DUTY TO PROMPTLY RAISE CONCERNS WITH BOARD

- 21.1 A Board Member who considers it his/her duty in the public interest to raise any question affecting the policies, procedures, reputation, integrity or impartiality of the Executive should do so promptly with the Board.

22 DOSSIER OF CONTROLS

- 22.1 The Board and all officers shall comply with the Financial Memoranda (contracts between public funding bodies and the Company) and the Dossier of Controls.

23 REVOCATION AND VARIATION OF STANDING ORDERS

Suspension

- 23.1 No Standing Order adopted by the Board shall be suspended at any meeting of the Board except by consent of at least five members present thereat.

Variation and Revocation

- 23.2 The Standing Orders for the time being, may from time to time be varied or revoked and additional Standing Orders may be adopted. Such variations, revocations and/or additions may only be made with the consent of 75 percent of the members of the Board.

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Part 3 - Board Scheme of Delegations

1. Scheme of Delegations

- 1.1 Regardless of any delegation, the Board continues to have discretion to decide any matter which is within the scope of its statutory functions.
- 1.2 The matters listed in Part 2 Governance, section 10.2, are reserved to the Board.
- 1.3 The functions specified in following table are delegated to the post-holders specified in that table. (In the present context as a start-up, a reference to any post refers not just to an individual who is a post-holder, but also to anybody who is temporarily authorised to carry out the duties of that post).

(1)	<p>Write- Off Limits</p> <p>Authority to write off an invoiced debt or waive a claim up to a limit of £50.</p>	<p>SLT Member and approved by the Finance Manager</p>
(2)	<p>Staff Ex-gratia payments</p> <p>Authority to approve extra contractual and ex-gratia payments up to £1,000 provided this does not exceed the overall budget, or unless considered novel or contentious, or have or could have significant future cost implications.</p>	<p>COO</p>
	<p>Budgetary Planning and Control</p> <p>The Board approves the staffing structure presented by the Chief Executive. The Chief Executive is delegated to appoint employees according to the number and grades approved by the Board. The CEO may appoint external consultants to posts and will be required to meet this within existing budgets. The CEO is responsible for all other contracted services that are in line with the annual budget approved by the Board.</p> <p>The COO will be responsible to the Finance & Infrastructure Committee for reporting all variations to the budget. Any variation to the public funded element of the budget must, in addition, be approved by the respective funding body(s). The Finance Manger will provide a Monthly Monitoring Pack for scrutiny by the Finance & Infrastructure Committee; and copies tothe CEO and SLT members and specific budget holders</p> <p>All budgets will be centrally controlled and allocated in line with the 'approved budget'.</p>	<p>CEO</p> <p>COO</p>

<p>All appointments will be approved by the HR & Remuneration Committee and scrutinised in line with the approved establishment/head count.</p> <p>All contracted services will be allocated according to need.</p> <p>Remuneration and all other expenditure will be allocated and procured in line with the 'Capitalisation/Revenue Analysis' agreed with the DfE which established the basis of the Revenue and Capital Grant allocations. The delegation of budgets will not proceed until all senior staff and the respective budget holders are in place. For delegation to proceed additional budgetary control procedures are to be put in place.</p> <p>Budgets and expenditure will remain centrally controlled. The People & Opportunities Manager will oversee the making all appointments and be responsible for –</p> <ul style="list-style-type: none"> • Structure and posts – maintaining establishment control • Job descriptions/specifications • Appointing recruitment consultants • Advertising in the appropriate media • Controlling all remuneration offers • Interview process to ensure equal opportunities and appropriate assessments are undertaken to appoint the right individuals • Negotiating starting salaries within budget and issuing contracts of employment • Maintaining staff records • Staff benefits • Pensions • Relocations • Staff expenses • Staff grievances • Whistleblowing policy • Agreeing variations to contracts in line with budgets • Reporting to the CEO and budget holders the position financial and performance management targets of key individual members of staff; and reporting variations to the CEO prior to commitment. <p>Ordering services, goods and works for non-pay expenditure. All budget holders will be responsible for contracting services but will agree with the Procurement Manager all contracted services for all thresholds detailed in the Procurement Regulations. All non-pay expenditure will be centrally controlled</p>	<ul style="list-style-type: none"> • The COO will be responsible for all budgetary control in the first year November 2017 to July 2018. • All appointments will be undertaken by the CEO and SLT members. • All remuneration will be agreed by the HR & Remuneration Committee and ratified by the Board • People & Opportunities Manager (POM) will manage all appointments. Any variation to remuneration will be agreed with the CEO and reported to the HR & Remuneration Committee provided the overall budget is not affected and that differentials are not impaired as it affects a particular post. • No position in the structure will be appointed 'in advance of need'. • POM will instruct the Finance Manager of a new appointment provided by a New Starter Form detailing the remuneration details of the new appointments • The Finance Manager will enter the details onto the
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<p>with delegations to budget holders to be considered in the academic year 2018/19.</p> <p>COO will be responsible for placing orders once the procurement process has been completed. Orders are placed on-line subject to approval by the Finance Director. Invoices will be passed to the Finance Manager for payment, once authorised by the budget holder.</p>	<p>Payroll System ready for approval by the Director of Finance</p> <ul style="list-style-type: none"> • The COO/ Procurement Manager/& SLT representative jointly will ensure all services are contracted on a priority needs basis (see Procurement Regulations herein and Procedures). All budgets will be allocated for a given purpose supported by the need to build the new institution. No service will be procured 'in advance of need'. • The Finance Director will be responsible for overall control of revenue and capital spending. The Finance Manager will maintain the appropriate accounting records to reflect the appropriate Chart of Accounts in line with the reporting requirements of the funding bodies and the Public Accountable Body. • The Finance Director will provide all the necessary Finance Reports and commentaries for Capital and Revenue Spending. • The Finance Manager will be responsible for maintain all finance records including the Xero Accounting, on-line expenses system, and timesheet management system.
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<p>(4)</p>	<p>Financial Administration</p> <p>The COO is the designated officer responsible for ensuring the financial administration of the NMiTE's affairs.</p> <p>In particular, he/she is responsible for preparing annual estimates of income and expenditure, for consideration and approval by the Board, and for the management of budget and resources, within the estimates approved by the Board.</p> <p>The COO shall demonstrate his or her oversight of financial matters by signing the balance sheet and the statement of corporate governance and internal control within the annual financial statements.</p> <p>All orders for services shall be raised by the appropriate SLT member and have access to the on-line ordering system in Xero. The COO/ shall authorise the payments in line with the budgets provided.</p> <p>*Prior to the COO being in post these duties shall be undertaken by the Interim COO and Secretary to the Board (Interim Finance Director)</p>	<p>COO</p> <p>COO Finance Director/Finance Manager</p>
<p>(5)</p>	<p>Payroll</p> <p>The People & Opportunities Manager (POM) will be responsible for issuing Start-up/Leavers or variations to payroll for approval by the CEO.</p> <p>The CEO will authorise all Start-up/Leaver/Variation Forms.</p> <p>Payroll will be overseen by the POM, and all transactions will be processed by the Finance Manager. The Finance Manager will ensure all staffing details are correct and in line with the budget and start-up instructions.</p> <p>The Finance Manager will calculate the HMRC, Pensions, and other deductibles; manage and maintain records for</p> <ul style="list-style-type: none"> • Pay records and calculations • Payslips • HMRC returns – P32s/P45s/P60s/P11Ds etc. • Manage and update tax code changes <p>Finance Director will check all records every month.</p>	<p>CEO</p> <p>POM/Finance Manager</p> <p>(Finance Manager)</p> <p>Finance Director</p>

	<p>Finance Director will reconcile the payroll for each month and authorise the payment with the bank for staff net pay, HMRC, pensions, and other authorised deductibles.</p>	
	<p>Banking Arrangements</p> <p>Banking arrangements require the raising of a payment and the authorisation to be carried by separate individuals. Those with access to banking arrangements are referred in the following column.</p> <p>Banking signatures will be the CEO, COO, Finance Director and Company Secretary</p> <p>All bank transactions will require two signatures. The Finance Manager will set up all bank transactions to be authorised and executed by two of the authorised signatories</p> <p>Transactions will be limited to £20,000. Transactions over £20,000 will require the approval of the COO.</p> <p>All banking arrangements will be managed by the COO and the Finance Director.</p>	<p>COO</p> <p>Finance Director</p> <p>Company Secretary</p> <p>CEO</p>
	<p>Income</p> <p>The Finance Director will be responsible for managing the following income sources supported by the Finance Manager:</p> <ul style="list-style-type: none"> • DfE Capital and Revenue Grants • Local Growth Funds from the Marches LEP/DCLG • Capital and Revenue Donations/Bequests (Earmarked) • Capital and Revenue Donations (Unearmarked) • Trading Income • Tuition Fees <p>The Finance Director will oversee all grant claims and monitoring reports for the DfE/LEP funding and co-ordinating the requirements of the Public Accountable Body (Herefordshire Council).</p> <p>The Finance Director will also be supported by all SLT members in providing all evidence supporting the claims and the achievements of the DfE milestones.</p>	<p>Finance Director/Chief Fundraising Officer</p> <p>SLT Members</p> <p>Chief Fundraising Officer</p>

<p>Donations will be managed on a case by case basis to meet the conditions and bequest of the donors. The Chief Fundraising Officer will maintain a record for all donors and ensure that NMiTE is compliant with the fundraising regulations and Charity Commission best practice.</p> <p>Income from employers and others for services rendered. The Finance Director will ensure that all income collectable through contract and services rendered are managed through the Finance Manager. The Finance Manager will maintain a record of all collectable income and manage the recovery of all debtors raised.</p> <p>The Chief Academic Officer supported by The Registrar will maintain all student records and be responsible for all student systems. The Finance Director will ensure that all income from students is collected and banked.</p> <p>Debtor Control</p> <p>All debtor income will be controlled by the Finance Manager. The Finance Manager will be responsible for the Debtor Control System and report to the Finance Director on all outstanding amounts and recovery procedures.</p>	<p>Chief Partnerships Officer</p> <p>Finance Manager</p> <p>Chief Academic Officer</p>
<p>Time Management System</p> <p>The Chief of Staff is responsible for the Time Management System and that all online timesheets are completed and approved for month end reporting.</p> <p>The Chief of Staff, as Programme Manager, is responsible for reporting to the CEO on staff productivity, Project Implementation Targets, and milestone achievements.</p>	<p>Chief of Staff</p>

1.4 The Board delegates all other matters (“the residual matters”) to the Chief Executive. (In the present context, the term “Chief Executive” includes any person deputising for the Chief Executive). All other activities are governed by the appointment of individual post-holders as and when they are appointed. Until then there are few delegations and the Board makes decisions on all matters outside these delegations.

1.5 The residual matters delegated to the Chief Executive are categorised as follows:

Governance

- Approval of arrangements for dealing with complaints.
- Approval of principles of Executive policy on Freedom of Information.

Policy, Strategy, Plans, Budgets and Risk Register

- Approval of format and principles of developing and reporting policies, strategies, plans, budgets and register risks.

Land & Property Issues

- There are no delegations for Land and Property – all negotiations and acquisitions need the approval of the Board that shall benefit from observations of the Property Guidance Group

Authority to Incur Expenditure Generally

- Generally, the Annual Budget approval by the Board provides authority to incur all expenditure specified within the Budget.
- Whenever such expenditure on a heading or programme (e.g. procurement strategy for all major services) requires to be tendered, then the authority to incur such expenditure (i.e. before being tendered) will require specific approval by the Board. See Procurement Regulations and Procedures.

1.6 The delegations set out in this Scheme do not diminish, or in any respect, affect:

- The Chief Executive's accountability for the actions of all officers;
- Any Director's accountability for the action of all officers within that Director's division.

1.7 In the event of any conflict between any provision of this scheme and any provision of any Board approved financial regulations the relevant provision of the regulation shall prevail.

Part 4 – Financial Regulations

1 Financial Planning

1.1 The Chief Operating Officer (COO), supported by the Finance Team, is responsible for preparing annually a financial plan for approval by the Board and for preparing financial forecasts for monitoring purposes. Financial plans should be consistent with the strategic plans and property strategy approved by the Board. The key contacts for finance are detailed in Appendix C.

1.2 Budget objectives

The Board will, from time to time, set budget objectives for the NMiTE. These will help the COO in preparing his or her more detailed financial plans for the NMiTE. See budget cycle in paragraph 2.3.

1.3 Resource allocation

Resources are allocated annually by the Board and on the basis of the above objectives. CEO, and SLT are responsible for the economic, effective and efficient use of resources allocated to them.

1.4 Budget preparation

The COO in collaboration with SLT members is responsible for preparing each year an annual revenue budget and capital programme (if any) for submission to the Board. The budget should also include monthly cash flow forecasts for the year and a projected year-end balance sheet (if required in future).

During the year, the COO is responsible for submitting revised budgets for submission to the Board for approval.

1.5 Capital programme

The capital programme includes all expenditure on land, buildings, equipment, furniture and associated costs whether or not they are funded from capital grants or capitalised for inclusion in the NMiTE's financial statements. Expenditure of this type can only be considered as part of the capital programme approved by the Board.

The COO will establish protocols for the inclusion of capital projects in the capital programme for approval by the Board. These will set out the information that is required for each proposed project as well as the financial criteria that they are required to meet. They are summarised at Appendix F and G.

The COO will also establish procedures for the approval of variations.

The COO is responsible for providing regular statements concerning all capital expenditure to the Board for monitoring purposes.

Following completion of a capital project, a post-project evaluation or final report should be submitted to the Board including actual expenditure against budget and reconciling funding arrangements where a variance has occurred as well as other issues affecting completion of the project.

The Chief Digital & Infrastructure Officer will be responsible for individual capital development projects reporting to the Finance & Infrastructure Committee on the progress of each development and for the Capital Programme overall. The COO, supported by the Finance Director, will report on financial implications, provide support on funding and financing of projects, make the necessary grant claims as well as providing the necessary financial monitoring.

1.7 Other major developments

Any new aspect of business, or proposed establishment of NMITE or joint venture, which will require an investment in buildings, resources or staff time should be presented for approval to the Board.

The COO will establish protocols for these major developments to enable them to be considered for approval by the Board. These will set out the information that is required for each proposed development as well as the financial criteria that they are required to meet. They are summarised at Appendix G.

2 Financial Control

2.1 Budgetary control

The control of income and expenditure within an agreed budget is the responsibility of the designated budget holder who must ensure that day-to-day monitoring is undertaken effectively.

Significant departures from agreed budgetary targets must be reported immediately to the COO and, if necessary, corrective action taken.

The Finance & Infrastructure Committee is charged with monitoring the annual budget and all projects included in the Capital Programme and in the Project Implementation Programme. Reports to the Finance & Infrastructure Committee will be provided on a monthly basis and monitoring of performance will be reported to the Board by the Chair of the Committee. The reports will provide analysis on financial progress, variations to plan and on the performance and achievability of outcomes in line with the DfE milestone targets. All Board members will receive a regular monthly monitoring report but it will be the responsibility of the Finance & Infrastructure Committee to challenge officers on performance.

2.2 Financial information

The budget holders are assisted in their duties by management information provided by the COO.

The COO is responsible for supplying budgetary reports on all aspects of the NMiTE's finances to the Board on a basis determined by the Board but subject to any specific requirements of any external stakeholder. These reports are presented to the Board, which has overall responsibility for the NMiTE's finances.

The COO is responsible for:

- Setting the Annual Budget;
- Long Term Financial Planning; and
- And for the process of approving the Annual Accounts.

2.3 Changes to the approved budget

All changes proposed to the approved budget will be considered by the Finance & Infrastructure Committee (FIC) and material variations approved by the Board.

The timetable below shows the main stages of the Budget Planning Round.

Month/Year	Activity
Jun/Jul	<p>Formal planning guidance issued by the Finance Director. This will provide for reported position and any variations on the grant funding profiles provided by the DfE/DCLG/The Marches LEP and the Public Accountable Body, Herefordshire Council.</p> <ul style="list-style-type: none"> ▪ Changes to accounting practice. ▪ Budgeting metrics to be used for the forthcoming academic year e.g. inflation indices and interest rates. ▪ Use of unspent balances
Jul-Dec	<ul style="list-style-type: none"> ▪ Budget holders prepare the financial forecasts for their respective areas of responsibility in line with the management cost centres in the Chart of Accounts and other institutional wide programmes i.e. they cost the Institution's Strategic Plans. The key cost centres are: <ul style="list-style-type: none"> - Academic Programmes - Campus & Infrastructure - Business Development & Marketing

	<ul style="list-style-type: none"> - Fundraising - Creating the Institution <ul style="list-style-type: none"> ▪ The involvement of central finance staff in this process is paramount with central control remaining a key role in the first budgetary cycle. Devolving more responsibility to the budget holders will happen as the organisation becomes more mature and the risks associated with financial planning are minimised. ▪ The financial forecast is reviewed and approved by the respective SLT members and the CEO. ▪ The financial forecasts are submitted to Finance & Infrastructure Committee for scrutiny, and to the MoU auditors, the Public Accountable Body, and the funding bodies. ▪ All comments are then passed to the Finance Director for final approval of the budget by the Board.
Sep/Oct	Actual income and expenditure for the last financial year is analysed by Finance into the same activity categories as used in planning.
Beginning of Dec	<p>Submitted to Finance & Infrastructure Committee (FIC)/ Regulatory Bodies</p> <ul style="list-style-type: none"> ▪ Financial forecasts including Annual Revenue Budget, Capital programme and Cash flow (geared to fiscal years as a result of the funding and milestone targets in future years deliverable in March. ▪ Annual/Quarterly Reports on funding position supplied by MoU Auditors ▪ Student number forecasts (when planned) ▪ Every three years - Strategic Plans
Mid Dec	<p>Feedback from FIC/Regulatory Bodies</p> <ul style="list-style-type: none"> ▪ Review financial forecasts submitted ▪ Consolidate individual feedback ▪ Create NMiTE wide analyses of income and expenditure

	<p>Board</p> <ul style="list-style-type: none"> ▪ Develop and review Strategic Plans ▪ Review and consolidate forecast of non-financial data and reassessed target setting for the Project Implementation Plan
Jan/Feb	<p>Strategic Plans are reviewed.</p> <ul style="list-style-type: none"> ▪ Finance & Infrastructure Committee review the Strategies ▪ For other Institutions the meeting will be chaired by an appropriate person (e.g. the Fitzwilliam Strategic Plan review meeting is chaired by Chair of the School of Arts & Humanities)
Feb/Mar	<p>Finance</p> <ul style="list-style-type: none"> ▪ Considers plans i.e. Financial (SLT), Strategic (SLT), Fundraising (CFO) , Income Generation Strategy (CPO) ▪ Agrees provisional allocations to SLT, and Project Manager re the Project Implementation Plan
Apr	Finance & Infrastructure Committee consider Plans and Allocations
May	The Board considers the Plans and Allocations
May/Jun	Budget Report in the public domain and sent to Regulatory Bodies
Jun	Budget Report approved by the Board after considerations from FIC and the Board
Jul/Aug	Departmental budgets produced by Finance Manager and passed to budget holders
Aug	Budgets uploaded into Xero by Finance Manager.

2.4 Virement

All virements will need approval by the FIC and budget variations affecting the use of public funds reported relevant funders. See Scheme of Delegations.

2.5 Treatment of year-end balances

At the year end, budget holders will not generally have the authority to carry forward a balance on their budget to the following year unless the FIC has approved the proposal.

Unspent public funds may not be carried forward from one fiscal year to the next unless requested to and approved by the relevant funding body.

3 Accounting Arrangements

3.1 Financial year

The NMiTE's financial year, is an academic year, and will run from 1 August until 31 July the following year.

3.2 Basis of accounting

The financial statements are prepared on the historical cost basis of accounting and in accordance with applicable accounting standards and guidelines, in particular meeting the statutory obligations including the current HE/FE SORP and Charities SORP and such requirements defined by the Office for Students.

3.3 Format of the financial statements

The financial statements are prepared in accordance with the Office for Students and Charities Commission standards (once NMiTE has registered with the Charities Commission) and are to be adopted for the financial year ending 31 July 2017.

3.4 Capitalisation and depreciation

New land and buildings will be recorded in the balance sheet at actual build or acquisition cost, except where they are received as gifts, where they will be recorded at an independent valuation. Buildings will be depreciated in equal installments over their estimated remaining useful life. Land will not be depreciated.

Expenditure incurred on repair or refurbishment may not be capitalised unless it can be demonstrated that the resultant value of the building, on the basis of the depreciated valuation is greater than the current book value. The extension of existing buildings may be capitalised.

Expenditure incurred on the acquisition of assets other than land and buildings will be recorded in the balance sheet where the acquisition cost per item is £1,000 or more. Grouped items (e.g. a suite of computers) with an individual value of less than £1,000, but a group value of £1,000 or more, will be capitalised. Capitalised assets other than land and buildings will be depreciated over a period of between 3 and 10 years commencing in the month following acquisition.

3.5 Accounting & Administrative records

The COO is responsible for the retention of financial documents. These should be kept in a form that is acceptable to the relevant authorities.

The NMiTE is required by law to retain prime documents for six years or more. These include:

- minutes and contracts
- official purchase orders
- paid invoices
- accounts raised
- bank statements
- copies of receipts
- paid cheques
- all payroll records.

The COO will make appropriate arrangements for the retention of electronic records.

The COO should ensure that retention arrangements comply with any specific requirements of any donor or public funding body..

Additionally, for auditing and other purposes, other financial documents should be retained for three years or as determined by the donor/funder.

3.6 Public access

Under the terms of the Charities Act 1993, the Board is required to supply any person with a copy of the NMiTE's most recent financial statements within two months of a request. The Act enables the Board to levy a reasonable fee and this will be charged at the discretion of the COO. The NMiTE will also allow members of the public to inspect the statement of accounts during normal working hours, provide copies to local libraries and make a summary available on the NMiTE's website.

3.7 Taxation

The COO, supported by the Finance Director, is responsible for budget holders, in the light of guidance issued by the appropriate bodies and relevant legislation as it applies, on all taxation issues, to the NMiTE. Therefore the COO will issue instructions on compliance with statutory

requirements including those concerning VAT, PAYE, national insurance, corporation tax and Gift Aid.

The COO is responsible for maintaining the NMiTE's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

4 Audit Requirements

4.1 General

External auditors shall have authority to:

- access NMiTE premises at reasonable times
- access all assets, records, documents and correspondence relating to any financial and other transactions of the NMiTE
- require and receive such explanations as are necessary concerning any matter under examination
- require any employee/Director of the NMiTE to account for cash, stores, equipment or any other NMiTE property under his or her control
- access records belonging to third parties, such as contractors, when required.

The COO, supported by the Finance Director, is responsible for drawing up a timetable with the external auditors for the preparation of annual accounts and will advise staff/Directors accordingly.

The financial statements should be reviewed by the Audit & Risk Committee and, on their recommendation will be submitted to the Board for approval.

4.2 External audit

The appointment of external auditors for the main financial statements of the NMiTE will take place annually and is the responsibility of the Board. The Board will be advised by the Audit Committee.

The primary role of this external audit is to report on the NMiTE's financial statements and to carry out such examination of the statements and underlying records and control systems as are necessary to reach their opinion on the statements and to report on the appropriate use of funds. Their duties will be in accordance with advice set out in the relevant audit code of practice and the Auditing Practices Board's statements of auditing standards.

During the period of the draw-down of DfE and LEP funding the external auditors will have additional responsibilities to provide assurance to the DfE, DCLG, the Marches LEP and Herefordshire Council as the Publicly Accountable Body. Such additional duties will be defined under the MoU and associated documentation between DfE, Herefordshire Council and NMiTE.

The MoU Audits will take place every quarter and report on compliance and performance of the actual spend against budget and achievement of milestones. The auditors will be responsible for reporting to the external auditors and the Section 151 Officer of Herefordshire Council on NMiTE performance reporting on any non-compliant issues and ensuring that all payments and funds to be committed are justified on a basis of need. Full Annual Reviews will be carried out by the auditors in February of each year during the support funding fiscal period between 2017/18 to 2019/20. This will include an opinion on the achievability of the milestone targets set by the DfE.

4.3 Internal Audit

In the first 2-3 years of operation the requirement for internal audit will not be necessary. The regular quarterly audits, and the Full Annual Reviews by the external auditors will ensure there is a continuous audit presence during the financial year and all areas of high risk will be reviewed to support the any drawdown of funding.

4.4 Fraud and corruption

It is the duty of all Directors and staff and the Board to notify the COO immediately whenever any matter arises which involves, or is thought to involve, irregularity, including fraud, corruption or any other impropriety.

The COO shall immediately invoke the fraud response plan, which incorporates the following key elements (see Appendix D for Public Interest Disclosure Act 1998, Appendix E the Seven Principles of Public Life, and Appendix H on Fraud Response Plan for fuller details):

- The Chair of the Board and the Chair of the Audit & Risk Committee of the suspected irregularity and shall take such steps as he or she considers necessary by way of investigation and report
- the COO (or an appropriate person) shall inform the police if a criminal offence is suspected of having been committed
- the Audit & Risk Committee shall commission such investigation as may be necessary of the suspected irregularity
- those commissioned to carry out an investigation, shall prepare a report for the Audit & Risk Committee on the suspected irregularity. Such report shall include advice on preventative measures.

4.5 Value for money

The NMiTE should keep under review its arrangements for managing all the resources under its control through the Audit & Risk Committee, taking into account guidance on good practice issued from time to time by public funding bodies, the National Audit Office, the Public Accounts Committee or other relevant bodies.

4.6 Other auditors

The NMiTE may, from time to time, be subject to audit or investigation by external bodies such as Office for Students, the European Court of Auditors, HM Revenue and Customs. They have the same rights of access as external auditors.

5 Treasury Management

5.1 Treasury management strategy.

The Board is responsible for approving a treasury management strategy (if it has long term borrowings or significant reserves to invest) setting out the policies for cash management, long-term investments and borrowings. The Board has a responsibility to ensure implementation, monitoring and review of such policies.

All executive decisions concerning borrowing, investment or financing will be determined by the policy parameters set by the Finance & Infrastructure Committee and approved by the Board) and an appropriate reporting system set up to monitor performance of investments made. The COO will report to the Board in each financial year on the activities of the treasury management operation and on the exercise of treasury management powers delegated to him or her (including a Mid-Year Monitoring Report and an Annual Report on the past year's performance. The COO, with the Board's approval, will require external expert advice on developing an investment strategy.

5.2 Appointment of bankers and other professional advisers

The Board is responsible for the appointment of the NMiTE's bankers and other professional financial advisers (such as investment managers, if required). The appointment shall be for a specified period after which consideration shall be given by the Board to competitively tender the service. The NMiTE current bankers and other professional advisors are:

BANKERS

Handelsbanken
Hereford Branch
Broadway House
32 – 35 Broad Street
Hereford
HR4 9AR

ACCOUNTANTS

Thorne Widgery Accountancy Limited
Chartered Accountants
2 Wyevale Business Park
Kings Acre
Hereford, HR4 7BS

LEGAL ADVISERS

To be appointed

5.3 Banking arrangements

The COO is responsible for liaising with the NMiTE's bankers in relation to the NMiTE's bank accounts and the issue of cheques. All cheques shall be ordered on the authority of the COO, who shall make proper arrangements for their safe custody.

Only the COO may open or close a bank account for dealing with the NMiTE's funds (by strict instruction from the Board). All bank accounts shall be in the name of the NMiTE.

All internet transactions, direct debits, standing orders cheques or other banking transactions shall be authorized by two of these authorised Officers: COO, Finance Director, Company Secretary and CEO

The upper limit of electronic transaction is currently set at £20,000 per transaction.

All automated transfers on behalf of the NMiTE, such as BACS or CHAPS, must be authorised in the appropriate manner and on the basis approved by the Board.

The COO is responsible for ensuring that all bank accounts are subject to regular reconciliation.

6 Income

6.1 General

The COO is responsible for ensuring that appropriate procedures are in operation to enable the NMiTE to receive all income to which it is entitled. All receipt forms, invoices, tickets or other official documents in use and electronic collection systems must have the prior approval of the COO. All income receipts should be addressed to NMiTE's Offices or paid directly into the NMiTE's bank accounts.

Levels of charges for contract research, services rendered, goods supplied and rents and lettings are determined by procedures approved by the Board.

See Scheme of Delegations for the prompt collection, security and banking of all income received; for ensuring that all grants notified by the funding body are received and appropriately recorded in the NMiTE's accounts; and for ensuring that all claims for funds, including research grants and contracts, are made by the due date.

6.2 Maximisation of income

It is the responsibility of all SLT members/staff to ensure that revenue to the NMiTE is maximised by the efficient application of agreed procedures for the identification, collection and banking of income. In particular, this requires the prompt notification to the COO of sums

due so that collection can be initiated.

6.3 Receipt of cash, cheques and other negotiable instruments

All monies received from whatever source must be recorded on a daily basis together with the form in which they were received, for example cash, cheques and other negotiable instruments.

All monies received must be paid to the Finance Office. The custody and transit of all monies received must comply with the requirements of the NMiTE's insurers.

All sums received must be paid in and accounted for in full, and must not be used to meet miscellaneous expenses or be paid into a petty cash float. Personal or other cheques must not be cashed out of money received on behalf of the NMiTE.

Receipts by credit or debit card: In the first year of operation there will be no credit/debit cards issued by NMiTE.

Internet receipts: any Director/staff wishing to arrange for payment to be made to NMiTE by the internet should seek guidance from the COO at an early stage.

6.4 Collection of debts

The COO should ensure that:

- debtors' invoices are raised promptly on official invoices, in respect of all income due to the NMiTE (the Finance Director will be responsible for ensuring that procedures are in place raising invoices)
- invoices are prepared with care, recorded in the ledger, show the correct amount due and are credited to the appropriate income account
- any credits granted are valid, properly authorised and completely recorded
- VAT is correctly charged where appropriate, and accounted for
- monies received are posted to the correct debtors account
- swift and effective action is taken in collecting overdue debts
- outstanding debts are monitored and reports prepared for management.

Only the COO can implement credit arrangements and indicate the periods in which different types of invoice must be paid.

Requests to write off debts must be referred in writing to the COO for submission to the Finance & Infrastructure Committee for consideration and possible write-off.

7 Other Income-Generating Activity

7.1 European Union (EU) and other matched funding

Any such project requires the approval of the Board prior to any commitment being entered into. Such approval shall be dependent upon eligible matching funds are available and that the project is financially viable by the application of the NMiTE's costing and pricing policy. The Finance Director is responsible for submitting bids for funding, subject to approval by the Board; and where successful, for submitting income claims.

8 Intellectual Property Rights and Patents

8.1 General

Certain activities undertaken within the NMiTE including research and consultancy may give rise to ideas, designs and inventions which may be patentable. These are collectively known as intellectual property.

8.2 Patents

The Board is responsible for establishing procedures to deal with any patents accruing to the NMiTE from inventions and discoveries made by staff in the course of their research.

8.3 Intellectual property rights

In the event of the NMiTE deciding to become involved in the commercial exploitation of inventions and research, the matter should then proceed in accordance with the intellectual property procedures issued by the NMiTE.

9 Expenditure

9.1 General

The Finance Manager is responsible for making payments to suppliers of goods and services to the NMiTE.

9.2 Scheme of delegation/financial authorities

When control is transferred from the centre the CEO and SLT members are responsible for purchases within his or her area of responsibility. Purchasing authority may **not** be delegated to any other individual within NMiTE. In exercising this delegated authority, budget holders are required to observe the purchasing policies. The Board will review the approved budget holders on an annual basis.

The COO shall keep a record of the authorised signatories and the budget holders must supply him or her with their specimen signatures authorised to certify invoices for payment.

Budget holders are not authorised to commit the NMiTE to expenditure without first reserving sufficient funds to meet the purchase cost.

All purchases shall require the approval of the COO.

9.3 Procurement

The NMiTE requires the budget holders, irrespective of the source of funds, to obtain goods, works and services on the basis of “Best Value” demonstrating a balance between the most economically advantageous offer and consideration of quality, design delivery requirements and sustainability. Factors to be considered in determining lowest cost are noted in Part 5 Procurement Regulations.

9.4 Purchase orders

The ordering of goods and services shall be in accordance with the NMiTE’s purchasing policy outlined in Part 5 Procurement Regulations and Appendices I and J.

Official NMiTE orders must be placed for the purchase of all goods or services, except for personal expenses claims (also budget holders will have oversight of budgets and budgetary control for travel, accommodation and subsistence expenses for all Directors and individual claims and need to ensure effective control over these claims).

In exceptional circumstances, urgent orders may be given orally, but must be confirmed by an official purchase order endorsed ‘confirmation order only’ not later than the following working day. It is the responsibility of the Finance Manager to ensure that all purchase orders refer to the NMiTE’s conditions of contract (Appendix J). Invoices will be returned to suppliers unless an NMiTE order number is referenced.

9.5 Purchasing cards

There will be no purchasing cards issued to staff for at least first year of operation.

9.6 Business charge cards

There will be no business charge cards issued to staff for at least first year of operation.

9.7 Tenders and quotations

Budget holders must comply with the NMiTE’s tendering procedures contained in the NMiTE’s tendering practice, which are applicable as follows:

- a Purchases in total valued up to £15,000 excluding VAT – one formal quotation but officers must be able to demonstrate value for money has been obtained and that all other relevant aspects of NMiTE’s Procurement Regulations have been followed. See NMiTE’s Financial Regulations on obtaining value for money.

- b Purchases in total valued between £15,001 and £35,000 (inclusive) – at least two formal quotations must be obtained (see Part 5 The Procurement Regulations, section 13)
- c Purchases in total valued between £35,001 and £75,000 (inclusive) – at least three formal quotations must be obtained (see Part 5 The Procurement Regulations, section 13)
- d Purchases in total valued between £75,001 and up to relevant EU limit – formal tendering arrangements must be followed (see Part 5 The Procurement Regulations, section 13)
- e Purchases in total valued more than the relevant EU limit – The Public Contracts Regulations must be followed (see Part 5 The Procurement Regulations, section 14).

The main points covered by the NMiTE's code of tendering practice are described in Part 5 The Procurement Regulations.

9.8 Post-tender negotiations

Post-tender negotiations (i.e. after receipt of formal tenders but before signing of contracts) with a view to improving price, delivery or other tender terms can be entered into, provided:

- it would not put other tenderers at a disadvantage
- it would not have attracted different tenderers to participate in the process
- it would not affect their confidence and NMiTE in the NMiTE's tendering process.

However, complex rules govern post tender negotiations and the advice of the Commercial Team should be sought prior to commencing negotiations in accordance with 13.60 below. In each case, a statement of justification should be approved by the budget holder prior to the event, showing:

- background to the procurement
- reasons for proposing post-tender negotiations
- demonstration of the improved value for money.

All post-tender negotiations results are signed-off by the budget holder on the advice of the commercial team.

9.9 Contracts

Building (works) contracts are the responsibility of the Board and are administered by the Chief Digital & Infrastructure supported by the Campus Development Director.

Proposals will normally be initiated by the NMiTE's Estates Manager in respect of planned replacements and general improvement schemes.

Proposals shall be presented in the form of costings or investment appraisals prepared in conjunction with the COO, supported by the Finance Director, as appropriate for Board consideration. Investment appraisals should comply with the appropriate HM Treasury guidance.

Following consideration and approval by the Board, submissions should be forwarded to the funding body where appropriate (e.g. the LEP). If the required agreement is secured from the funding body, funding body procedural rules shall be followed. Funding body guidance on best practice should be followed even when funding body approval is not required.

The achievement of value for money will be an objective in the letting of all contracts.

Conditions of contract for the purchase of goods and services will be followed as described in the NMiTE's procedures described at Appendix J.

9.10 EU Procurement Rules

The COO is responsible for ensuring the NMiTE complies with its legal obligations concerning EU procurement legislation. EU procurement principles of equal treatment, non-discrimination and proportionality apply to all contracts, regardless of value. However, specific EU Procurement Rules apply to all contracts with a total value exceeding a threshold value. Please see the procurement regulations at 14 below.

The COO will advise budget holders on the thresholds that are currently in operation. A breach of these EU regulations is actionable by a supplier or potential supplier.

It is the responsibility of the budget holders to ensure that they and their staff/advisers comply with EU regulations by notifying the COO of any potential purchase that is likely to exceed the thresholds. This will need to be done well in advance in order to permit advertisements in journals such as the *Official Journal of the European Union* (OJEU).

The COO is also required to submit to the funding body annually details on expenditure which exceeds the threshold. Copies of the relevant documentation falling into this category must be provided by budget holders to the COO.

9.11 Receipt of goods

All goods shall be received at designated receipt and distribution points. They shall be checked for quantity and/or weight and inspected for quality and specification. A delivery note shall be obtained from the supplier at the time of delivery and signed by the person receiving the goods.

All goods received shall be entered onto an appropriate goods received document or electronic receipting system on the day of receipt. If the goods are deemed to be unsatisfactory, the record shall be marked accordingly and the supplier immediately notified so that they can be collected for return as soon as possible. Where goods are short on delivery, the record should be marked accordingly and the supplier immediately notified.

9.12 Payment of invoices

The procedures for making all payments shall be in a form specified by the COO with all invoices being sent directly to NMiTE Offices and **not** to the budget holders. The COO will make arrangements for authorisation either digitally or directly through the office. At no time should

the original invoice leave the NMiTE offices.

The details should be entered on the Accounting system to start the process of accounting and recording the age of the invoice and the appropriate charge in the accounts for the cost.

The COO is responsible for deciding the most appropriate method of payment for categories of invoice. Payments to UK suppliers will normally be made by digital banking arrangements, computer cheques or BACS transfer each week. In exceptional circumstances the COO will authorize the preparation of cheques for urgent payments.

Budget holders are responsible for ensuring that expenditure within their areas of responsibility does not exceed funds available. In the first year of operation all budgetary control will be centrally managed with budget holders overseeing their areas of responsibility and invoking the necessary authorisations to transact the business. In future delegated authority to budget holders will be allowed. In the event they do exceed their budgets the Chair of Finance & Infrastructure Committee will suspend the delegated authority of the budget holder, on the advice of the COO, to incur further expenditure. Such delegated authority may not be reinstated, if at all, the situation has be regularised.

This will be done by observing the following priorities:

1. Budget holder and the Finance Director to complete a revised budget for the year
2. The expenditure is brought into line during the year to meet the expected (prudent assessment) income for the rest of the year (e.g. to seek better value for money by more effective use of volunteers to replace contracted professionals)
3. Payment scheduling during the austerity period:
 - a. Income received during this period will first go to paying staff salaries and essential operational expenditure to keep NMiTE operational
 - b. If there is excess income after a. then regular/operational creditors should be paid for the current period
 - c. If there is excess income after a. and b. then the aged creditors should be paid
 - d. That sufficient reserves are built up to meet 3 months operational expenditure (i.e. a.+ b.).
 - e. Lifting the suspension on delegated powers will only take place once the Chair of Finance & Infrastructure Committee is satisfied the aged creditor have been completely paid off, reserves have been built up to the required level and NMiTE is operating to normal credit terms with its creditors.

Suppliers should be instructed by the budget holder to submit invoices for goods or services to Finance. Invoices will receive authorisation digitally from the budget holder.

Care must be taken by the budget holder to ensure that discounts receivable are obtained.

Payments will only be made by the COO against invoices that have been certified for payment by the appropriate budget holder.

Certification of an invoice will ensure that:

- the goods have been received, examined and approved with regard to quality and quantity, or that services rendered or work done is satisfactory
- where appropriate, it is matched to the order
- invoice details (quantity, price discount) are correct
- the invoice is arithmetically correct
- the invoice has not previously been passed for payment
- where appropriate, an entry has been made on a stores record or inventory

9.13 Director/Staff reimbursement

The NMiTE's purchasing and payments procedures are in place to enable the majority of non-pay supplies to be procured through the creditors system without SLT members/staff having to incur any personal expense. However, on occasion, SLT members/staff may incur expenses, most often in relation to travel, and are entitled to reimbursement.

Where such purchases by SLT members/staff are planned, the COO and the relevant budget holder may jointly approve cash advances to SLT members/staff who are going to incur expenditure on the NMiTE's behalf. Upon completion of the travel or project to which the advance relates, within one week a final account must be prepared to demonstrate how the advance was disbursed and any unspent balance repaid. Under no circumstances will a second advance be approved when the final accounting for an earlier advance to an individual is still outstanding.

9.14 Petty cash

The COO shall make available to budget holders such imprests as he or she considers necessary for the disbursements of petty cash expenses. However, it is important for security purposes that petty cash imprest floats are kept to a minimum.

Requisitions for reimbursements must be sent to Finance, together with appropriate receipts or vouchers, before the total amount held has been expended, in order to retain a working balance pending receipt of the amount claimed.

Anyone granted a float is personally responsible for its safe-keeping. The petty cash box must be kept locked in a secure place in compliance with the requirements of the NMiTE's insurers when not in use and will be subject to periodic checks by the Finance Manager.

Standard NMiTE petty cash books are supplied by Finance and must be used for recording all imprest accounts.

At the end of the financial year a certificate of the balances held should be completed by the budget holder responsible for the float and counter-signed by the Finance Manager.

9.16 Late payment rules

The Late Payment of Debts (Interest) Act 1998 was introduced to give small businesses the right to charge interest on late payments from large organisations and public authorities. Key points are:

- small businesses can charge interest on overdue invoices
- interest is chargeable on sales made after 1 November 1998
- the rate of interest is currently 8% per annum above the official daily rate of the Bank of England
- the Act also applies to overseas organisations
- the NMiTE can be sued for non-payment.

In view of the penalties in this Act, the Board requires that authorised invoices must be passed for payment as soon as possible after they are received subject to funds being available.

10 Pay Expenditure

10.1 Remuneration policy

All NMiTE staff will be appointed to the salary scales approved by the Board and in accordance with appropriate conditions of service. All letters of appointment must be issued by the People and Opportunities Manager. SLT contracts shall be issued by the CEO & POM.

The Board will determine what other benefits, such as pensions, cars, medical and life insurance, are to be available, the basis of their provision (contributory or not) and the staff to whom they are to be available.

10.2 Appointment of staff

All contracts of service shall be concluded in accordance with NMiTE's approved human resource practices and procedures and all offers of employment with NMiTE shall be made in writing by the appropriate budget holder. Budget holders shall ensure that the People and Opportunities Manager is provided promptly with all information they may require in connection with the appointment, resignation or dismissal of employees.

10.3 Salaries and wages

The Finance is responsible for all payments of salaries and wages to all staff including payments for overtime or services rendered. Salaries will be paid on the fifteenth day of every month except when the fifteenth day is a Saturday or Sunday, in which case salaries will be paid on the

Friday preceeding.

The budget holders will be responsible for keeping Finance informed of all matters relating to human resources for payroll purposes. In particular these include:

- appointments, resignations, dismissals, supervisions, secondments and transfers
- absences from duty for sickness or other reason, apart from approved leave
- changes in remuneration other than normal increments and pay awards
- information necessary to maintain records of service for pensions, income tax and national insurance.

The Finance Manager is responsible for payments to non-employees and for informing the appropriate authorities of such payments. All casual and part-time employees will be included on the payroll.

The Finance Manager shall be responsible for keeping all records relating to payroll including those of a statutory nature.

All payments must be made in accordance with NMiTE's payroll procedures and comply with HM Customs & Revenue regulations.

10.4 Pension schemes

The NMiTE is responsible for undertaking the role of employer in relation to appropriate pension arrangements for employees.

The COO, supported by the Finance Director, is responsible for day-to-day pension matters, including:

- paying contributions to various authorised NMiTE pension schemes
- preparing the annual return to various NMiTE pension schemes

The HR & Remuneration Committee will maintain NMiTE Pension Policy which is approved by the Board for administering eligibility to pension arrangements and when deductions should begin or cease for staff.

10.5 Travel, subsistence and other allowances

All claims for payment of subsistence allowances, travelling and incidental expenses shall be completed on-line. The Finance Manager is responsible for instructing staff on eligibility of claims according to NMiTE's Expenses Policy. All claims are made a month in arrears and must be submitted by the seventh of the month following the period of claim.

Claims by SLT members/staff must be authorised by their budget holder/senior manager. The certification by the budget holder shall be taken to mean that:

- the journeys were authorised

- the expenses were properly and necessarily incurred
- the allowances are properly payable by NMiTE
- consideration has been given to value for money in choosing the mode of transport or choice of supplier.

10.6 Overseas travel

All arrangements for overseas travel must be approved by the Board in advance of committing NMiTE to those arrangements or confirmation of any travel bookings. Arrangements for overseas travel by Directors of the Board shall be approved by the Chair of the Board. Arrangements for travel by the Chair shall be approved by the Board.

Where spouses, partners or other persons unconnected with NMiTE intend to participate in a trip, this must be clearly identified in the approval request. NMiTE must receive reimbursement for the expected costs it may be asked to cover for those persons in advance of confirming travel bookings.

10.7 Severance and other non-recurring payments

Severance payments shall only be made in accordance with relevant legislation and under a scheme approved by the Board. Professional advice should be obtained where necessary. No amounts shall be expended that exceed the budget allocated for the purpose. All such payments shall be authorised by the Chair of the Board and calculations checked by the Secretary to the Board.

All matters referred to an industrial tribunal shall be notified to the Board at the earliest opportunity in order that budget provision may be made as necessary. All determinations of tribunals must be similarly notified.

11 Assets

11.1 Land, buildings, fixed plant and machinery

The purchase, lease or rent of land, buildings or fixed plant can only be undertaken with authority from the Board and where relevant with reference to the funding body's requirements where public funds are involved.

11.2 Fixed asset register

The Finance Manager is responsible for maintaining NMiTE's register of land, buildings, fixed plant and machinery.

11.3 Inventories

The Finance Manager is responsible for maintaining inventories for all plant, equipment, furniture and stores with a value in excess of £50.

11.4 Stocks and stores

The Finance Manager is responsible for establishing adequate arrangements for the custody and control of equipment, stocks and stores.

The Finance Manager is responsible for ensuring that regular inspections and stock checks are carried out. Equipment, stocks and stores of a hazardous nature should be subject to appropriate security checks.

11.5 Safeguarding assets

Budget holders are responsible for the care, custody and security of the buildings, stock, stores, furniture, cash, etc. under their control. They will consult the Finance Manager in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

Assets owned by NMiTE shall, so far as is practical, be effectively marked to identify them as NMiTE property.

11.6 Personal use

Assets owned or leased by NMiTE shall not be subject to personal use without proper authorisation.

11.7 Asset disposal

Disposal of equipment and furniture must be in accordance with procedures agreed by the Board.

Disposal of land and buildings must only take place with the authorisation of the Board. Funding body consent may also be required if exchequer funds were involved in the acquisition of the asset.

11.8 All other assets

Budget holders are responsible for establishing adequate arrangements for the custody and control of all other assets owned by the NMiTE, whether tangible (such as stock – see above) or intangible (such as intellectual property), including electronic data.

12 Funds Held on Trust

12.1 Gifts, benefactions and donations

The Chief Fundraising Officer is responsible for maintaining financial records in respect of gifts, benefactions and donations made to the NMiTE and initiating claims for recovery of tax where appropriate.

12.2 NMiTE funds/Earmarked Donations

The Chief Fundraising Officer is responsible for maintaining a record of the requirements for each NMiTE fund/earmarked donation and for advising the Board on the control and investment of fund balances.

The Board is responsible for ensuring that all NMiTE's funds are operated within any relevant legislation and the specific requirements for each NMiTE. They will also be responsible for investment of fund balances.

13 Other

13.1 Insurance

The COO is responsible for NMiTE's insurance arrangements, including the provision of advice on the types of cover available. As part of the overall risk management strategy, all risks will have been considered and those most effectively dealt with by insurance cover will have been identified. This is likely to include important potential liabilities and provide sufficient cover to meet any potential risk to all assets. This portfolio of insurances will be considered and approved by the Board on an annual basis.

The COO is responsible for effecting insurance cover as determined by the Board. He or she is therefore responsible for obtaining quotes, negotiating claims and maintaining the necessary records. The COO will keep a register of all insurances affected by NMiTE and the property and risks covered. He or she will also deal with NMiTE's insurers and advisers about specific insurance problems.

Budget holders must ensure that any agreements negotiated with external bodies cover any legal liabilities to which NMiTE may be exposed. The COO's advice should be sought to ensure that this is the case. Budget holders must give prompt notification to the COO of any potential new risks and additional property and equipment that may require insurance and of any alterations affecting existing risks. Budget holders must advise the COO immediately of any event that may give rise to an insurance claim. The COO will notify NMiTE's insurers and, if appropriate, prepare a claim in conjunction with the budget holder for transmission to the insurers.

All SLT members/staff using their own vehicles on behalf of NMiTE shall maintain appropriate insurance cover for business use.

17.2 Security

Keys to safes or other similar containers are to be carried on the person of those responsible at all times. The loss of such keys must be reported to the COO immediately.

The COO shall be responsible for maintaining proper security and privacy of information held on NMiTE's computer network. Appropriate levels of security will be provided, such as passwords for networked PCs together with restricted physical access for network servers. Information relating to individuals held on computer will be subject to the provisions of the Data Protection Act 1998. A data protection officer, the COO, shall ensure compliance with the Act and the safety of documents.

The COO is responsible for the safekeeping of official and legal documents relating to NMiTE (e.g. signed copies of deeds, leases, agreements and contracts etc.). All such documents shall be held in an appropriately secure, fireproof location and copies held at a separate location.

17.3 Provision of indemnities

Any SLT member/staff asked to give an indemnity, for whatever purpose, should consult the COO before any such indemnity is given.

Part 5 - Procurement Regulations

1 Introduction

- 1.1 The primary objective of the NMiTE's Procurement Regulations is to ensure that all contracts for works, goods and services are entered in a manner that secures value for money and is demonstrably free from impropriety.
- 1.2 NMiTE's Procurement Regulations also ensure that:
- a contract selection and award procedures are conducted transparently and proportionately, in a non-discriminatory and properly regularised manner and in accordance with relevant legal requirements
 - b strategic service delivery and supply partners are used wherever possible to ensure value for money is obtained and the cost of procurement is minimised. To avoid lengthy and costly procurement procedures NMiTE will generally use framework agreements where these meet NMiTE's needs and offer best value)
 - c NMiTE will support supply chain diversity and local economy by (specific measures e.g. dividing contracts into smaller lots; seeking quotations from local organisations; holding tender workshops; publicising its procurement pipeline and holding supply chain events) to encourage local organisations to tender successfully for contracts.
 - d NMiTE's strategic policies are taken into account, for example in promoting the economic development of the Marches, surrounding counties, Hereford City and Herefordshire County and in relation to protecting the environment (NMiTE's Green Policy)
 - e alternative methods of procurement compatible with the objectives of the Procurement Regulations can be considered
 - f procurement procedures are kept under review to ensure continuous improvements to services and provide best value to NMiTE and its wider community of stakeholders
- 1.3 The Procurement Manager has overall responsibility for the preparation of NMiTE's Procurement Regulations. The COO has delegated responsibility for implementing NMiTE's Procurement Regulations.
- 1.4 The COO works very closely with the Procurement Manager due to the significant legal issues involved in contracting and procurement activity.
- 1.5 It should be noted that NMiTE's Procurement Regulations form part of NMiTE's Constitution and are to be read in conjunction with other sections of the Constitution:

The Functions of Committees and Delegations

The Budgetary Control Framework Rules

The Financial Regulations

- 1.6 Wherever it is mutually advantageous to do so, NMiTE should seek to conduct procurements in collaboration with partner organisations (such as University of Warwick as the Southern Universities Purchasing Consortium (SUPC) <http://www.supc.ac.uk/> and Improvement and Efficiency West Midlands (IEWM). [Improvement and Efficiency West Midlands](#)).⁴
- 1.7 It should also be noted that failure to observe NMiTE's Procurement Regulations or observe the requirements of the Bribery Act could lead to disciplinary or legal action action. (See NMiTE Policy on Gifts & Bribery)
- 1.8 All contracts shall contain provisions to this effect. All financial limits outlined in this document exclude Value Added Tax (VAT).

STANDARDS OF CONDUCT

2 Declarations of Interest

- 2.1 SLT members/staff must ensure that they comply with the provisions of the relevant Code of Conduct including on the Declaration and Registration of Interests and the Disclosure of Financial Interest requirements.

3 Gifts and Hospitality

- 3.1 Any offer of gift, favour or hospitality made by any person or firm doing or seeking to do business with NMiTE must be treated with extreme caution. Please read NMiTE's *Anti-bribery and Anti-corruption Policy*.
- 3.2 Any such offers must be noted on the appropriate form and reported to the Secretary to the Board who shall maintain and make available to NMiTE's auditors a register of such matters.
- 3.3 Acceptance of gifts and hospitality must be in accordance with NMiTE's policy on such matters.

⁴ It must be noted that each partner will need to comply with their own Procurement Regulations, which may have key differences to NMiTE's Procurement Regulations – for example, the European Procurement Directive features different financial thresholds in respect to other public bodies. If contracts are to be established which are applicable to two or more partners the Procurement Regulations of each partner must be adhered to, and it is possible that separate contractual documents will have to be established for each partner as they are separate legal entities. Officers must ensure the Regulations and Governance procedures of each partner are followed throughout the procurement process. Where costs are to be shared between collaborating bodies it is advised that a formal agreement detailing such arrangements is drawn up between the partners.

4 Honesty (Codes of Conduct)

- 4.1 All SLT members must follow the appropriate policies and Financial Regulations.
- 4.2 All employees must follow the appropriate polices and Financial Regulations.
- 4.3 All SLT members must make sure that employees, consultants, volunteers involved in an in-house tender for a contract submission do not take part in the preparation of tender documentation or the decision on the award of such a contract.

OFFICER RESPONSIBILITIES

5 Chief Executive's Responsibilities

- 5.1 The Chief Executive is responsible for resolving issues concerning the operation of NMiTE's Procurement Regulations, seeking advice as necessary from the COO **and** the Procurement Manager.

6 SLT Members' Responsibilities

- 6.1 All SLT members are responsible for:
 - a. monitoring compliance with NMiTE's Procurement Regulations in relation to contracts funded by their budget
 - b. appointing their staff/advisors representatives and ensuring they support them in their role and obtain regular briefings from them
 - c. appointing a senior member of staff to the Commercial Team
 - d. bringing the provisions of NMiTE's Procurement Regulations to the attention of their staff
 - e. ensuring that the contracts within their areas of responsibility are legal, comply with Procurement Regulations and Financial Regulations and protect NMiTE's interests fully.
- 6.2 The COO has overall responsibility for the preparation and review of NMiTE's Procurement Regulations but must do so in agreement with the Procurement Manager.

7 Procurement Manager's Responsibilities

- 7.1 The Procurement Manager is responsible for:
 - a providing guidance to SLT members on the operation of NMiTE's Procurement Regulations and all contracting and procurement activity
 - b working with the COO on the preparation and review of the Procurement Regulations

- c assisting the COO with the resolution of questions regarding the interpretation of NMiTE's Procurement Regulations
- d advising on the preparation of contract documentation and maintaining a Contract Procedures Exemption Register for informing relevant officers of any information received that calls into question the suitability of a contractor, consultant, agency or any other person carrying out work for NMiTE.

8 Budget holders Responsibilities

- 8.1 The CEO shall appoint a Procurement Managers to take responsibility for contracts with an estimated total value (excluding VAT) more than £75,001. The Contract Management Representative will be responsible for maintaining and providing timely information regarding the contracts register to the Commercial Team.
- 8.2 Budget holders are responsible for liaising fully with the Commercial Team and the Procurement Manager on all matters relating to contracting and procurement.
- 8.3 Budget holders are responsible for agreeing exemptions from the formal tendering procedures with the COO and/or the Procurement Manager. All exemptions are to be approved in writing and reported in line with the requirements of section 18 of NMiTE's Procurement Regulations.
- 8.4 Budget holders are responsible for liaising with officers administering contracts regarding any reports concerning failures by contractors to comply with contractual obligations or otherwise satisfactorily complete work.
- 8.5 Budget holders are responsible for advising the COO and the Procurement Manager of any concerns they receive regarding the suitability of a supplier to carry out work for NMiTE.
- 8.6 The Procurement Manager is responsible for maintaining records of the:
 - a contracts awarded including the nature and value of contracts and the names of successful tenderers
 - b total value of contracts awarded to each successful tenderer during each financial year
 - c names of unsuccessful tenderers and reasons why their tenders were not accepted if the reason is other than price
 - d details of any failure by a tenderer to comply with instructions to tenderers
 - e details of the reasons for any tenders being withdrawn and details of failures by contractors to submit tenders after having requested and been invited to do so
 - g contractors' performance

- h reasons for opening late tenders and reasons for exceptions to tendering procedures .

8.7 The COO is responsible for deciding the retention of tender and contract documentation in accordance with NMiTE's Record Retention Schedule.

9 COO's Responsibilities⁵

9.1 Working to the COO, the Commercial Manager is responsible for providing advice on all aspects of NMiTE's Procurement Regulations save for the legal issues. The responsibility for the legal aspects of NMiTE's Procurement Regulations rests with the Company Secretary/and NMiTE external advisors.

9.2 The Commercial Manager is responsible for

- a. chairing NMiTE's Commercial Team. (Each Chief Officer shall appoint a senior officer to be a member of the Commercial Team and the membership shall include the Procurement Manager).
- b. Approval of waivers
- c. Approval of new suppliers in accordance with the approval procedure - for example when a request for a new supplier is received by finance (or when an invoice is received without an existing supplier record) procurement shall check whether the request relates to a requirement for which there is an existing contract; how the requirement has been (or is to be procured); and require the completion (by the supplier) of a simplified due diligence questionnaire to ensure their good standing.

9.3 NMiTE's Commercial Team shall be organised on a category management basis.. The Commercial Team will meet quarterly to fulfil the following responsibilities:

- a continually reviewing NMiTE's Procurement Strategy and making recommendations on appropriate enhancements to the COO to take forward in consultation with the Procurement Manager for approval in line with NMiTE's arrangements for decision making
- b developing a procurement pipeline of NMiTE's requirements over the next 3 years so that sufficient time; resources and budget can be allocated to ensure that procurements can be carried out efficiently and effectively to ensure that NMiTE's requirements are met;
- c maintaining a register of current contracts above £15,000 and publishing details of these as appropriate to ensure transparency of expenditure in accordance with ICO guidance https://ico.org.uk/media/for-organisations/documents/1245/definition_document_for_universities_and_higher_education_institutions.pdf

⁵ In time, there will be an officer responsible for commercial activities who reports to the COO. In the short term the Procurement Manager will provide the advice on all aspects of NMiTE's Procurement Regulations to the Board, SLT members and staff of NMiTE. Any legal aspects requiring expert advice will be sought from NMiTE appointed consultant advisors.

- d monitoring compliance with NMiTE's Procurement Regulations and reporting non-compliance to the COO and the Procurement Manager for appropriate action and preparing an annual report on the operation of and compliance with NMiTE's Procurement Regulations as a basis for the COO, in consultation with the Procurement Manager, to report to the Audit & Risk Committee
- e continually reviewing NMiTE's Procurement Regulations to ensure they keep pace with developing best practice and advising amendments as necessary
- f prescribing the information needed from each SLT member and maintaining a central contract register of the information provided
- g reviewing the Procurement Regulations Exemption Register and preparing an annual report on the exemptions recorded for the Procurement Manager
- h reviewing NMiTE's sustainable procurement strategy;
- i providing training and support for employees involved in procurement activities
- j organising supply chain events, promotion of opportunities (including the content of the procurement web pages) and activities to promote supply chain diversity and the economic regeneration of Herefordshire;
- k managing the content and processes within NMiTE's e-tendering system, including the management of any procurement processes and the support and training of employees utilising the system.

10 Responsibilities of all Officers

10.1 All staff are responsible for:

- a following NMiTE's Procurement Regulations and any codes of practice, guidance or instructions provided by the Commercial Team and the Procurement Manager
- b following all relevant English and European procurement legislation
- c following NMiTE's policy requirements and legislation on Equalities and Environmental concerns including the Equalities Act 2010 and the Public Sector Duty Policy and seeking advice from the Commercial Team and the Procurement Manager in the case of any uncertainty so ensuring that any departure from these Procurement Regulations is agreed with the Commercial Manager **and** the Procurement Manager
- f following NMiTE's Employee Code of Conduct and rules on confidentiality
- g following NMiTE's Financial Regulations and the systems and procedures that are in place to control budgets properly
- h declaring any interest that could influence their judgement in contracting matters to their SLT member and the Procurement Manager
- i not taking part in **any** decisions relating to the procurement of work, goods or services if they are part of a formal in-house bid for that work

- j reporting any suspected fraudulent, corrupt or other irregularity to NMiTE's Auditor
- k ensuring that value for money is evidenced through the procurement process
- l applying appropriate monitoring arrangements to all contracts to ensure the management of risk and the projected delivery of services and benefits.

[Note: Sections 11 and 12 are intentionally blank]

Formal Tendering Procedure

Introduction

- 13.1 NMiTE, will engage with external suppliers to create large-scale strategic service delivery partnerships. This form of commissioning will become more common as NMiTE seeks to secure longer term efficiency gains and it is likely that it will involve larger amounts of more complex services within each contract's scope. Officers must use NMiTE approved strategic service delivery partners if the work required is within the scope of NMiTE's service delivery contracts. Should officers be unclear of the scope of such contracts, they should seek advice from the Commercial Team prior to proceeding with any procurement exercise.
- 13.2 Wherever possible major suppliers should be encouraged to retain the services of local/regional SMEs and third sector operators within the local supply base
- 13.3 The following procedures must be followed for all types of procurement. Official orders should be raised for works, goods and services in line with NMiTE's Financial Regulations.
- a **Purchases in total valued up to £15,000 (excluding VAT)** – one formal quotation but officers must be able to demonstrate value for money has been obtained and that all other relevant aspects of NMiTE's Procurement Regulations have been followed. See NMiTE's Financial Regulations on obtaining value for money.
 - b **Purchases in total valued between £15,001 and £35,000 (inclusive)** – at least two formal quotations must be obtained (see 13.7 to 13.11)
 - c **Purchases in total valued between £35,001 and £75,000 (inclusive)** – at least three formal quotations must be obtained (see 13.7 to 13.11)
 - d **Purchases in total valued between £75,001 and up to relevant EU limit** – formal tendering arrangements must be followed (see 13.12 to 13.71)
 - e **Purchases in total valued more than the relevant EU limit (currently circa £172,514 for goods and services and £4,104,394 for works)** – The Public Contracts Regulations must be followed (see section 14).
- 13.4 As the value, size and complexity of the contract increases, the degree of risk to NMiTE will also increase. Before procuring any contract, the officer responsible shall produce a

business case in the form of an options appraisal to support the requirement for a procurement. The officer shall ensure that for all contracts valued at £75,001 (and over), the report shall contain comments obtained from the Commercial Team (including comments from legal and financial services) to ensure that the procurement has complied with standing orders. For contracts, below this level, a summary report shall be produced outlining the justification for the quotation process. The report shall be submitted to the relevant officer authorised to approve the procurement under the Scheme of Delegations. Where the value of a contract exceeds £75,000, a formal risk assessment must be undertaken and a managed risk register maintained throughout the procurement process.

- 13.5 Any variation from the Procurement Regulations should be subject to authorisation via the waiver procedure. The officer responsible shall produce a waiver report setting out the reason for the variation, containing comments obtained from the Commercial Manager, (who shall obtain comments from legal and financial services as appropriate). This report shall be submitted to the relevant officer authorised to approve the waiver under the Scheme of Delegations.

Formal Quotation Procedure

- 13.6 The requisite number of formal quotations must be obtained for all purchases (other than those within the scope of a strategic service delivery contract or where a legally compliant Framework Agreement is utilised – see section 15) where between £15,001 and £75,000 in total (see 13.3).
- 13.7 A quotation is a written offer to execute works; supply goods or provide services detailing what is to be provided and the cost for this
- 13.8 Officers must produce a description of the goods or specification of the services required before seeking quotations. This will enable a fair comparison of prices. The level of detail in the description or specification will depend on the value and type of goods or services being purchased. Advice can be obtained from the Commercial Team.
- 13.9 Formal quotations should contain as a minimum the following information and be issued to all suppliers in the same standardised format requesting:
- a date and reference number
 - b supplier company details
 - c officer/service area name
 - d item/part number
 - e description specification
 - f quantity required
 - g unit/service cost

- h total cost
- i delivery information
- j payment details
- k any special requirements
- l details of any discounts or rebates
- m conformance with specification
- n acceptance of NMiTE T&Cs
- p confirmation of no impropriety

- 13.10 Every person or firm who makes a quotation must be treated fairly and equally.
- 13.11 Any departures from the formal quotation procedures must be discussed with the Commercial Team who will agree or otherwise any exception in consultation with the Commercial Manager. A record must be kept of the reasons for, and approval given for, departing from the formal quotation procedure.
- 13.12 When Officers are engaging in procurement activity on behalf of third parties who will be the actual contracting entity, and NMiTE is therefore acting as the agent of the other party, they must adhere to the NMiTE's Procurement Regulations recognising that NMiTE may be held liable for any complaints or challenges relating to the process.⁶
- 13.13 Formal tendering procedures apply to all contracts with a total value between £50,001 and the prevailing European procurement limits for goods, services and works except for those with an NMiTE approved strategic service delivery contract. To ensure that European Procurement Rules are properly applied, including aggregation rules, Officers should liaise with the Commercial Team before commencing any procurement with an estimated value more than £75,000. Aggregation rules also apply to NMiTE formal tenders, and requirements must not be artificially split to fall below the £75,000 threshold to avoid following the correct process. (However, if appropriate procurement should be split into lots to facilitate the participation of SMEs.) Further guidance is available at 14.6 and advice should be sought from the Commercial Team if uncertain.
- 13.14 It is important to respect confidentiality during all stages of the formal tendering process. Officers must not disclose any information they have about potential suppliers to other persons/suppliers potentially competing for the same contract.

⁶ The documents sent to bidders in such cases must contain a disclaimer saying that NMiTE will not be held liable should the contracting entity not follow NMiTE's recommendation in making an award. NMiTE must provide a written recommendation to the third party regarding making the award, pointing out that if they make a different choice to that recommended it will be at their own risk. Advice on wording can be obtained from the Commercial Team.

- 13.15 Advice and guidance on how to describe the works, goods or services required for formal tendering purposes can be obtained from the Commercial Team.
- 13.16 In accordance with regulation 111 of the Public Contract Regulations 2015, officers should note that they should not issue a PQQ for any tender below the EU threshold. However, a selection questionnaire (including a proportionate version for quotations) should be used on all procurements.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/558531/PPN_8_16_StandardSQ_Template_v3.pdf

Selecting Potential Tenderers

- 13.17 Potential suppliers must be sought by placing advertisements in the most appropriate media, in addition to NMiTE's e-tendering portal⁷, in accordance with 13.17.
- 13.18 Advertisements for potential suppliers may be placed at the officer's discretion in relevant trade or professional journals, local and national newspapers or national websites administered by responsible bodies, and **must** be placed in the EU Journal (OJEU) if the contract is likely to exceed the relevant EU threshold. All contracts with a potential value exceeding £15,000 must be advertised on NMiTE's e-tendering portal ("the Portal"), in addition to any discretionary advertising by other means. Furthermore, details of all contracts with a potential value exceeding £75,000 must be published on the UK Cabinet Office's Contracts Finder portal and the information provided shall include at least the following:
- (a) the internet address at which the procurement documents may be obtained;
 - (b) the time by which a prospective tenderer must respond if it wishes to be considered;
 - (c) how and to whom a prospective tenderer is to respond; and
 - (d) any other requirements for participating in the procurement

Where advertisements are published in OJEU such publication must **precede** their appearance on the Portal, or any other supplementary means of advertising, to comply with EU regulations. Note, for clarity, publication is still required on the Portal if OJEU is used, and must quote the specific OJEU Reference for the contract, which suppliers should be asked to quote in their application. As a rule, officers should leave 48 hours between the time of OJEU publication and any subsequent publication in other media.

- 13.19 The only occasions when procurements do not need to be advertised on the Portal is when the contract value will be less than £15,000, or if an existing strategic service delivery contract or Framework Agreement is to be used to source suppliers and advertising is therefore not required.

⁷ NMiTE is reviewing appropriate e-Tendering Portals.

- 13.20 For formal tenders (values more than £75,001), the minimum number of tenderers required is three. If officers find that they have less than the minimum number of applications (market failure) they must consult with the Commercial Team before they proceed further. In considering whether to proceed on the basis of fewer than 3 tenders, the Commercial Team will consider the reasons for market failure. For example, any market feedback as to the reasons for no response; whether the specification was complete, accurate, was packaged appropriately and of a size to be commercially attractive and if so, directed at capable suppliers; whether sufficient time was provided for responses (such time being proportionate to the complexity of the requirement); whether the period during which quotations were requested affected the likelihood of responses e.g. during an industry shut-down or holiday period and whether any budget set was adequate. Should the Commercial Team consider that the market failure is capable of remedy (and doing so will ensure best value), the Commercial Team may recommend withdrawal and recommencement of the process (rectifying any issues considered to have caused the market failure).
- 13.21 The procurement strategy, specification and evaluation strategy must be agreed before the commencement of the procurement.
- 13.22 The entire process of advertising, selecting suppliers to tender, through to final award, is highly prescribed under European law for all procurements over the relevant threshold. Advice needs to be sought from the Commercial Team before commencing a procurement more than the EU thresholds (including ensuring sufficient time is allowed to carry out a compliant process, which, (depending on complexity) can take between several months to years). For procurements below the European thresholds, the advice in paragraphs 13.26 to 13.71 applies.
- 13.23 Pre-procurement market consultation can be carried out to gauge market interest and specification of the requirement, commercial and legal terms etc. Sufficient time should be allowed within the procurement process for any market consultation to be carried out and this should be included within the procurement pipeline. Whilst this may include approaching suppliers directly, the opportunity to participate in the market consultation should be advertised transparently via the appropriate medium e.g. for procurement with a value above the EU threshold via a Prior Information Notice (PIN) in the OJEU. In any event, information gathering and market consultation should be carried out transparently and ensuring equal treatment, including not providing consultation participants with an advantage over non-participants. To ensure this, as a minimum all information provided to market consultation participants shall also be provided when the procurement is advertised and a summary of the results of the market consultation should be published. Further advice can be obtained from the Commercial Team.
- 13.24 A standard business questionnaire should be used to collect information from the potential suppliers. The method for selecting tenderers must:
- a be transparent
 - b treat all tenderers in the same way
 - c keep the process clear and simple and transparent

d record all the selection decisions which shall be proportionate.

13.25 On all procurements, officers must utilise the CCS Standard Questionnaire to ensure that suppliers are of good financial and professional standing. In addition, officers must also use the approach set out in the CCS Standard Questionnaire when selecting suppliers to participate in a procurement (pre-qualification i.e. shortlisting) (as set out at 13.16 above):

- a past performance on similar contracts (quality and costs)
- b technical capacity
- c specialist experience in the type of products and services being procured
- d financial situation
- e public and employer's liability insurance arrangements
- f health and safety arrangements
- g equalities policy
- h written references on the contractor's reputation
- i environmental policies.
- k The good standing of an organization - essential as there are mandatory and compulsory grounds for exclusion).

13.26 Officers may also use information from referees and from company searches to assess which persons or firms to invite to submit a tender in accordance with the CCS Standard Questionnaire as set out at 13.16 above:

Inviting tenders

13.27 In accordance with regulation 53 of the Public Contract Regulations 2015, NMiTE's e-tendering system is the default option for the publication of procurement documents. To access these documents, prospective tenderers must register on the e-tendering portal. For each tender, the following procurement documents will be published:

- A letter of invitation
- Instructions to tenderers
- Form of Tender
- Specification
- Schedule of Rates/pricing documentation
- Terms and Conditions of the Contract (see 13.27)
- Quality requirements/method statement questions

- Tender Evaluation Criteria
- Any relevant supporting information

- 13.28 A copy of NMiTE's standard contract terms shall be included so that the tenderer is aware of the terms and conditions that will form part of the final contract. When an industry standard contract is used, advice should be sought from the Commercial Manager on which of the standard clauses to incorporate.
- 13.29 Tenderers must be instructed to return their tendering documentation via the e-tendering portal, rather than by any other method. In addition, tenderers must be told that tenders which are received by other means, or received after the deadline, will not be accepted. See 13.40, 13.43 & 13.48 below.
- 13.30 Tenderers should be advised that tenders will be opened at the same time and no advantage is secured by seeking to delay submission until the last moment.
- 13.31 The invitation to tender must state that NMiTE does not bind itself to accepting the lowest or any tender.
- 13.32 The invitation to tender will set out how NMiTE deal with any mistakes it identifies in the tender documentation submitted. If the mistake is capable of correction (ensuring equal treatment of tenderers and transparency to the marketplace), NMiTE will publish a clarification informing tenderers how the mistake will be corrected. If the mistake is material (necessitating additional time for tenderers to incorporate the correction into their tenders/quotations), then the deadline for responses will be extended in accordance with 13.36 below. If the deadline for responses to the OJEU contract notice is still open and if a material correction is required to ensure transparency of opportunity to the marketplace, then NMiTE will publish a correction notice as appropriate (e.g. for procurements above the EU threshold via OJEU). If the mistake is not capable of correction (ensuring transparency and equal treatment of tenderers), then NMiTE will withdraw and/or re-advertise the opportunity as appropriate.
- 13.33 The invitation to tender must set out the criteria that will be used to select the preferred supplier. This criteria should include all weightings, sub-weightings and any guidance or marking criteria by which tenders are to be evaluated. The assessment criteria must not prevent fair competition or discriminate between tenderers in any way. They must also comply with relevant legislation.
- 13.34 The tender should be assessed according to the Most Economically Advantageous Tender (MEAT) criteria which can be the lowest price, but typically will be a price-quality assessment reflecting the qualitative, technical, sustainable and social aspects of the tender submission as well as price and such assessment criteria may include the following factors:
- a) experience and skills of staff performing the contract where staff quality can have a significant impact on contract performance
 - b) financial proposals

- c) contract management arrangements
- d) quality including technical merit and functional characteristics
- e) delivery proposals
- f) social value
- g) environmental factors
- h) innovation

13.35 During the live tender period (i.e. the period between first advertisement and the deadline for tender submission), all communications with tenderers must be recorded in the clarification log on the e-tendering Portal. The clarification log will record all enquiries which are raised during the respective period and the relevant responses. The identity of the tenderer who has raised the query **must not** be disclosed.

Receiving Tenders

13.36 The original tender return date should be fixed and unchanged except in appropriate and necessary circumstances. Any extension should not provide either advantage or disadvantage to any of the tenderers. And if an extension is necessary due to the publication of further information (including the correction of mistake), the length of such extension shall be proportionate to the length of time that will be required by tenderers to request any further information from NMiTE as a result; consider such information and make any required revisions to their tenders / quotations.

13.37 Should it be necessary to extend the time limit for the submission of tenders all potential tenderers should be informed of the new date in good time before the original submission date. Any information should be issued to tenderers no later than 6 calendar days prior to the deadline for receipt of tenders. If this is not possible, a proportionate extension will be applied (see 13.36 above)

13.38 NMiTE's e-tendering Portal will automatically record the time, date and name of the tenders as they are received.

13.39 Tenders cannot be opened until the final deadline for receiving them. All tenders will be stored in the secure e-tendering portal until the requisite deadline for opening them.

13.40 In exceptional circumstances, officers, in consultation with and the approval of the Procurement Manager, can accept a late tender (see the section "Late Tenders" below). The core principle is that tenders should not be rejected if the delay is due to the actions of NMiTE, a third party, or force majeure as 'e.g. unavailability of the etendering portal or internet connectivity. NMiTE considers the allowance of sufficient time to complete document upload (including allowing for any problems that may be encountered with upload speed etc.) as within the control of Tenderers.

Opening and Recording Tenders

13.41 All tenders relating to a contract will be opened at the same time automatically using NMiTE's preferred electronic procurement system. This system will formally record the date and time for audit purposes.

13.42 Once the tenders have been opened, they will be stored securely in the electronic portal.

Late Tenders

13.43 Any tenders received after the deadline must be rejected unless there are exceptional circumstances in accordance with paragraph 13.40.

13.44 If it is decided to accept a late tender, it must be treated in the same way as all other tenders. The full details of the decision to accept the late tender must be recorded.

13.45 If the late tender is rejected, a record should be kept on file for two years with the other documents from the tender opening. The tender should be opened, under the same conditions as the other tenders, merely to ascertain the return name and address. The tenderer should be informed in writing of the reasons for rejecting the tender, i.e. that it was received late and is therefore deemed to be non-compliant under NMiTE's Procurement Regulations.

Assessing Tenders

13.46 Before assessing the tenders, the Responsible Officer needs to check that each part of them meets the requirements of the specification. The Responsible Officer also needs to make sure that there are no mistakes and that nothing is missing.

13.47 If there are substantial omissions of data or documentation that make it impossible to assess the tender, this should be fully recorded and the tender rejected.

13.48 If the tenderer has omitted ancillary documents, made an obvious error in calculating figures, or has otherwise made an error in their tender they may be allowed, to ensure proportionality of assessment treatment, to correct any minor non-compliance or mistakes or to provide any necessary clarification. However, where a tenderer fails to allow sufficient time for the punctual submission of his tender, then the tender submission will be rejected in accordance with paragraphs 13.43 to 13.45.

13.49 A record of all mistakes must be kept and attached to the tender documents together with any corrections agreed with the tenderer.

13.50 The correct tenders can then be assessed in accordance with the assessment criteria that have previously been agreed in accordance with these formal tendering procedures.

13.51 The assessment criteria used for the tender evaluation must be the same in all respects as the criteria advised to prospective suppliers at the beginning of the process.

13.52 Assessment details are strictly confidential and must not be passed on to anyone else. During the assessment, tender documentation must be kept secure and confidentiality preserved. If, in a major tendering exercise, the documentation is going to be copied or divided to aid the assessment process, a record should be maintained to identify those to whom such documents have been issued and the date returned.

13.53 The Responsible Officer shall retain a complete set of documents in a secure place in case any parts of the documentation go missing.

13.54 Once the assessment has been completed the Responsible Officer should produce a report showing:

- a the result of the assessment of each tender
- b a comparison of assessment results
- c the recommendation on which tenderer should be offered the contract.

In addition, for procurements more than the OJEU threshold, a report should be produced in accordance with regulation 84 of the Public Contract Regulations 2015. The Responsible Officer should seek further advice from the Commercial Team regarding preparing such reports.

Accepting and Rejecting Tenders

13.55 The Procurement Officer should accept the tender that the most economically advantageous tender in accordance with paragraph 13.33. i.e.:

- a it is the lowest priced tender; or
- b it is the most cost effective tender

Where this is not the lowest tender, the Responsible Officer should explain in writing, giving objective reasons why that tender is preferred, and seek approval from the Commercial Manager to proceed to appoint. A note should be placed on file to show that the Commercial Manager has reviewed the evaluation process and agreed with the outcome.

13.56 The Responsible Officer should always consider whether their recommendation for awarding the contract should be put before a SLT member, the Finance & Infrastructure Committee (FIC) or the Board for formal approval **before** contacting the successful tenderer. The Functions Scheme sets out NMiTE's procedures for making decisions. If in doubt, seek advice and approval from the Commercial Team and the Commercial Manager. Tenderers should be told at the outset if FEC or the Board approval will be needed.

13.57 The officer should write to inform the successful tenderers of the decision as soon as possible **after all necessary approvals have been received.**

13.58 Care should be taken when issuing letters informing the tenderer that they have been successful as an unqualified acceptance of the tender may create a binding contract before the formal documentation has been completed and signed by the appropriate authorised signatories. In the case of an EU-compliant process the contract cannot be formally awarded until the losing bidders have been informed and the mandatory standstill period has elapsed without any challenges arising from the bidders.

13.59 Unsuccessful tenderers should be informed of the outcome of the tendering process at the same time that the successful tenderer is notified. All bidders should be provided with a comprehensive briefing on the results of the tender to understand the relative merits of their tender when compared to that of the successful bidder. This is particularly important as losing bidders or third parties may ask for such information under the Freedom of Information Act, it is essential that full details are recorded and can be supplied easily for all tender exercises, both above and below the EU thresholds. Debriefs should also be provided to successful tenderers

Negotiating

13.60 The Responsible Officer must comply with the following conditions when negotiating on price or material aspects of quality with tenderers:

- a guidance must be sought from the Commercial Team who will consult with the Commercial Manager as necessary before advising on the appropriate course of action
- b the Responsible Officer must be accompanied by another officer during negotiations with tenderers and a full written record of all discussions should be made and signed by both officers. The results of the negotiation process must be shared with the Commercial Team
- c all negotiations must be carried out at NMiTE's offices
- d officers must not discuss one tenderer's detailed prices, conditions or terms with another tenderer
- e officers must respect the confidentiality of information provided by tenderers
- f if negotiations lead to a material change in the description of the work, goods or services or other terms, the officer must invite everyone who has provided a tender to re-tender on the basis of the revised contract. And if a change from the description as advertised, a new tender process if the changes might attract different tenderers.

13.61 If there is an in-house tender for a contract, negotiations must not take place without permission from the Commercial Team as outlined in 13.60 a above.

Awarding a Contract

13.62 Before awarding any contract, the officer responsible shall produce a written report evaluating each tender received against the evaluation criteria. The officer shall ensure

that for all contracts valued at £75,001 (and over), the report shall contain comments obtained from the Commercial Team (including comments from legal and financial representatives) to ensure that the procurement has complied with standing orders. For contracts, below this level, a summary report shall be produced outlining the justification for the quotation process. The report shall identify the supplier who has submitted the highest score in the evaluation, and recommend the award of the contract to that supplier. This report shall be submitted to the relevant officer authorised to award the contract under the Scheme of Delegations.

- 13.63 The Commercial Team will ensure that each contract is signed by an Authorised Signatory in accordance with the following thresholds:
- a officers as authorised by the Director up to £15,000.
 - b SLT members may authorise payments up to £100,000.
 - c The CEO may authorise payments up to £250,000.
 - d The Chair of FIC must authorise all payments in excess of £250,000 (excluding VAT).
 - e All amounts exclude VAT.

If the value of the contract exceeds £250,000 then approval needs to be sought from the COO.

Contracts worth more than £250,000 must be executed under seal⁸ in accordance with paragraph 17.1.

- 13.64 Officers are responsible for seeking advice from Legal Services if they are not clear about the form of contract to be used or changes are needed to the standard form of contract used by NMiTE.
- 13.65 The Commercial Team is responsible for recording the details of all contracts over £15,000 in the Contracts Register and observing the transparency regulations – para 9.3.
- 13.66 Officers must keep a record of each contract, including all the quotes and letter they have received and notes of telephone calls and meetings about selecting suppliers. These records must be made available to internal or external audit as required by them.
- 13.67 In accordance with the Public Contract Regulations 2015 and the Late Payment of Commercial Debts Regulations 2013 and to maximise performance under the contract; NMiTE will process all undisputed invoices within 30 days of receipt. The same shall apply to contractors in respect of any subcontractor arrangements applied under the applicable contract(s). All contracts shall contain provisions to this effect.

Publication of Contract Details

⁸ This will only be necessary once the Company has become a registered Charity through the Charity Commission.

- 13.68 CEO and SLT members must ensure that all contracts comply with all NMiTE governance policies.
- 13.69 Officers must not give tenderers or suppliers any information about the bids or affairs of any other tenderer or contractor unless the law requires it. All information relating to tendering and contracting procedures is confidential.
- 13.70 The only information officers should make public is the name of the successful tenderer. However, this information must not be released until the contract has been awarded and signed.
- 13.71 New government guidance on transparency also now states that officers should “engage in early discussions with suppliers, and in advance of any contract award, the types of procurement and contracts information which can be disclosed to the public, and then to ensure publication of that information in an accessible format.” Guidance below.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596904/PPN0117-UpdateToTransparencyPrinciplesv1.1.pdf
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592358/TransparencyPrinciplesFebruary2017.pdf

14 EUROPEAN PROCUREMENT RULES

- 14.1 Whilst the European Procurement Rules prevail, officers are expected to follow the principles set out in NMiTE’s Procurement Regulations.
- 14.2 The European Procurement Rules⁹ are complex with significant penalties if the legislative requirements are not strictly adhered to. All officers are therefore responsible for seeking advice and guidance at all stages of the process for the Commercial Team. EU procurement principles of equal treatment, non-discrimination and proportionality apply to all contracts, regardless of value.
- 14.3 The following table sets out the public sector thresholds for 1 January 2016 to 31 December 2017:

	Supplies	Services	Works
Public Sector Contracting Authorities	£ 172,514	£ 172,514	£ 4,104,394

For the latest information regarding the EU thresholds for procurement, please visit the EU Procurement website via the following link:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484497/PPN_1815_New_Thresholds_2016.pdf

⁹ Set out within the EU procurement directives and applied into English law via the Public Contract Regulations 2015).

- 14.4 The figures are revised every two years on 1 January and officers should check with the Commercial Manager for the latest values.
- 14.5 If a contract for supplying works, goods or services will be worth more than the limits set out in the table above, the contract is likely to be governed by both the EU Procurement Rules and English Law. Note that the calculation of the value of the contract is to be as detailed in paragraph 14.7.
- 14.6 To ensure that contracts are advertised in accordance with the EU Procurement Rules, requirements should be valued not merely in respect of individual contracts, but also including the value of requirements of a similar nature were it is appropriate for these contracts to be commissioned together. The procurement strategy, procurement pipeline and individual pre-procurement business case should analyse the nature of the requirements (ideally in the context of a category strategy) to establish the most appropriate route to market. This should include reference to any justification for carrying out separate procurements and or the appropriate length of contracts in order to demonstrate that procurements have not been packaged to come underneath the value at which the EU Procurement Rules apply. In addition, the suitability of requirements to be split into lots to facilitate the participation of SMEs should be considered.
- 14.7 There are specific provisions relating to the calculation of contract values, based on the contract's duration. It is important that contract values are transparently advertised not just to present an attractive opportunity to the marketplace, but also to make sure that capable suppliers are not deterred or excluded by an over or under valuation. The basic rule is that value should be calculated on the basis of the total value of the contract including any extensions or options. This particularly important when it is considered that under the EU Procurement Rules the advertised expenditure represents the maximum value that can be expended in relation to a contract, prior to a new procurement process being required.
- 14.8 Valuation and aggregation rules are complex. To ensure that the aggregation rules are properly applied Contract managing representatives should liaise with the Commercial Team for all contracts more than £75,000 and to this end it is important that all potential requirements are included within the procurement pipeline so that the appropriate route to market can be confirmed as part of the procurement strategy to ensure that all requirements can be fully, efficiently and timely met.
- 14.9 Before commencing a European procurement process, officers must discuss the next steps with the Commercial Team and the Company Secretary.

Awarding Contracts Subject to the European Procurement Rules

- 14.10 Contact the Commercial Team or your external procurement consultants for advice before issuing an award notification, or if an unsuccessful tenderer challenges the award of the contract at any time during the standstill period or at any time during the process.
- 14.11 To ensure compliance with European Procurement Rules there must be a minimum standstill period of 10 calendar days between advising all tenderers of the award decision and the actual award of the contract (to end on midnight of the 10th after the date the notification was sent).
- 14.12 The purpose of the standstill period is to allow any unsuccessful tenderers the opportunity to challenge any award decision. Where a legal challenge is made within the 10 day standstill period, the contract cannot be awarded until the outcome of the application to the court is known. It is imperative that no correspondence amounting to an acceptance letter is issued during this period.
- 14.13 The written notification to the unsuccessful tenderers which triggers the standstill period must contain:
- The award criteria
 - The tenderer's score (where appropriate)
 - The winning tenderer's score (where appropriate)
 - The reasons for the decision, including a comparative summary of the characteristics and relative advantages of their bid and the winning bid.
- 14.14 The European Procurement Rules require tender results to be published in the Official Journal within 30 days of the date a contract is awarded. This must be done in consultation with the Commercial Manager.
- 14.15 The Commercial Team and the Procurement Manager must be consulted on all EU procurements to ensure that the correct procedure is followed.

15 FRAMEWORK CONTRACTING

- 15.1 Framework contracting involves selecting a contractor from a list of contractors on an approved "Framework" for given works, goods or services. The contractors are included on the Framework following a tendering exercise to establish capability, quality and value. The tendering procedures will have had to comply with the EU Procurement Rules.
- 15.2 Purchasers can enter into subsequent 'call-off' contracts from a Framework. Framework contracting is becoming increasingly prevalent to avoid duplication of effort and achieve best values via economies of scale.
- 15.3 Frameworks can be externally formed (for example. by Government) or internally formed (for example. by NMiTE). The number of approved contractors on a Framework can vary but the minimum number should be three.

- 15.4 When an external Framework is formed general terms and conditions are agreed between the Framework contractors and the Framework organiser. These pre-agreed terms and conditions will form a major part of any purchaser's 'call-off' contract and contractors are not obliged to agree to any amendments to them.
- 15.5 Framework Agreements can be established for a maximum of 4 years (unless special justification can be made for a longer period). Any subsequent call-offs under the framework may be for a duration longer than four years provided this is justified by the nature of the call off contract e.g. such factors as the time needed for contract performance, where maintenance of equipment with an expected useful life of more than four years is necessary or where extensive training of staff to perform the contract is needed.
- 15.6 Officers must take the following steps to ensure compliance with the EU Procurement Rules when using a Framework contract;
- a all the contractors on a Framework that are capable of meeting the purchaser's specification must be allowed to submit a bid against that specification.
 - b the reasons for selecting a smaller number of contractors on a Framework must be clearly evidenced and should indicate why the excluded contractors were not capable of meeting NMiTE's requirements.
 - c award of contract must be on the basis of the criteria for the Framework as set out in the Framework agreement itself, that is, within the original tender documentation setting up the Framework.
- 15.7 The Commercial Team and the Procurement Manager must be consulted on all Framework contract procurements and an pre-procurement options appraisal to establish that the use of a framework provides best value shall be carried out.

16 OTHER PROCUREMENT PROCEDURES

- 16.1 There are a number of other procurement procedures that may be available in particular circumstances:
- a) design contests, particularly in the fields of planning, architecture, civil engineering and information technology.
 - b) concession contracts where contractors derive income from the completed work, for example, such as a concession which will allow the provider to generate income such as the operation of leisure or catering facilities.
- 16.2 The Commercial Team and the Procurement Manager must be consulted regarding any proposals to follow any such procedures.

17 CONTRACTS UNDER SEAL¹⁰

- 17.1 All contracts over £250,000 in value shall be sent to Legal Services for execution under NMiTE's seal.

18 EXEMPTIONS FROM NMiTE'S PROCUREMENT REGULATIONS

- 18.1 Exemptions from NMiTE's Procurement Regulations are only allowed in exceptional circumstances such as there being insufficient suppliers for the goods, works or services being procured. Permission must be obtained for any exemption from the Commercial Manager **and** the Company Secretary. Major contracts may be subject to the European Procurement Rules and the Procurement Manager cannot provide an exemption from those requirements.
- 18.2 A written application for an exemption from NMiTE's Procurement Regulations must be made to the Procurement Manager setting out the reasons for the application. The Procurement Manager must respond within 21 days. If agreed by the Procurement Manager, the exemption must be approved in accordance with NMiTE's Constitution.
- 18.3 The normal procedure for the completion of Exemption Forms is for the Responsible Officer to obtain the signature of their Director on the form to demonstrate their approval of the request, and then forward the form to the senior Commercial Manager for their approval. If the Commercial Manager is satisfied they will forward to the Procurement Manager or their deputy for final approval and signature. The Company Secretary will retain a register of all approved extensions.
- 18.4 Tenders need not be invited in accordance with the provisions of NMiTE's Procurement Regulations if an urgent decision is required, for example for the protection of life or property or to maintain the functioning of a public service, however such examples normally relate to the existence of a genuine public emergency such as unsafe building or public health concern. Wherever possible though, at least two quotations must be obtained and any decision made or contract awarded shall be reported to the relevant SLT member, the Chair of FIC and the Board. Such emergency contracts should be let for as short a period as possible to allow their replacement with a contract that is fully compliant with the Procurement Regulations at the earliest practical opportunity.

¹⁰ This will only be necessary once the Company has become a registered Charity through the Charity Commission.

Glossary of Terms

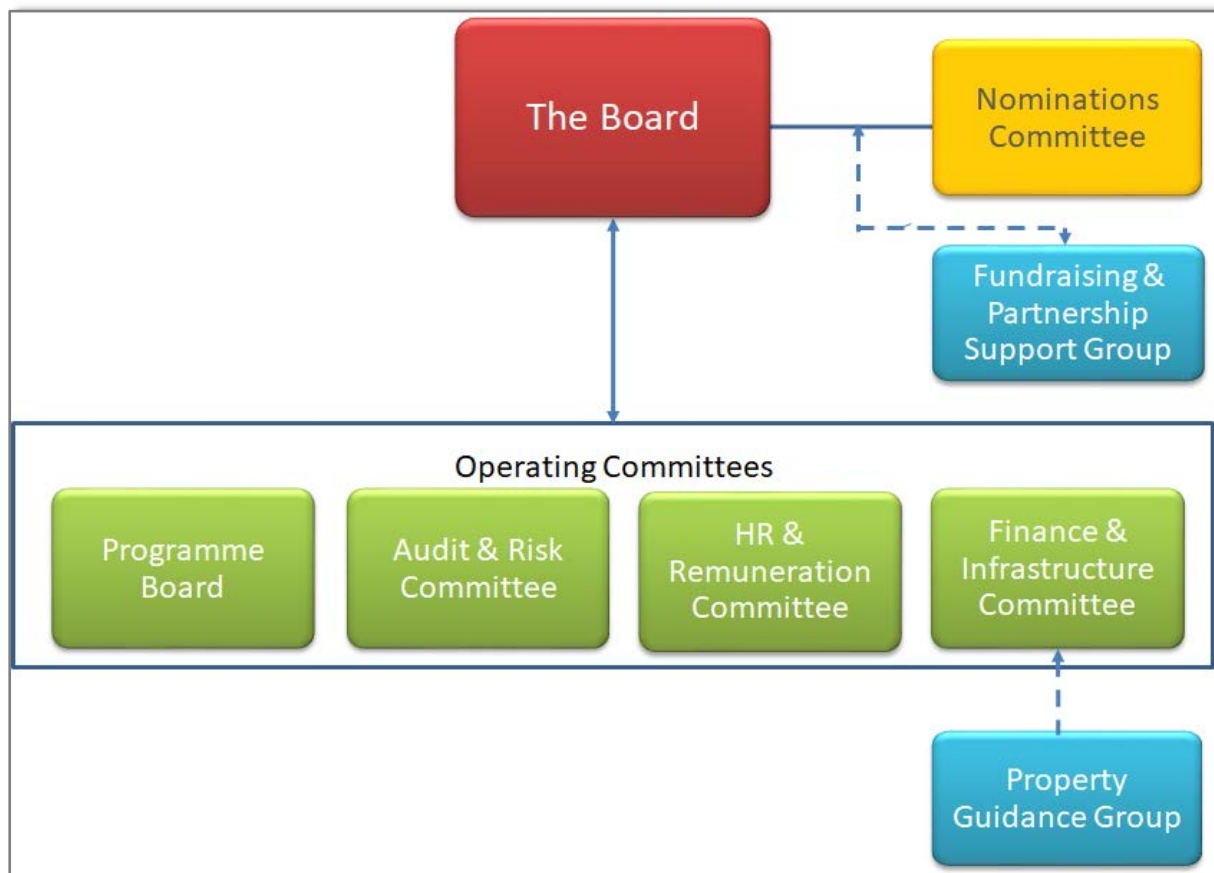
Authorised Signatory	This would usually be the budget holder for any given activity.
Commercial Team	NMiTE's team which specialises in dealing with the tendering process.
Procurement Manager	Responsible for officially recording and overseeing approvals and seeking professional legal advice where necessary.
Commercial Manager (appointed consultant in the short term)	The head of the Commercial Team.
SLT Member	The person who is responsible for looking after contracts in a given service area.
MEAT Criteria	The principles by which tenders are judged by; namely, the Most Economically Advantageous Tender.
Responsible Officer	The person who is responsible for a particular procurement.

Appendices

Appendix A	Committee Structure
Appendix B	Main Committees' Terms of Reference
Appendix C	Key Contacts in the Finance
Appendix D	Main Features of the Public Interest Disclosure Act 1998
Appendix E	The Seven Principles of Public Life from the Report of the Committee for Standards in Public Life (The Nolan Report)
Appendix F	Summary of Protocols for Proposed Capital Expenditure
Appendix G	Summary of Protocols for Proposed Major Developments
Appendix H	Fraud Response Plan
Appendix I	Conditions of Contract for the Purchase of Goods
Appendix J	Main Points Included in the NMiTE's Code of Tendering Practice

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APPENDIX A: COMMITTEE STRUCTURE



Governance

NMiTE will be an independent, not-for-profit, world-class teaching university. NMiTE is currently a company Limited by Guarantee (No: 08800142) and has applied for Registered Charity status with The Charity Commission. It will be applying to the Office for Students for the highest level of Approved Status. NMiTE will not be a private university but classified as an alternative provider. It is currently lead by an eleven strong non-executive Board of Directors, of which seven have been appointed:

Chair Dame Fiona Kendrick DBE

Deputy Chair Sir Eric Thomas

Directors Ian Falconer

Ken Temple

David Sheppard

Karen Usher

Senior Engineering Director from PLC

Senior Engineering Director from larger SME

Representative University of Warwick

Elected Chair Employee Council
Elected Chair of the Student Society
Ex Officio Prof Janusz Kozinski – Founding President & Chief Executive
Co Secretary David Nolan
Observer Stephen North; Department for Education
(See Appendix A for Biographies)

The balance of trustees will be recruited from business and in due course alumni to provide a breadth of professional experience commensurate with the needs of the institution. The Board will appoint a Stakeholder Advisory Council representing local, regional and national stakeholders.

The Board is responsible for the development of strategy, the management of risk, the selection of the Senior Leadership Team (SLT) and holding them to account. The Board will meet monthly until the SLT is established as an Executive Committee meeting monthly. Thereafter the Board will meet 4-6 times per academic year including an annual retreat. The Board is supported by a number of specialist sub committees.

Nominations

Implementation Programme Board

Audit & Risk

HR & Remuneration

Finance & Infrastructure

Guidance & Support

Property Guidance Group

Fundraising & Partnership

Committee Terms of Reference and preliminary Membership is set out in Appendix B.

It is for the Nominations Committee arrange the interview and selection of Board Members and appoint Chairs of sub-committees. Board and Committee members are appointed for a period of two years and may serve for up to three terms.

In addition, the Board has the benefit of advice from a range of advisers covering property, law, finance, university governance, curriculum, degree validation and accreditation, urban planning and architecture

APPENDIX B: MAIN COMMITTEES TERMS OF REFERENCE

OPERATING COMMITTEES

Programme Board

1. Composition & Frequency

1.2 The Board shall appoint up to five members to serve on the Programme Board. The Board may co-opt additional members who are not Directors of the Board.

1.3 The quorum for the Committee meetings shall be three.

1.4 The Chair of the Committee shall be appointed by the Board initially. Future appointments shall be appointed upon the recommendations of the Nominations Committee.

1.5 The NMiTE Company Secretary shall be an ex-officio member of the Committee.

1.6 In attendance CEO, COO, CDIO

1.7 Membership:

Chair: Janusz Kozinski Senior Responsible Owner
 Chief Operating Officer Senior Stakeholder
 Chief Academic Officer Senior Stakeholder
 Chief Digital & Infrastructure Officer Senior Stakeholder
 Chief Fundraising Officer Senior Stakeholder
 Chief Marketing Officer Senior Stakeholder
 Chief Partnership Officer Senior Stakeholder
 Rep Finance & Infrastructure Key Adviser
 Rep Academic & Quality Key Adviser
 Rep H& & Remuneration Key Adviser
 Company Secretary Key Adviser
 Anthea Parker Programme Manger
 1.8 Frequency: Monthly

Purpose

The purpose of the NMiTE Implementation Board is to provide overall governance for the programme. The Board's role is to define the purpose and objectives for the programme, to set the vision, approve the changes required and to then steer the programme to implement the changes and realise the required outcomes that will achieve the end vision.

Key duties include:

- a. Setting the Programme Vision and associated measures of success;
- b. Commissioning and approving the Programme structure and timetable;
- c. Supporting the development and approval of the Programme delivery and Benefits Plans;
- d. Commissioning Projects in the Programme Portfolio;
- e. Taking on Project Executive responsibility for approved Projects;
- f. Taking collective responsibility for steering Projects through their delivery lifecycle;
- g. Agreeing significant variations to the programme plan
- h. Owning resolution of specific risks and issues within the programme
- i. Ensuring there is an effective system of cost control in place and receive regular reports on the current and planned expenditure relating to the delivery of the programme
- j. Provide leadership, advice and decision-making support to the Programme Delivery Teams
- k. Reviewing the realisation of Benefits;
- l. Communicating progress against the programme's measures of success.

The Programme Board is chaired by the Senior Responsible Officer (SRO) who is the overall sponsor of the Programme. The board member's role is to ensure that the programme maintains its business focus, has clear authority and that the context, particularly in the delivery of change and the realisation of benefits is being actively managed.

Objectives and Scope

The objectives of the NMiTE Implementation Programme Board are to ensure that programme is:

- Representing Academic, Industry and Community input and priorities;
- Focussed on delivering changes that will realise outcomes to achieve the end vision;
- Making collective decisions that ensure that the programme delivers these changes;
- Managed in accordance with the MSP methodology;
- Working to planned delivery dates and addressing any changes in scope;
- Commercially, legally and financially robust, minimising risks to the University;

Deliverables

The deliverables of the NMiTE Implementation Programme Board will include:

- Reviewing and approval of Programme deliverables;
- Providing commitment to actively support and to resource the programme;
- Monitoring progress vs the programme deliverables
- Agreeing and formalising any changes to programme scope
- Monitoring engagement with the programme across the organisation and externally
- Communicating key decisions and programme status
- Establishing and reporting on programme resourcing, costs and dependencies
- Establishing and reporting on outcome benefits and measures of success

These deliverables will be managed by the Programme Manager (Programme Roadmap and Programme Plan), the Programme Communications Manager (Communications Plan) and recorded by way of the Programme Board minutes.

Agenda, Timescales and Commitment

Meetings of the NMiTE Implementation Programme Board will take place on a monthly basis (aligned with organisation board meetings) and include formal reporting from the Programme Manager and Project Managers, when appropriate.

The agenda of the meetings will be as follows:

1. Minutes and actions from previous meetings;
2. Programme Deliverables for review and approval;
3. Review of Programme Dashboard/Roadmap;
4. Review and approval of any changes required to Programme scope;
5. Review of Benefits delivery and measures of success;
6. Review of Programme level resourcing, costs and dependencies;
7. Specific items for discussion;
8. Resolution of any Issues or Risk escalated from the Programme Steering Group;
9. Confirm items for communication vs. Communications Plan; and

Structure and representation

The Programme Board will be chaired by the Chief Executive and will involve a core membership that includes:

- Executive officers
- Committee members
- Subject matter experts

Audit & Risk Terms of Reference

1. Composition & Frequency

1.1 The Board shall appoint up to five members to serve on the Audit & Risk Committee. The Board may co-opt additional members who are not Directors of the Board.

1.2 The quorum for the Committee meetings shall be three.

1.3 The Chair of the Committee shall be appointed by the Board initially. Future appointments shall be appointed upon the recommendations of the Nominations Committee.

1.4 The NMiTE Company Secretary shall be an ex-officio member of the Committee.

1.5 In attendance CEO, COO, Finance Manager

1.6 Membership:

Chair: Ian Falconer

Mark Edwards

Director to be appointed

Senior local Accountancy Practitioner

1.7 Frequency: Three times per year

2. Effectiveness

a. To advise the Board of Directors on the effectiveness of the institution's internal control system including control for securing economy, efficiency and effectiveness.

b. To monitor, annually or more frequently if necessary, the implementation of approved recommendations relating to both internal audit reports and external audit reports and management letters.

c. To monitor the effectiveness of the internal and external audit services.

3. Internal Audit

a. To advise the Board of Directors on the appointment of the internal audit services (and head of internal audit, if applicable).

b. To consider and advise the Board of Directors on the audit needs assessment, and strategic and short-term audit plans for the internal audit service.

c. To consider and advise the Board of Directors on internal audit reports.

4 External Audit

a. To advise the Board of Directors on the appointment and remuneration of external auditors and the scope of their work.

b. To consider and advise the Board of Directors on external audit reports and management letters.

5. Co-option

The Committee may co-opt members from time to time for a specified period and purpose.

6 Chair and Deputy Chair

The Chair of the Audit Committee will be appointed for a period of two years by the Board on recommendation of the Board. The Committee shall elect from its members at its first meeting of each year a Deputy Chair.

7. Meetings

The Committee will meet at least four times per year. For the purposes of a meeting the quorum will be 4 members.

8. Reporting

The minutes of Committee meetings will be tabled for discussion and/or action at the subsequent meeting of the Audit Committee and reported to the Board.

HR & Remuneration Terms of Reference

1. Composition & Frequency

1.1 The Board shall appoint up to five members to serve on the HR & Remuneration Committee. The Board may co-opt additional members who are not Directors of the Board.

1.2 The Board shall appoint up to five members to serve on the HR & Remuneration Committee. The Board may co-opt additional members who are not Directors of the Board.

1.3 The quorum for the Committee meetings shall be three.

1.4 The Chair of the Committee shall be appointed by the Board initially. Future appointments shall be appointed upon the recommendations of the Nominations Committee.

1.5 The NMiTE Company Secretary shall be an ex-officio member of the Committee.

1.6 In attendance CEO, COO, People & Opportunities Officer

1.7 Membership:

Chair: Ken Temple

Fiona Kendrick for CEO & SLT Review

Karen Usher

Director to be appointed

1.8 Frequency: TBD

2. The Remuneration Committee shall be responsible for preparation of a framework for pay and conditions of service of holders of senior posts for approval by the Board in accordance with the articles of Government of NMiTE. Senior postholders are:

- The Chief Executive
- Chief Operating Officer
- Chief Academic Officer
- Chief Digital & Infrastructure Officer
- Chief Marketing Officer
- Chief Partnerships Officer
- Chief Fundraising Officer
- People and Opportunities Officer

2. The Remuneration Committee shall be responsible for monitoring arrangements for the appointment grading, suspension and dismissal of holders of senior posts in accordance with the articles of Government of NMiTE and for appraisal of Senior Leadership Team and the Company Secretary.

3. The Remuneration Committee shall be responsible for preparation of a policy framework covering other employment issues affecting holders of senior posts.

4. The Remuneration Committee shall discharge any responsibility of the Board for appointment of holders of senior posts or consideration of hearings or appeals concerning holders of senior posts under disciplinary or grievance procedures.

5. The Remuneration Committee shall agree with the postholders their performance targets for the coming year, assess their performance for the previous year and apply any performance related reward as agreed at the outset of their planned targets. The Committee will also monitor performance in year.

6. Reporting

The minutes of Committee meetings will be tabled for discussion and/or action at the subsequent meeting of the Remuneration Committee and reported to the Board.

Finance and Infrastructure Committee Terms of Reference

1 Composition & Frequency

- 1.1 The Board shall appoint up to five members to serve on the Finance & Infrastructure Committee. The Board may co-opt additional members who are not Directors of the Board.
- 1.2 The quorum for the Committee meetings shall be three.
- 1.3 The Chair of the Committee shall be appointed by the Board initially. Future appointments shall be appointed upon the recommendations of the Nominations Committee.
- 1.4 The NMiTE Company Secretary shall be an ex-officio member of the Committee.
- 1.5 In attendance CEO, COO, CDIO
- 1.6 Membership:

Chair: Director to be appointed

David Sheppard

Jon Gorringer – acting chair

Mavis McDonald

Toby Kinnaird

1.7 Frequency: Monthly

2 Financial Responsibilities 2.1 To recommend financial regulations for approval by the Board.

2.2 To act on behalf of the Board in the application and supervision of financial regulations approved by the Board.

2.3 To make recommendations to the Board on:

- The annual estimates of income and expenditure;
- Salaries of staff;
- Financial statements;
- The appointment of an independent firm of accountants to complete the annual financial statements;
- Major variations of expenditure;
- Capital expenditure requirements including loans (if required);
- Submission of funding applications;
- NMiTE's accommodation strategy/property requirements (initially before responsibilities are officially transferred to the Board of NMiTE); and
- NMiTE's business plan (initially before responsibilities are officially transferred to the Board of NMiTE).

2.4 To receive regular reports on the HTET's financial position, ensure short term budgets are in line with longer term plans, and, on behalf of the Board, determine action to be taken within the overall budgets previously approved by the Board.

2.5 To keep under review the financial implications of the HTET Fundraising Strategy and NMiTE's Capital Development and Accommodation Plans (initially before responsibilities are officially transferred to the Board of NMiTE), including performance against targets, and to advise the Board accordingly.

2.6 To approve HTET's investment policies within the programme approved by the Board.

2.7 To approve fees and charges for recommendation to the Board.

2.8 To advise the Board and review arrangements for ensuring the solvency of the NMiTE and the safeguarding of assets.

2.9 To pursue value for money and the efficient and effective use of resources, and ensure that financial considerations are taken into account by Directors and HTET staff at all relevant stages in reaching decisions.

3 Estates Strategic Direction 3.1 To develop and oversee the NMiTE Estates strategy, and modify this periodically, taking account of the overall strategic direction of the University.

3.2 To monitor progress on targets and goals set out in the Estates Strategy and the implementation of capital development plans.

3.3 To assist the development and delivery of the Estates Strategy, ensuring broad compliance with NMiTE's strategic commitments and statutory duties to manage and reduce carbon emissions and broader sustainability commitments.

3.4 To consider and endorse or reject estates business plans and make recommendations of their priority.

3.5 To endorse acquisitions, disposals and leases of land and property in accordance with the levels set out in the approved Scheme of Delegations.

3.6 To endorse the award of and acquisition of all goods, services and works on approved estates-related business plans and formal acceptance of contracts in accordance with the levels set out in the approved Scheme of Delegations.

3.7 To endorse an annual capital estates programme for consideration by the Board, to monitor progress in taking forward the agreed programme, to advise on any matters of concern and recommend proposals for subsequent amendments to the programme as appropriate.

3.8 To endorse proposals from any Estates Working Groups.

3.9 To endorse estates policies.

3.10 To consider estates management implications associated with changing legislation, local government planning and governance requirements.

3.11 To consider and advise on significant matters related to the size of and deployment of Estates recurrent budget and operational matters for which the Chief Operating Officer wishes advice or support.

4 Health and Safety 4.1 To act on behalf of the Board in Health and Safety matters, including consideration of the Health and Safety Annual Report on behalf of the Board, ensuring that any concerns identified by the Committee are reported to the Board.

5 Risk and Performance

5.1 The Committee shall review the risks and mitigation plans related to the scope of its responsibilities and report to the Board as appropriate.

6 General Responsibilities of the Finance & Infrastructure Committee

6.1 To consider and advise on such matters as the Board may refer to the Committee from time to time.

6.2 To review on an annual basis the extent to which the Committee meets its terms of reference.

6.3 To report its proceedings to the Board.

7 Attendance at Meetings

7.1 The Committee may at any time request attendance by Directors, Directors with Portfolio, staff, co-opted members, contracted professionals, and volunteers of the NMiTE.

8 Frequency of Meetings

8.1 The Committee shall meet monthly by telephone or face-to-face such that the associated reports and recommendations can be fed into the main Board meetings for review and approval as required.

NOMINATIONS COMMITTEE

Nominations Terms of Reference

1. Composition & Frequency

- 1.1. The Board shall appoint up to three members to serve on the Nominations Committee. The Board may co-opt additional members who are not Directors of the Board.
- 1.2. The quorum for the Committee meetings shall be three.
- 1.3. The Chair of the Committee shall be appointed by the Board initially. Future appointments shall be appointed upon the recommendations of the Nominations Committee.
- 1.4. The NMITE Company Secretary shall be an ex-officio member of the Committee.
- 1.5. In attendance CEO, COO, CDIO
- 1.6. Membership:

Chair: Fiona Kendrick

Ken Temple

David Sheppard

Company Secretary

- 1.7. Frequency: Twice yearly and when needed

2. The Nominations Committee shall be responsible for keeping under review requirements for appointment or reappointment of Company Directors, including changes in the number, composition or balance of interest represented on the Board, and making recommendations to the Board.

3. The Nominations Committee shall be responsible for the oversight of arrangements made to recruit, inform and interview potential Directors, and to make recommendations to the Board for appointment.

4. The Nominations Committee shall be responsible for the oversight of arrangements made for Director development and training.

5. The Nominations Committee shall be responsible for keeping under review the general governance procedures of the Board.

6. Reporting

The minutes of Committee meetings will be tabled for discussion and/or action at the subsequent meeting of the Nominations Committee and reported to the Board.

SUPPORT COMMITTEES

Fundraising & Partnership Support Group

Chair: Edward Harley

Janusz Kozinski

Karen Usher

Others TBA

TEXT TO BE COMPLETED

Property Guidance Group

Chair: Mavis McDonald

Ian Falconer

Jon Gorringe

Noel Manns

David Nolan

Jonathan Nicholls

Jonathan Preece

David Sheppard

In attendance CEO, COO, CDIO

Frequency: monthly

Purpose of Group

1. To provide guidance to the Trustee/Directors and senior executives of NMiTE on all property and infrastructure matters
2. To assist in the development of a campus masterplan and contribute to the selection of professional advisers
3. To contribute to the development of the project's property strategy - in particular the understanding of risk - and to offer guidance in its production on behalf of both boards
4. To support the Campus Development Director in the long-term assembly of campus locations
5. To review and offer guidance on the terms and conditions of the acquisition of all sites;
6. To support and offer guidance on the selection and retention of: development partners, joint venture partners
7. To support and offer guidance on negotiations with funders
8. To support NMiTE's Chief Digital & Infrastructure Officer in the construction and delivery of the campus in particular in the assessment of major tenders
9. To provide guidance to the specification and selection of all professional advisers
10. To actively support the planned community engagement programme - *Your City in Your Hands* – in particular key stakeholders (Herefordshire Council, Hereford City Council, Historic England, Marches LEP, Business Improvement District, Civic Society et al)

APPENDIX C: KEY CONTACTS IN FINANCE

INTRODUCTION

1 The NMiTE finance is located at the TBA

The finance office is normally open between 9.00 am and 5.00 pm. T: 01432 371111

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APPENDIX D: MAIN FEATURES OF THE PUBLIC INTEREST DISCLOSURE ACT 1998

SUMMARY

The Act came into force on 2 July 1999. It encourages people to blow the whistle about malpractice in the workplace and is designed to ensure that organisations respond by acting on the message rather than against the messenger. The Act applies to employees blowing the whistle about crime, civil offences (including negligence, breach of contract, etc.), miscarriage of justice, danger to health and safety or the environment and the cover-up of any of these. It applies whether or not the information is confidential and extends to malpractice occurring in the UK and any other country or territory. In addition to employees, it covers trainees, agency staff, contractors, home workers, trainees and every professional in the NHS. Employment law restrictions on minimum length of service and age do not apply. At present, the Act does not cover the genuinely self-employed, volunteers, the army, intelligence services or police officers. The Act has been described as 'the most far reaching whistleblower protection in the world'.

INTERNAL DISCLOSURES

A disclosure in good faith to a manager or the employer will be protected if the whistleblower has a reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur.

REGULATORY DISCLOSURES

The Act protects disclosures made in good faith to prescribed bodies such as the Health and Safety Executive, the Financial Services Authority and the Inland Revenue, where the whistleblower has a reasonable belief that the information and their allegation(s) are substantially true.

WIDER DISCLOSURES

Wider disclosures (e.g. to the police, the media, MPs, and non-prescribed regulators) are protected if, in addition to the tests for regulatory disclosures, they are reasonable in all the circumstances and they meet one of the three preconditions. Provided they are not made for

personal gain, these preconditions are that the whistleblower:

- reasonably believed they would be victimised if they raised the matter internally or with a designated regulator
- reasonably believed a cover-up was likely and there was no regulator
- had already raised the matter internally or with a prescribed regulator.

An employee who makes a wide, public disclosure is more likely to be protected if there was no internal procedure set up.

FULL PROTECTION

Where the whistleblower is victimised in breach of the Act they can bring a claim to an employment tribunal for compensation. Awards are uncapped and based on the losses suffered. Additionally, where an employee is sacked, they may apply for an interim order to keep their job. Not all disclosures made by an employee are protected under the Act. Those that are include criminal acts, health and safety violations, breaches of legislation and miscarriages of justice. However, such acts are only protected as long as the disclosure is made in good faith to the employer, or any other person authorised under a procedure set up by the employer for this purpose. (Disclosures can also be made to appropriate regulatory bodies, such as the Health and Safety Executive.) Where an employee reasonably suspects malpractice (and this includes any crime), they will be protected from victimisation where they raise the matter in good faith with a person who is legally responsible for whistleblowing.

QUALIFYING AREAS

The qualifying areas consist of information that the employee reasonably believes tends to show one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health or safety of any individual
- damage to the environment
- deliberate covering up of information tending to show any of the above five matters.

APPENDIX E: THE SEVEN PRINCIPLES OF PUBLIC LIFE FROM
THE REPORT OF THE COMMITTEE FOR
STANDARDS IN PUBLIC LIFE
(THE NOLAN REPORT)

SELFLESSNESS

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that may influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all their decisions and the actions that they take. They should give reasons for their decisions and restrict information only

when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

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APPENDIX F: SUMMARY OF PROTOCOLS FOR PROPOSED CAPITAL EXPENDITURE

Proposed capital projects should be supported by:

- A statement that demonstrates the project's consistency with the strategic plans and estates strategy approved by the Board.
- An initial budget for the project for submission to the Board. The budget should include a breakdown of costs including professional fees, VAT and funding sources.
- A financial evaluation of the plans together with their impact on revenue plus advice on the impact of alternative plans.
- An investment appraisal in an approved format which complies with HM Treasury's 5 Case Model guidance on option and investment appraisal.
- A demonstration of compliance with normal tendering procedures and the NMiTE's financial regulations. This will require careful consideration where partnership arrangements are in place.
- A cash flow forecast.

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APPENDIX G: SUMMARY OF PROTOCOLS FOR PROPOSED MAJOR DEVELOPMENTS

The proposal should be supported by a business plan for three years which sets out:

- a demonstration of the proposal's consistency with the strategic plans approved by the Board and with the NMiTE's powers under current legislation
- details of the market need and the assumptions (based on reference data) of the level of business available
- details of the business and what product or service will be delivered
- an outline plan for promoting the business to the identified market and achieving planned levels of business
- details of the staff required to deliver, promote and manage the business, together with any re-skilling or recruitment issues
- details of any premises and other resources required
- a financial evaluation of the proposal together with its impact on revenue and surplus, plus advice on the impact of possible alternative plans and sensitivity analyses in respect of key assumptions
- contingency plans for managing adverse sensitivities
- consideration of taxation and other legislative or regulatory issues
- a three-year financial forecast for the proposal including a monthly cash flow forecast and details of the impact on the NMiTE's cash flow forecast for the financial years in question.

APPENDIX H: FRAUD RESPONSE PLAN

PURPOSE

- 1 The purpose of this plan is to define authority levels, responsibilities for action and reporting lines in the event of a suspected fraud or irregularity. The use of the plan should enable the NMiTE to:
 - prevent further loss
 - establish and secure evidence necessary for criminal and disciplinary action
 - notify the appropriate body(ies), if the circumstances require in a timely fashion and without contamination of any evidence
 - recover losses
 - punish the culprits
 - deal with requests for references for employees disciplined or prosecuted for fraud
 - review the reasons for the incident, the measures taken to prevent a recurrence, and any action needed to strengthen future responses to fraud
 - keep all personnel with a need to know suitably informed about the incident and the NMiTE's response
 - inform the police
 - assign responsibility for investigating the incident
 - establish circumstances in which external specialists should be involved
 - establish lines of communication with the police.

INITIATING ACTION

- 2 All actual or suspected incidents should be reported without delay to COO or the Chair of NMiTE Board. The COO or the Chair should, within 24 hours, hold a meeting of the following group to decide on the initial response:
 - another independent Director and
 - the NMiTE Secretary.
- 3 The group will decide on the action to be taken. This will normally be an investigation, led by an independent Director.

PREVENTION OF FURTHER LOSS

- 4 Where initial investigation provides reasonable grounds for suspecting a member or members of staff of fraud, the group will decide how to prevent further loss. This may require the suspension, with or without pay, of the suspect. It may be necessary to plan the timing of suspension to prevent the suspect from destroying or removing evidence that may be needed to support disciplinary or criminal action.
- 5 In these circumstances, the suspect should be approached unannounced. They should be supervised at all times before leaving the NMiTE's premises. They should be allowed to collect personal property under supervision, but should not be able to remove any property belonging to the NMiTE. Any security passes and keys to premises, offices and furniture should be returned.
- 6 Advice should be obtained on the best means of denying access to the NMiTE while suspects remain suspended (for example, by changing locks and informing security staff not to admit the individuals to any part of the premises). Similarly, access permissions to the NMiTE's computer systems and records should be withdrawn without delay.

ESTABLISHING AND SECURING EVIDENCE

- 7 A major objective in any fraud investigation will be the punishment of the perpetrator, to act as a deterrent to other personnel. The NMiTE will follow disciplinary procedures against any member of staff who has committed fraud. The NMiTE will normally pursue the prosecution of any such individual.
- 8 The NMiTE will:
 - maintain familiarity with the NMiTE's disciplinary procedures, to ensure that evidence requirements will be met during any fraud investigation
 - establish and maintain contact with the police where appropriate
 - establish whether there is a need for Directors/staff to be trained in the evidence rules for interviews under the Police and Criminal Evidence Act
 - ensure that staff involved in fraud investigations are familiar with and follow rules on the admissibility of documentary and other evidence in criminal proceedings.

RECOVERY OF LOSSES

- 9 Recovering losses is a major objective of any fraud investigation. The NMiTE shall ensure that in all fraud investigations, the amount of any loss will be quantified. Repayment of losses

should be sought in all cases.

- 10 Where the loss is substantial, legal advice should be obtained without delay about the need to freeze the suspect's assets through the court, pending conclusion of the investigation. Legal advice should also be obtained about prospects for recovering losses through the civil court, where the perpetrator refuses repayment. The NMiTE would normally expect to recover costs in addition to losses.

REFERENCES FOR EMPLOYEES DISCIPLINED OR PROSECUTED FOR FRAUD

- 11 The Chair of the Board shall prepare any answer to a request for a reference having regard to employment law.

REPORTING TO DIRECTORS

- 12 Any incident shall be reported without delay by the COO to the chairs of both the NMiTE and the Audit Committee.
- 13 Any variation from the approved fraud response plan, together with reasons for the variation, shall be reported promptly to the chairs of both the Board and the Audit Committee.
- 14 On completion of a special investigation, a written report shall be submitted to the Audit Committee containing:
- a description of the incident, including the value of any loss, the pEPple involved, and the means of perpetrating the fraud
 - the measures taken to prevent a recurrence
 - any action needed to strengthen future responses to fraud, with a follow-up report on whether or not the actions have been taken.

REPORTING LINES

- 15 The group shall provide a confidential report to the Chair of the Board, and the Chair of the Audit Committee, at least monthly, unless the report recipients request a lesser frequency. The scope of the report shall include:
- quantification of losses
 - progress with recovery action
 - progress with disciplinary action

- progress with criminal action
- estimate of resources required to conclude the investigation
- actions taken to prevent and detect similar incidents.

RESPONSIBILITY FOR INVESTIGATION

- 16 Special investigations shall not be undertaken by management.
- 17 Some special investigations may require the use of technical expertise. In these circumstances, the group may approve the appointment of external specialists to lead or contribute to the special investigation.

REVIEW OF FRAUD RESPONSE PLAN

- 18 This plan will be reviewed for fitness of purpose at least annually or after each use. Any need for change will be reported to the Audit Committee for approval.

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APPENDIX I: CONDITIONS OF CONTRACT FOR THE PURCHASE OF GOODS

LIST OF HEADINGS

- interpretation
- variation of conditions
- specification
- identification of goods
- packaging
- containers and pallets
- forms
- delivery
- property and risk
- rejection of goods
- default by contractor
- force majeure
- price and payment
- indemnity
- insurance
- transfer and sub-contracting
- patents, etc.
- confidentiality
- inducements to purchase
- insolvency
- publicity
- law

APPENDIX J: MAIN POINTS OF THE NMiTE'S CODE OF TENDERING PRACTICE

- Duty to comply by the NMiTE's staff.
- EU Procurement Rules to be complied with.
- Competitive tendering procedure, which will:
 - ensure fairness of competition
 - ensure that companies invited to tender are financially and technically able to meet the NMiTE's requirements
 - indicate the terms of the contract
 - outline the appropriate British standards to be complied with.
- Quotation procedure, which will indicate:
 - the minimum number of firms that should be expected to provide quotations
 - lists of available firms in existence which have been approved by the NMiTE that might undertake the work specified
 - the terms by which the contractors will be paid
 - the national requirements concerning good practice that should be followed.
- Submission of tenders (e.g. time, date, etc.).
- Receipt and safe custody of tenders and records.
- Admissibility and acceptance of tenders.
- Acceptance of tenders/quotations.
- Justification of acceptance of tenders not at the lowest price.



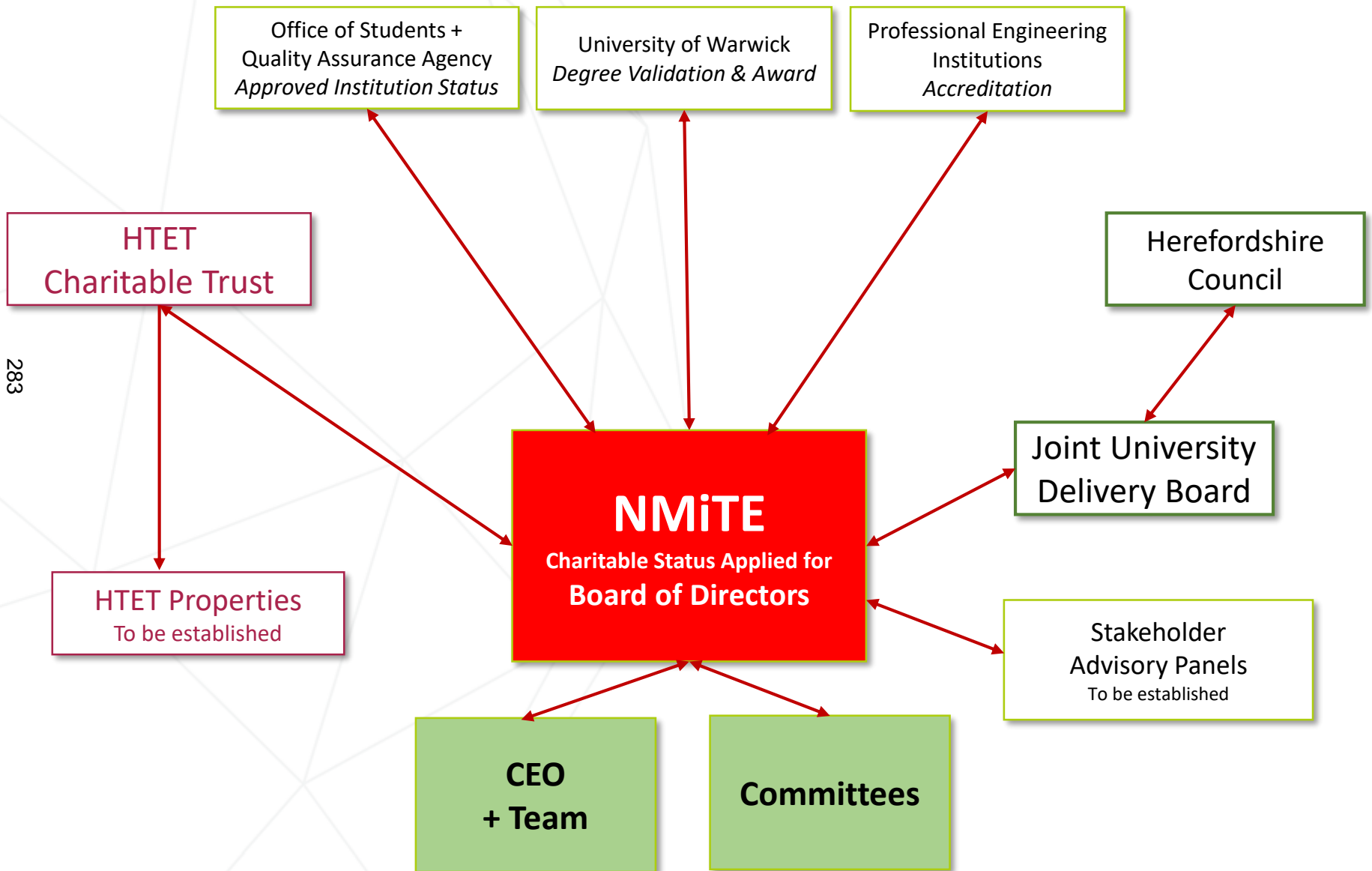
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A University for Hereford

NMiTE

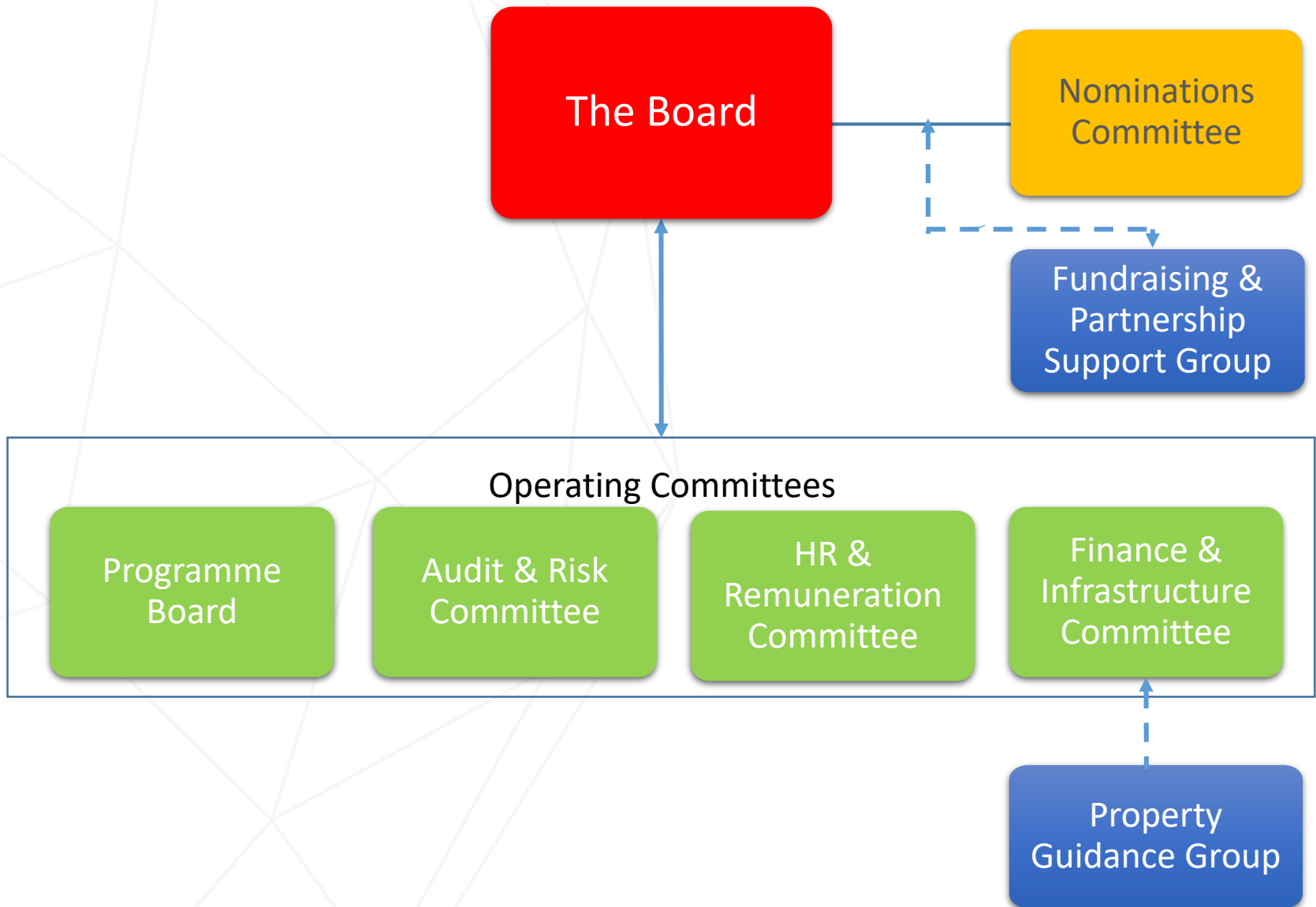
Governance & Control

Corporate Relationships

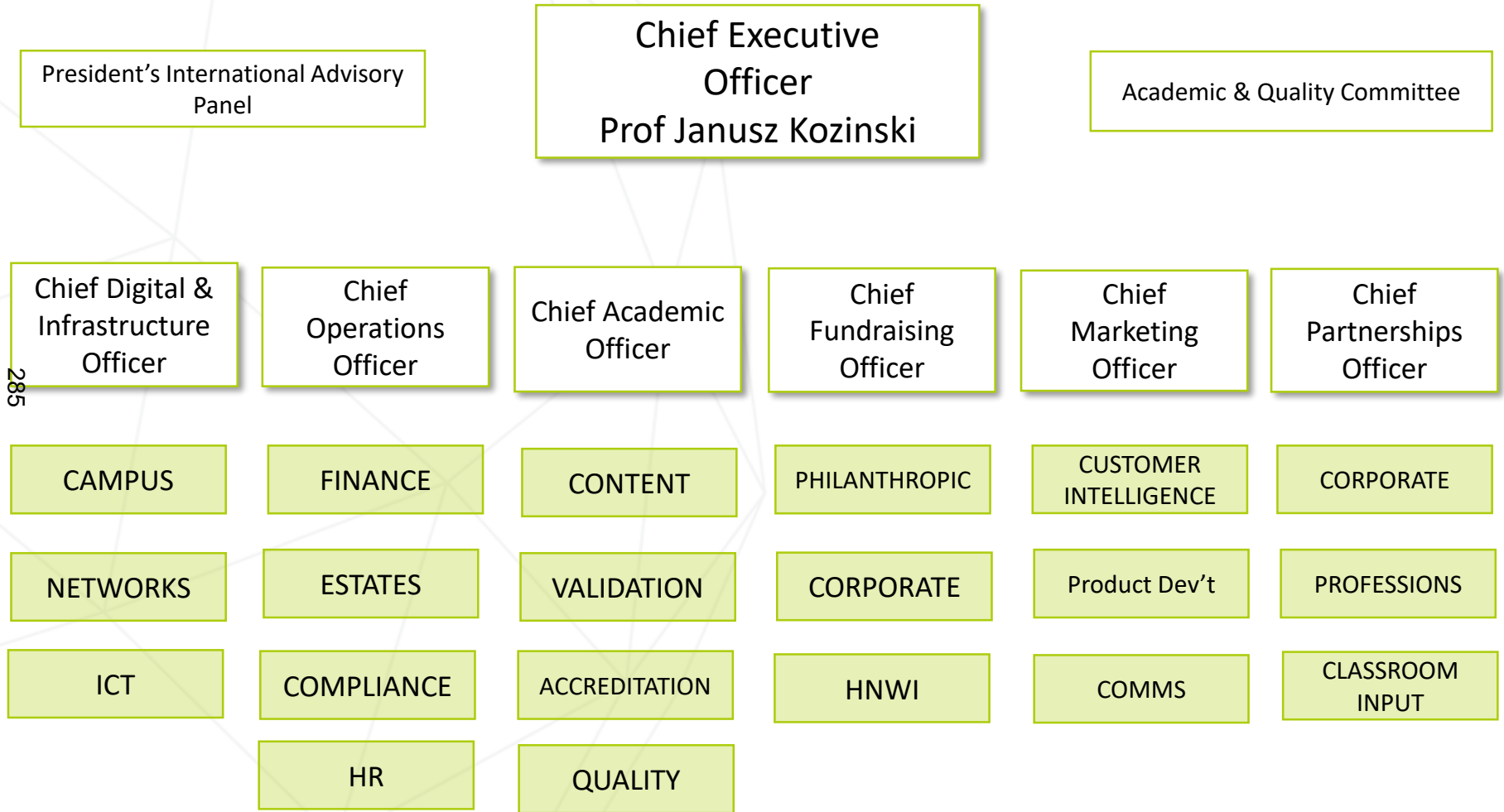


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Board Committees



NMiTE Structure

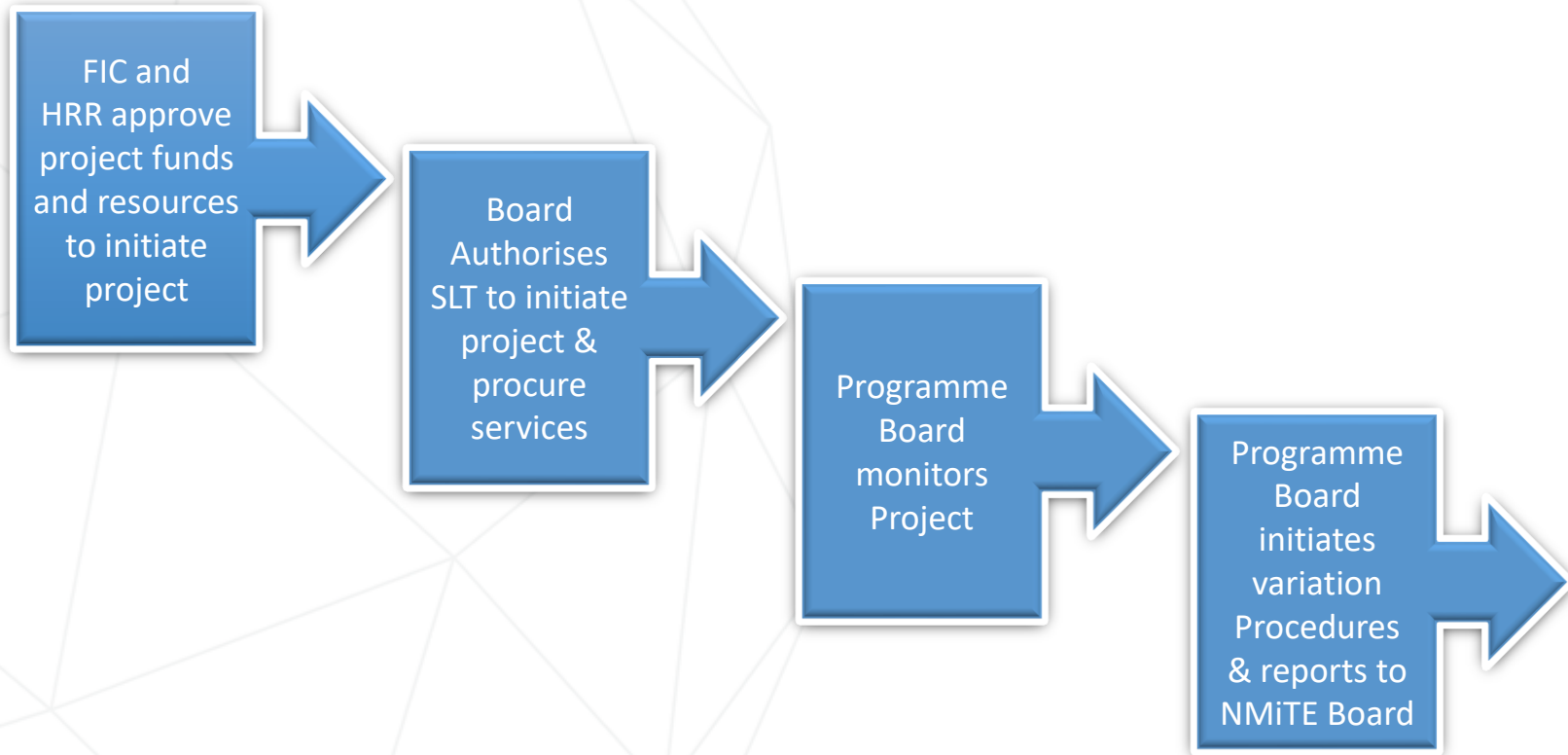


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NMiTE Implementation



Decision Process & Monitoring

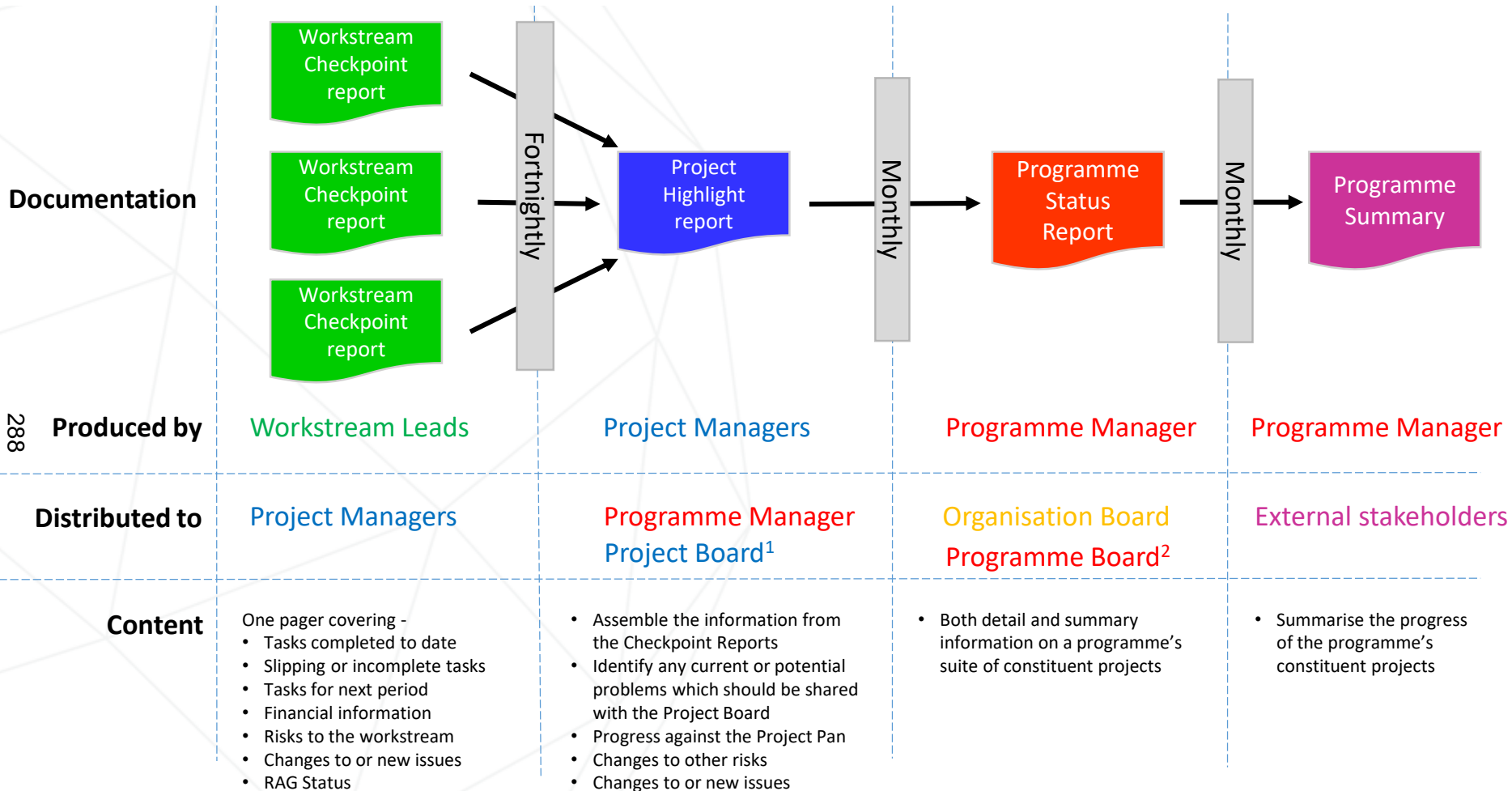


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Monthly financial reporting: P&L, Cashflow, variations and amendments, including updates to the Risk Register to Finance & Infrastructure Committee (FIC)

People: no hires without Human Resources & Remuneration Committee (HRR) approval of variation to establishment

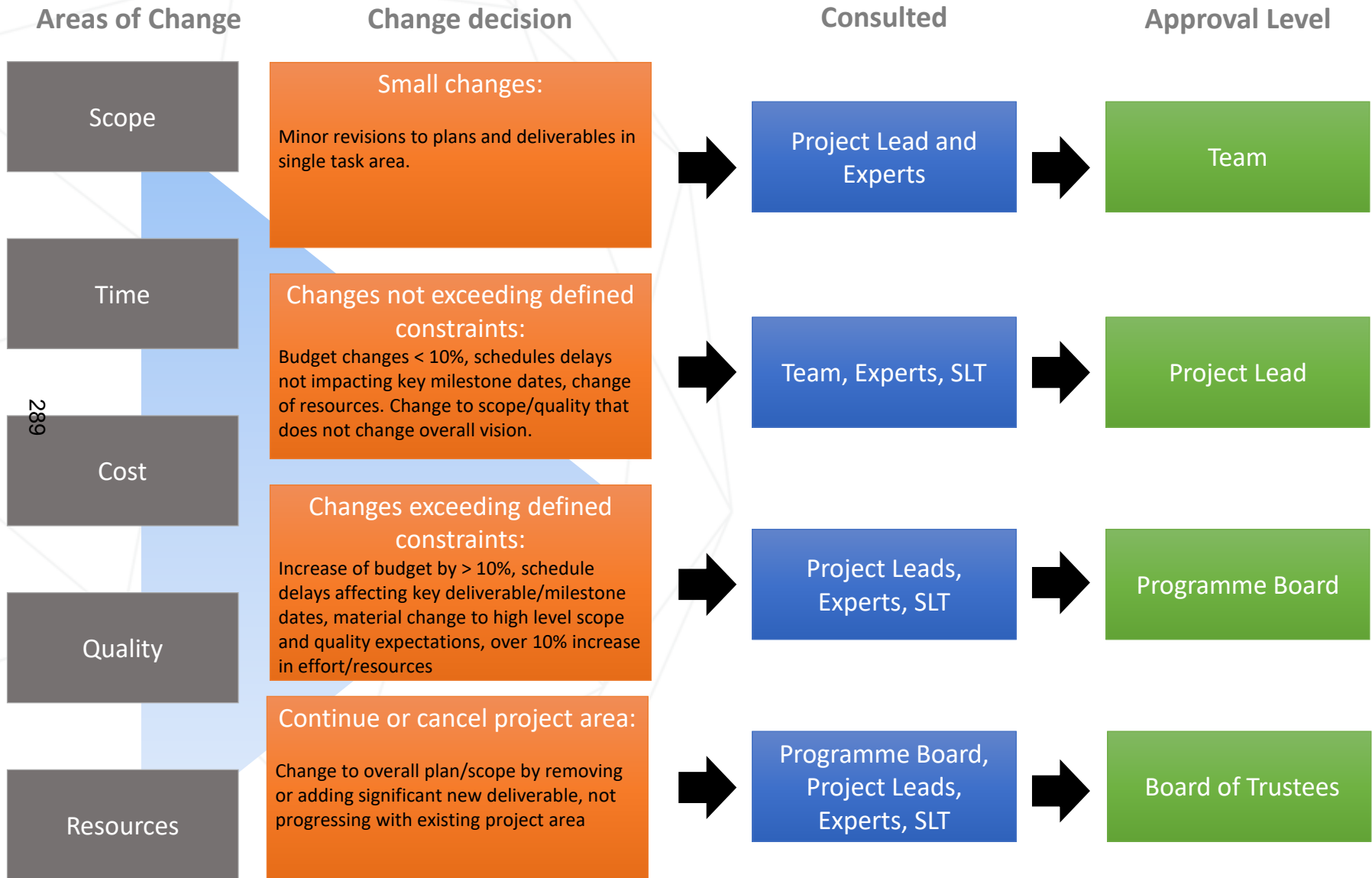
NMITE Progress Reporting Framework



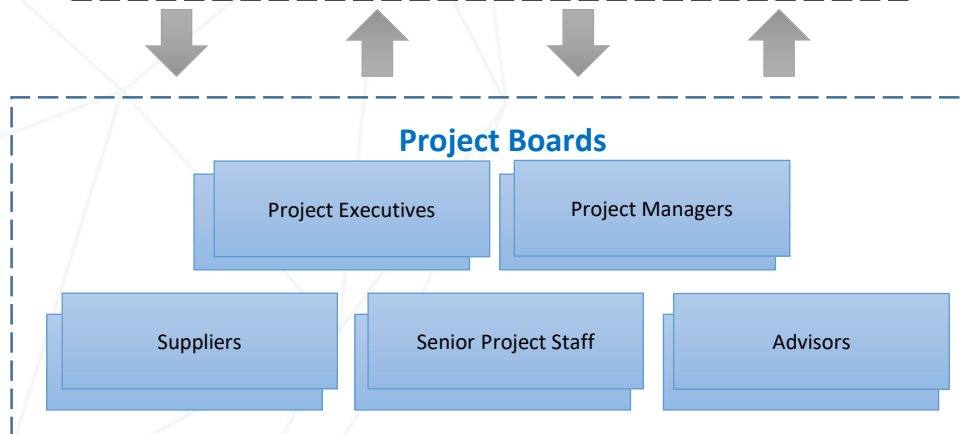
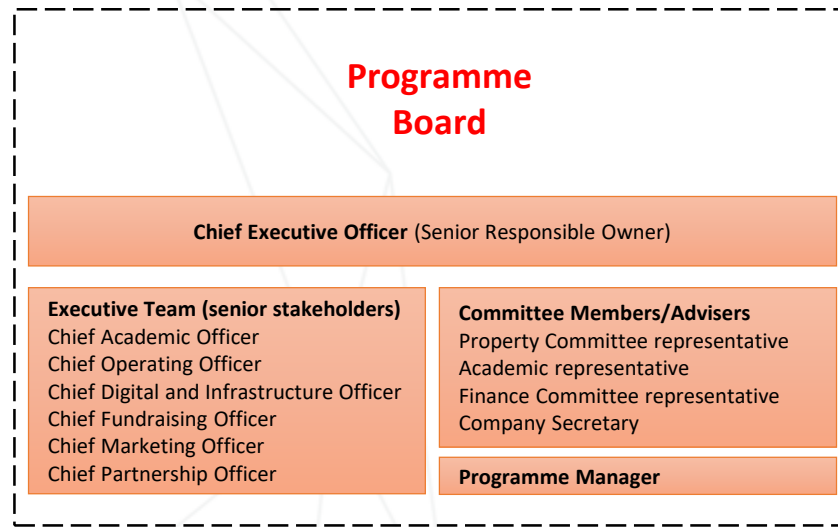
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¹ Project Board consists of project Manager and all Workstream Leads for that project
² Programme Board consists of Chief Executive, senior leadership and nominated individuals

NMiTE Implementation Change Control



Programme Board Reporting Structure



NMiTE Budget & Cashflow Assumptions

Introduction

The establishment of NMiTE as a university is divided into five interlinked workstreams coordinated through the NMiTE Programme Office. Each workstream's activity is broken down as follows.

1. Academic Programme Development, Validation & Accreditation

- a. The University of Warwick (UoW) will validate the primary NMiTE MEng academic programme. Preliminary validation to be approved by May '18. UoW must approve: programme content, recruitment of faculty, quality control process teaching facilities, student support & welfare services and student residential accommodation.
- b. The second phase of validation will require the detailed development of detailed course content.
- c. Working initially with the Institution of Engineering & Technology (IET) and then other engineering accreditation bodies the team with expert support will seek to accredit the NMiTE programme.
- d. Faculty recruitment, selection & training. Tutors/mentors/coaches will be recruited nationally and internationally from academe, engineering practice and education.
- e. The Chief Partnerships Officer's (CPO) key task will be to engage engineering employers to provide problems for the classroom, coaches/mentors, internships and participate in student recruitment and selection.
- f. Based on market intelligence the academic team will, in conjunction with the CPO and Chief Marketing Officer (CMO) develop a suite of sector/segment specific upskilling/productivity enhancing/Continual Professional Development (CPD) programmes for cash sale Q4 '18
- g. Working with Chief Operating Officer (COO) the academic team will support the application to the Office for Students for the highest level of Approved Provider Status.

2. Campus & Infrastructure Development

- a. Learning Spaces – specify, procure, deliver and operate – mostly refurb one/two new build for 1,100 students
- b. Learning hardware & Software - create procure and deliver from global suppliers
- c. Living spaces– specify, procure, deliver and operate from third party suppliers
- d. Admin spaces – specify, procure, deliver and operate - refurb
- e. Public realm – in collaboration with Herefordshire Council
- f. ICT specify, procure, deliver and operate.

3. Business Development, Marketing & Communications

- a. Gathering segmented market intelligence and engineering employer needs in particular communities of interest and trade associations
- b. Developing products/services to satisfy employers needs
- c. Develop a suite of correlated propositions to persuade and engage key audiences viz:

- i. Students + their teachers & parents
 - ii. Employers
 - iii. Potential employees
 - iv. Herefordshire Community
 - v. Government, Regulators & Engineering Profession
- d. Selecting & managing a range of specialist communications suppliers to create an implement an interdisciplinary multi-media campaign.

4. Fundraising

- a. NMiTE is committed to raising £55M over the next five years. This funding will come from three sources: Industry & Foundations (£25M), Academic & Philanthropic Gifts (£15M), and Private Sponsorship (£15M).
- b. Industry & Foundations (£25M) – An active Corporate Sponsorship Programme has been developed to attract industry to participate in the funding of the university by the provision of grants, equipment and services, and scholarships. Five levels of corporate participation have been identified, and the costs associated with the development and delivery of the programme have been identified and accounted for. A \$1.5M (Canadian) gift of equipment has already been committed (Quansar Inc.) and conversations are underway with Cisco, Siemens, Huawei, Qinetiq, and Cargill. Organisations will be clustered in communities of interest (e.g., Costain and Laing O’Rourke with Severn Trent and other water companies) where these companies have expressed an industry-wide need to address the quantity and quality of engineering education.
- c. In addition to Industry Partnerships, NMiTE has recently tasked our Academic Programme Head to research and prepare presentations for other potential Academic grants from Europe, the UK and the US which focus on improving teaching and curriculum development in the field of engineering and science.
- d. Academic & Philanthropic Gifts (£15M) – NMiTE has developed, and will continue to develop, relationships with organisations including Garfield Weston Foundation, The Lloyds Registry Foundation, The Dyson Foundation, Wolfson Foundation, Gatsby Foundation, the Goldsmiths, Carnegie Foundation, Worshipful Company of Engineers, the Mercers and other UK and international foundations and non-profits who support higher education, teaching, women in science, engineering, higher education reform, economic development, productivity development and other topics which the NMiTE project champions. To date, £3.5M in grants are in various stages of development.
- e. Private Sponsorships & Campaigns (£15M) – Already NMiTE is planning a second campaign to further engage the population of Herefordshire in the project. The IGNiTE Campaign will be launched in January 2018 and will seek, over 5 years, to raise an additional £2M from Herefordshire as the project develops.

5. Creating & Operating the establishment

- a. NMiTE will be required to build the governance arrangements for the new institution and to develop all policies and systems and procedures to develop the operating functions of the organisation.
- b. The provision of funding provides support for day to day operating costs for the new start-up.
- c. Interests costs for overdraft facilities, bridging finance and loan finance is also provided for.

DfE Funding – Revenue Budget for the Tasks to 31/07/2020		
1.	Academic Programme Development, Validation & Accreditation	£7.285 million
2.	Campus & Infrastructure Development	£1.203 million
3.	Business Development, Marketing & Communications	
4.	Fundraising	£2.324 million
5.	Creating & Operating the establishment	£2.794 million
Total		£13.606 million
DfE Funding – Capital Budget for the Tasks to 31/07/2020		
2.	Campus & Infrastructure Development	£1.352 million
Total DfE Funding		£14.958 million

6. LEP Funding (Capital Building Programme)

The LEP Capital Budget for the programme to 31/07/21 is £8 million. This funding will be matched in time resulting in an overall minimum capital budget of £16 million. The cashflow provides an indication of the **match** for the first three years of the LEP funding, that is, for 2017/18, 2018/19 and 2019/20. The Quanser donations (see Consolidated Cashflow, Line 78) is used to match the LEP funding in 2017/18.

2017/18	2018/19	2019/20	2020/21	Total
£600,000	£2,000,000	£2,000,000	£3,400,000	£8,000,000

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The Cashflow Assumptions

The cashflow is based on the last submissions of the Green Book Case and the Capitalisation Analysis provided to the DfE. The first two years of expenditure, 2017/18 and 2018/19, show revenue which is wholly funded by the DfE. In 2019/20 both DfE and NMiTE activity combine. For simplicity, this cashflow provides the revenue activity funded by the DfE, independent accountants have been appointed to undertake review the whole of NMITE budgets and in particular to stress test the cashflows. They will provide a detailed review of the combined activity for 2019/20 and a review of 2020/21, the first year of operation without government funding.

The cashflow also provides indications of revenue and capital donations and the LEP to 2019/20 as shown in paragraph 6 above (See Consolidated Cashflow). The table below shows the growth in staff numbers in the earlier years which is also reflected in the cashflow. Separate tabs for each workstreams provide a reconciliation of each year's funding and for the overall funding from the DfE.

		2017/18	2018/19	2019/20	2020/21	2021/22	2036/37
		No.s	No.s	No.s	No.s	No.s	No.s
Student Numbers		0	25	50	350	700	5,000
Basic Salaries							
£000s	Employees	No.s	No.s	No.s	No.s	No.s	No.s
> 100	Senior Leadership Team	7	7	7	7	7	7
50-80	Senior Officers		1	1	2	2	12
45	Team Managers	0	1	2	2	2	22
35	Admin Officers	1	2	3	3	3	22
30	Senior Support Staff	1	1	2	2	2	36
22	Support Staff	2	2	3	3	3	48
Teaching Team (academic & practitioner)							
65	Senior Team Leaders (Tutors)	1	1	1	1	1	9
50	Team Leaders (Tutors) & Curriculum Project Mgrs	1	1	3	4	5	34
40	Tutors & Project Leaders	3	5	10	15	30	210
30	Technicians	1	2	3	4	6	59
30	Senior Academic Support Staff		1	3	4	7	21
22	Academic Support Staff	1	1	2	3	6	53
Total Staff FTE		18	25	40	50	74	533
Teaching staff		7	11	22	31	55	386
Ratio Students/Teaching Staff			2:1	2:1	11:1	13:1	13:1

2017/18	2018/19	2019/20	2020/21	2021/22	2036/37
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Senior Leadership Team =

Chief Executive Officer
 Chief Operating Officer
 Chief Academic Officer
 Chief Digital & Infrastructure Officer
 Chief Marketing Officer
 Chief Partnership Officer
 Chief Fundraiser

Employment Benefits

Defined Benefit Contributory Pension Scheme

Employer contribution 16.5% of salary

Employee Contribution min 6% of salary

Insurances include health and life cover

NOTE: Salaries are based on University of Warwick pay scales and analysis of vacancies in the Times Higher Education Supplement and jobs.ac.uk

Budget & Cashflow DfE & LEP Grants

2017/18													
Mar-Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Total
Total Employees FTE	3.00	3.00	3.00	3.00	5.00	7.00	9.00	9.00	11.00	12.00	16.00	18.00	
REVENUE	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Opening Cash	232.18	137.91	80.70	45.33	520.33	9.23	1,963.38	1,662.77	2,715.25	2,250.22	1,747.32	1,546.17	
REVENUE													
EMPLOYMENT COSTS													
Academic Programme					13.73	23.29	39.49	45.29	55.42	80.54	83.32	75.32	416.40
Campus & Infrastructure					19.39	20.65	21.83	34.89	26.89	26.89	27.79	27.79	206.10
Business Development & Marketing					8.78	15.20	11.94	11.14	13.61	34.88	35.78	35.78	167.09
Fundraising					8.10	8.10	8.10	8.10	21.60	21.60	29.94	36.00	141.54
Creating & Operating the Institution					11.59	21.33	28.13	28.13	28.13	28.13	33.53	33.53	212.46
Total Employment Costs					61.58	88.56	109.48	127.54	145.64	192.03	210.34	208.41	1,143.59
IMPLEMENTATION COSTS													
Academic Programme					23.53	56.68	65.81	110.81	129.65	147.99	164.36	197.36	896.18
Campus & Infrastructure					10.30	10.69	12.00	13.67	13.87	14.37	14.67	14.67	104.25
Business Development & Marketing					56.40	102.18	99.92	71.18	62.89	67.01	57.31	57.71	574.58
Fundraising					4.17	14.17	8.17	9.67	13.13	22.13	14.72	18.40	104.57
Creating & Operating the Institution					124.67	98.57	105.23	107.64	99.85	59.36	39.75	39.66	674.74
Creditors to be paid in December & January					230.45	40.00							270.45
Total Implementation Costs					449.53	322.29	291.13	312.97	319.39	310.86	290.81	327.79	2,624.77
Total Revenue Costs				0.00	511.10	410.85	400.61	440.51	465.04	502.89	501.15	536.20	3,768.35
Revenue Grants				475.00		2,365.00		1,493.00					4,333.00
Donations							100.00						100.00
Donor 5 (Academic Programme)											300.00		300.00
Revenue													0.00
Total Income	0.00	0.00	0.00	0.00	475.00	0.00	2,365.00	100.00	1,493.00	0.00	0.00	300.00	0.00
Closing Cash Revenue Account	137.91	80.70	45.33	520.33	9.23	1,963.38	1,662.77	2,715.25	2,250.22	1,747.32	1,546.17	1,009.98	

Budget & Cashflow DfE & LEP Grants

		2017/18												Total	
		Mar-Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Total
Total Employees FTE			3.00	3.00	3.00	3.00	5.00	7.00	9.00	9.00	11.00	12.00	16.00	18.00	
CAPITAL															
Opening Capital		0.00	0.00	300.00	300.00	300.00	300.00	216.00	287.00	180.00	681.26	1,645.88	1,528.50	1,570.13	
DfE Grant 17/18 Capital expenditure							57.00	89.00	94.00	69.50	52.50	56.00	27.00	17.00	462.00
DfE Grant 18/19 Capital expenditure															0.00
DfE Grant 19/20 Capital expenditure															0.00
Donor 2 Ingenuity Studios - expenditure			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.00	60.00	60.00	60.00	240.00
		0.00	0.00	0.00	0.00	0.00	57.00	89.00	94.00	69.50	112.50	116.00	87.00	77.00	702.00
Loan Interest @ 5.5%											1.38	1.38	1.38	1.38	5.50
Principal Repayments on 25 Year Loans															0.00
Bridge Interest @ 5.5%									1.24		1.51				2.75
Total Interest									1.24		2.89	1.38	1.38	1.38	8.25
Growth Fund supported Expenditure															
Teaching Equipment Quanser									150.00				250.00		400.00
Purchase 1A Offa Street							27.00		243.00						270.00
Studio & Lab furniture & fit out for above+ 6B St Peters Sq									40.00	40.00	40.00				120.00
Purchase Building 2										250.00					250.00
Studio & Lab furniture & fit out for above										40.00					40.00
Purchase Building - Berrows Building											1,000.00				1,000.00
Studio & Lab furniture & fit out for above												30.00	30.00	30.00	90.00
Purchase Site 1 (Gaul Street Car Park)															0.00
Design, Build & Fit Out (Gaul St Centre)															0.00
Shell Store Fit out															0.00
Purchase site 2															0.00
Design, Build & Fit Out Site 2															0.00
Total Capital Expenditure							84.00	89.00	527.00	400.74	1,155.39	147.38	368.38	108.38	2,880.25
Capital Receipts															
Grant DfE (see lines 45 to 47)								160.00		302.00					462.00
Grant DCLG (LEP) (see lines 58, 59, 60 & 61)									270.00	330.00	1,000.00				1,600.00
Loan Hereford Council			300.00												300.00
Commercial Loan/Lease Finance															0.00
Bridge Finance (see line 73)										270.00	330.00				600.00
Bridge Finance repayment (see line 73)											-270.00	-330.00			-600.00
Donor 1 Quanser Inc - £950k Gift of teaching equipment (see line 57)									150.00				250.00		400.00
Donor 2 (For Ingenuity Studios) (see line 48)											60.00	60.00	60.00	60.00	240.00
Donor 3 (for Berrows) (see line 62)											1,000.00				1,000.00
Donor 4 (Learning Experience) (see line 63)													100.00		100.00
Donor 5 (Capital Items for Academic programme)												300.00			300.00
Donor 6 (Shell store) (see line 66)															0.00
Donor 7 (Gaul St Centre) (see line 64)															0.00
Donor 8 (Purchasing of Teaching Equipment)														250.00	250.00
Donor 9 (Donation for named facilities Gaul Street Centre) (see line 65)															0.00
Total Capital Receipts		0.00	300.00	0.00	0.00	0.00	0.00	160.00	420.00	902.00	2,120.00	30.00	410.00	310.00	4,652.00
Closing Capital		0.00	300.00	300.00	300.00	300.00	216.00	287.00	180.00	681.26	1,645.88	1,528.50	1,570.13	1,771.75	
CONSOLIDATED CASH															
Opening Revenue & Capital		0.00	232.18	437.91	380.70	345.33	820.33	225.23	2,250.38	1,842.77	3,396.51	3,896.09	3,275.82	3,116.30	
Closing Revenue & Capital		0.00	437.91	380.70	345.33	820.33	225.23	2,250.38	1,842.77	3,396.51	3,896.09	3,275.82	3,116.30	2,781.73	
		Mar-Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Total
		2017/18													

Highlighted cells show match to LEP funding.

Budget & Cashflow DfE & LEP Grants

2018/19													Total
Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July		
Total Employees FTE	18.00	20.00	22.00	24.00	24.00	27.00	28.00	30.00	30.00	30.00	30.00	30.00	
Students		25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00		
REVENUE	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Opening Cash	1,009.98	1,010.95	639.81	584.08	522.54	509.90	238.24	102.51	4,433.10	4,054.68	3,676.27	3,271.61	
REVENUE													
EMPLOYMENT COSTS													
Academic Programme	75.32	97.42	82.02	87.83	87.83	97.95	109.02	104.70	104.70	104.70	130.95	129.31	1,211.78
Campus & Infrastructure	27.79	27.79	27.79	27.79	28.89	27.79	30.79	27.79	27.79	27.79	27.79	29.48	339.24
Business Development & Marketing	43.65	43.65	43.65	43.65	43.65	43.65	43.65	43.65	43.65	43.65	43.65	43.65	523.80
Fundraising	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	377.95
Creating & Operating the Institution	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	402.30
Total Employment Costs	211.78	233.88	218.48	224.29	225.39	234.41	248.48	241.16	241.16	241.16	267.41	267.46	2,855.06
IMPLEMENTATION COSTS													
Academic Programme	63.83	63.83	63.83	63.83	63.83	63.83	63.83	63.83	63.83	63.83	63.83	63.83	765.98
Campus & Infrastructure	6.46	6.46	6.46	6.46	6.46	6.46	6.46	6.46	6.46	6.46	6.46	6.46	77.54
Business Development & Marketing	38.00	38.00	38.00	38.00	38.00	38.00	38.00	38.00	38.00	38.00	38.00	38.00	456.00
Fundraising	14.17	14.17	14.17	14.17	14.17	14.17	14.17	14.17	14.17	14.17	14.17	14.17	170.00
Creating & Operating the Institution	14.79	14.79	14.79	14.79	14.79	14.79	14.79	14.79	14.79	14.79	14.79	14.79	177.50
Creditors to be paid in December & January													
Total Implementation Costs	137.25	137.25	137.25	137.25	137.25	137.25	137.25	137.25	137.25	137.25	137.25	137.25	1,647.02
Total Revenue Costs	349.03	371.13	355.73	361.54	362.64	371.66	385.73	378.41	378.41	378.41	404.66	404.71	4,502.08
Revenue Grants								4,709.00					4,709.00
Donations	350.00			300.00	350.00	100.00	250.00						1,350.00
Donor 5 (Academic Programme)			300.00										300.00
Revenue													0.00
Total Income	350.00	0.00	300.00	300.00	350.00	100.00	250.00	4,709.00	0.00	0.00	0.00	0.00	6,359.00
Closing Cash Revenue Account	1,010.95	639.81	584.08	522.54	509.90	238.24	102.51	4,433.10	4,054.68	3,676.27	3,271.61	2,866.90	

Budget & Cashflow DfE & LEP Grants

		2018/19												
		Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Total
Total Employees FTE		18.00	20.00	22.00	24.00	24.00	27.00	28.00	30.00	30.00	30.00	30.00	30.00	
Students			25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00		
CAPITAL														
	Opening Capital	1,771.75	3,225.38	3,344.00	3,187.63	3,041.25	2,994.88	1,741.00	1,697.13	2,308.25	1,824.26	1,077.77	91.28	
DfE Grant 17/18 Capital expenditure		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DfE Grant 18/19 Capital expenditure		45.00	30.00	30.00	20.00	20.00	27.50	17.50	57.50	47.50	135.00	125.00	115.00	670.00
DfE Grant 19/20 Capital expenditure														0.00
Donor 2 Ingenuity Studios - expenditure		60.00	60.00	60.00	60.00	60.00	60.00	40.00	47.00					447.00
		105.00	90.00	90.00	80.00	80.00	87.50	57.50	104.50	47.50	135.00	125.00	115.00	1,117.00
	Loan Interest @ 5.5%	1.38	1.38	1.38	1.38	1.38	1.38	1.38	1.38	1.38	1.38	1.38	1.83	16.96
	Principal Repayments on 25 Year Loans													0.00
	Bridge Interest @ 5.5%									0.11	0.11	0.11	0.11	0.46
	Total Interest	1.38	1.38	1.38	1.38	1.38	1.38	1.38	1.38	1.49	1.49	1.49	1.95	17.42
Growth Fund supported Expenditure														
Teaching Equipment Quanser		250.00										300.00		550.00
Purchase 1A Offa Street														0.00
Studio & Lab furniture & fit out for above+ 6B St Peters Sq														0.00
Purchase Building 2														0.00
Studio & Lab furniture & fit out for above														0.00
Purchase Building - Berrows Building														0.00
Studio & Lab furniture & fit out for above		100.00	100.00	200.00	100.00	100.00	200.00	100.00	100.00	200.00				1,200.00
Purchase Site 1 (GaoI Street Car Park)		500.00												500.00
Design, Build & Fit Out (GaoI St Centre)				25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	28.00		253.00
Shell Store Fit out									125.00	125.00	125.00			500.00
Purchase site 2							1,000.00							1,000.00
Design, Build & Fit Out Site 2										160.00	160.00	160.00	160.00	640.00
	Total Capital Expenditure	956.38	191.38	316.38	206.38	206.38	1,313.88	183.88	355.88	1,133.99	1,021.49	1,411.49	876.95	5,777.42
Capital Receipts														
Grant DfE (see lines 45 to 47)									670.00					670.00
Grant DCLG (LEP) (see lines 58, 59, 60 & 61)		1,000.00								25.00	25.00	25.00	25.00	1,100.00
Loan Hereford Council														0.00
Commercial Loan/Lease Finance													100.00	100.00
Bridge Finance (see line 73)										25.00	25.00	25.00	25.00	100.00
Bridge Finance repayment (see line 73)											-25.00	-25.00	-25.00	-75.00
Donor 1 Quanser Inc - £950k Gift of teaching equipment (see line 57)			250.00									300.00		550.00
Donor 2 (For Ingenuity Studios) (see line 48)		60.00	60.00	60.00	60.00	60.00	60.00	40.00	47.00					447.00
Donor 3 (for Berrows) (see line 62)														0.00
Donor 4 (Learning Experience) (see line 63)		100.00		100.00		100.00		100.00		100.00		100.00		600.00
Donor 5 (Capital Items for Academic programme)														0.00
Donor 6 (Shell store) (see line 66)		250.00						250.00						500.00
Donor 7 (GaoI St Centre) (see line 64)		1,000.00								500.00			500.00	2,000.00
Donor 8 (Purchasing of Teaching Equipment)													250.00	250.00
Donor 9 (Donation for named facilities GaoI Street Centre) (see line 65)											250.00			250.00
	Total Capital Receipts	2,410.00	310.00	160.00	60.00	160.00	60.00	140.00	967.00	650.00	275.00	425.00	875.00	6,492.00
	Closing Capital	3,225.38	3,344.00	3,187.63	3,041.25	2,994.88	1,741.00	1,697.13	2,308.25	1,824.26	1,077.77	91.28	89.33	
CONSOLIDATED CASH														
	Opening Revenue & Capital	2,781.73	4,236.32	3,983.81	3,771.71	3,563.79	3,504.78	1,979.24	1,799.64	6,741.35	5,878.94	4,754.04	3,362.89	
	Closing Revenue & Capital	4,236.32	3,983.81	3,771.71	3,563.79	3,504.78	1,979.24	1,799.64	6,741.35	5,878.94	4,754.04	3,362.89	2,956.23	
		Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Total
Highlighted cells show match to LEP funding.		2018/19												

Budget & Cashflow DfE & LEP Grants

	2019/20												Total
	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	
Total Employees FTE	30.00	33.00	33.00	35.00	35.00	38.00	41.00	43.00	43.00	45.00	45.00	45.00	
Students		50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	
REVENUE	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Opening Cash	2,866.90	2,736.52	2,706.15	2,325.77	1,945.40	1,565.03	1,142.07	739.02	4,899.96	4,496.91	4,093.86	3,690.80	
REVENUE													
EMPLOYMENT COSTS													
Academic Programme	127.11	127.11	127.11	127.11	127.11	165.19	149.79	149.79	149.79	149.79	149.79	149.79	1,699.53
Campus & Infrastructure	27.78	27.78	27.78	27.78	27.78	32.28	27.78	27.78	27.78	27.78	27.78	27.78	337.90
Business Development & Marketing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fundraising	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	377.95
Creating & Operating the Institution	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	33.53	402.30
Total Employment Costs	219.92	219.92	219.92	219.92	219.92	262.50	242.60	242.60	242.60	242.60	242.60	242.60	2,817.67
IMPLEMENTATION COSTS													
Academic Programme	92.12	92.12	92.12	92.12	92.12	92.12	92.12	92.12	92.12	92.12	92.12	92.12	1,105.45
Campus & Infrastructure	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75	10.75	129.03
Business Development & Marketing	24.17	24.17	24.17	24.17	24.17	24.17	24.17	24.17	24.17	24.17	24.17	24.17	290.00
Fundraising	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	180.00
Creating & Operating the Institution	18.42	18.42	18.42	18.42	18.42	18.42	18.42	18.42	18.42	18.42	18.42	18.42	221.00
Creditors to be paid in December & January													
Total Implementation Costs	160.46	160.46	160.46	160.46	160.46	160.46	160.46	160.46	160.46	160.46	160.46	160.46	1,925.48
Total Revenue Costs	380.37	380.37	380.37	380.37	380.37	422.95	403.05	403.05	403.05	403.05	403.05	403.05	4,743.15
Revenue Grants								4,564.00					4,564.00
Donations	250.00												250.00
Donor 5 (Academic Programme)		350.00											350.00
Revenue													0.00
Total Income	250.00	350.00	0.00	0.00	0.00	0.00	0.00	4,564.00	0.00	0.00	0.00	0.00	5,164.00
Closing Cash Revenue Account	2,736.52	2,706.15	2,325.77	1,945.40	1,565.03	1,142.07	739.02	4,899.96	4,496.91	4,093.86	3,690.80	3,287.75	

Budget & Cashflow DfE & LEP Grants

2019/20													
	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Total
Total Employees FTE	30.00	33.00	33.00	35.00	35.00	38.00	41.00	43.00	43.00	45.00	45.00	45.00	
Students		50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	
CAPITAL													
Opening Capital	89.33	249.98	355.35	378.89	221.05	368.21	248.82	127.77	336.73	40.04	201.52	-7.46	
DfE Grant 17/18 Capital expenditure	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DfE Grant 18/19 Capital expenditure	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
DfE Grant 19/20 Capital expenditure	10.00	0.00	20.00	0.00	45.00	0.00	20.00	0.00	25.00	25.00	45.00	30.00	220.00
Donor 2 Ingenuity Studios - expenditure													0.00
	10.00	0.00	20.00	0.00	45.00	0.00	20.00	0.00	25.00	25.00	45.00	30.00	220.00
Loan Interest @ 5.5%	3.44	3.90	5.73	7.10	7.10	8.48	10.31	10.31	10.77	11.69	13.06	13.06	104.96
Principal Repayments on 25 Year Loans													102.00
Bridge Interest @ 5.5%	0.92	0.73	0.73	0.73	0.73	0.92	0.73	0.73	0.92	1.83	0.92	1.83	11.73
Total Interest	4.35	4.63	6.46	7.84	7.84	9.40	11.05	11.05	11.69	13.52	13.98	116.90	218.69
Growth Fund supported Expenditure													
Teaching Equipment Quanser													0.00
Purchase 1A Offa Street													0.00
Studio & Lab furniture & fit out for above+ 6B St Peters Sq													0.00
Purchase Building 2													0.00
Studio & Lab furniture & fit out for above													0.00
Purchase Building - Berrows Building													0.00
Studio & Lab furniture & fit out for above													0.00
Purchase Site 1 (Gaal Street Car Park)													0.00
Design, Build & Fit Out (Gaal St Centre)	650.00	650.00	650.00	650.00	700.00	650.00	650.00	650.00	600.00	600.00	700.00	600.00	8,256.00
Shell Store Fit out													0.00
Purchase site 2													0.00
Design, Build & Fit Out Site 2													0.00
Total Capital Expenditure	664.35	654.63	676.46	657.84	752.84	659.40	681.05	661.05	636.69	638.52	758.98	746.90	8,694.69
Capital Receipts													
Grant DfE (see lines 45 to 47)								220.00					220.00
Grant DCLG (LEP) (see lines 58, 59, 60 & 61)	200.00	200.00	200.00	200.00	300.00	200.00	200.00	400.00	200.00	400.00	200.00	400.00	3,100.00
Loan Hereford Council													0.00
Commercial Loan/Lease Finance	350.00	100.00	400.00	300.00		300.00	400.00		100.00	200.00	300.00		2,450.00
Bridge Finance (see line 73)	200.00	160.00	160.00	160.00	160.00	200.00	160.00	160.00	200.00	400.00	200.00	400.00	2,560.00
Bridge Finance repayment (see line 73)	-25.00	-200.00	-160.00	-160.00	-160.00	-160.00	-200.00	-160.00	-160.00	-200.00	-400.00	-200.00	-2,185.00
Donor 1 Quanser Inc - £950k Gift of teaching equipment (see line 57)													0.00
Donor 2 (For Ingenuity Studios) (see line 48)													0.00
Donor 3 (for Berrows) (see line 62)													0.00
Donor 4 (Learning Experience) (see line 63)	100.00		100.00		100.00								300.00
Donor 5 (Capital Items for Academic programme)													0.00
Donor 6 (Shell store) (see line 66)													0.00
Donor 7 (Gaal St Centre) (see line 64)		500.00			500.00						250.00		1,250.00
Donor 8 (Purchasing of Teaching Equipment)												250.00	250.00
Donor 9 (Donation for named facilities Gaol Street Centre) (see line 65)								250.00					250.00
Total Capital Receipts	825.00	760.00	700.00	500.00	900.00	540.00	560.00	870.00	340.00	800.00	550.00	850.00	8,195.00
Closing Capital	249.98	355.35	378.89	221.05	368.21	248.82	127.77	336.73	40.04	201.52	-7.46	95.64	
CONSOLIDATED CASH													
Opening Revenue & Capital	2,956.23	2,986.50	3,061.50	2,704.66	2,166.45	1,933.24	1,390.89	866.79	5,236.69	4,536.95	4,295.37	3,683.34	
Closing Revenue & Capital	2,986.50	3,061.50	2,704.66	2,166.45	1,933.24	1,390.89	866.79	5,236.69	4,536.95	4,295.37	3,683.34	3,383.39	
	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Total

Highlighted cells show match to LEP funding.

2019/20

Accountable Body

December 2017

Being an accountable body

304

Background:

Role of Accountable Body

Memorandum of Understanding

Resource implications

Reporting arrangements

Risks

Background:

Central Government are requesting that Herefordshire Council acts as Accountable Body. (DfE £15m DCLG £8m)

**Accountable body only for the Government Grants
Government unable to directly award to NMiTE**

Release of funding relies on NMiTE fulfilling a set of milestones

To follow requirements of S31 agreement:

To ensure only eligible expenditure is authorised by checking agreed milestone evidence.

Ensure funding is released to NMiTE inline with milestone schedule.

To ensure that expenditure is in line with the relevant financial and contract procedure rules.

To ensure that correct change control processes are followed.

To ensure that commitments are not made until funding is secured.

To follow requirements of S31 agreement:

To establish and maintain effective systems for auditing and monitoring expenditure

It is does not cover other funding streams NMiTE will attract

To ensure that a proper audit trail is maintained with appropriate records and copy invoices to support the grant claim.

To escalate concerns to Central Govt

To ensure all supporting records are maintained in line with the appropriate retention schedule.

Memorandum of Understanding:

**agreements between NMiTE, Central Govt and Herefordshire Council
Defines reporting requirements and change control processes.**

**Defines milestones to be passed before funding can be released.
Clarifies the consequence of NMiTE failing to provide information reasonably
requested by Accountable Body or Govt Department.**

Confirms the reporting requirements between the council and Central Govt.

Council Resources:

Council needs to be assured that expenditure is eligible.

Council needs to be assured that NMiTE internal controls are effective and being complied with.

**Processes to be built to provide assurance that all milestones have been met.
Intention is for one reporting pack to be agree.**

**Proposal it use NMiTE external auditors to provide element of assurance.
Additional staffing resources to be funded from top slice of grant.**

Monthly reporting pack to include:

**Income and Expenditure account.
Balance Sheet.
Cash flow.**

**Capital program.
Staffing report.
Above to include actuals, commitments, and forecasts to end of year and grant.**

Milestone progress report .

**Herefordshire Council will be legally accountable to Central Govt.
Obligation to monitor expenditure and attainment of milestones.**

**The Council role is not to run NMiTE
The Council is not required to finance NMiTE
Only specific Govt grants covered by Accountable Body**

**Financial.
Reputational.
Operational.
Compliance.**

Questions?



Meeting:	Cabinet
Meeting date:	Thursday 14 December 2017
Title of report:	Strategic approach to refugees and asylum seekers in Herefordshire
Report by:	Cabinet member health and wellbeing

Classification

Open

Decision type

Key

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

All wards

Purpose and summary

This report refers to four different migration schemes. These schemes are all managed by the Home Office and have emerged or changed in the past two years. The council is being asked or is expected to contribute to them all. The recommendations in this report refer to the first three of the schemes detailed below.

- General asylum dispersal
- Syrian Vulnerable Persons Resettlement Scheme (SVPRS)
- Vulnerable Children Resettlement Scheme (VCRS)
- Unaccompanied Asylum Seeker Children (UASC)

In terms of the general asylum scheme, this report seeks approval for Herefordshire to participate

Further information on the subject of this report is available from
Amy Whiles, Tel: 01432 261920, email: awhiles@herefordshire.gov.uk

voluntarily in the scheme, allowing some negotiation over the profile and numbers of asylum seekers allocated to Herefordshire. If Herefordshire does not voluntarily participate, there is the risk that ministers may make use of their powers to compel councils to join the scheme. It is understood that if these powers are used, councils would have no scope to negotiate and may face placement of punitive numbers of asylum seekers.

In terms of the SVPRS and VCRS, the Home Office is asking councils which have fulfilled their initial refugee resettlement pledge to make a further commitment to these refugee resettlement schemes. Within Herefordshire, the SVPRS appears to have gone well to date, with no significant issues or pressures. The first Syrian families to arrive are nearing the end of their first year of orientation and support from Refugee Action and the council is finalising plans for more limited support for the second year and beyond. There is no financial risk to the council arising from further commitment to the SVPRS or VCRS as both schemes are fully funded by the Home Office. This report seeks cabinet's agreement to extend Herefordshire's commitment to refugee resettlement schemes.

In terms of UASC, the council is working towards fulfilling its existing pledge to provide support for up to 25 young people. No further pledge or changes to the existing pledge are being requested at this time.

Approval is sought to delegate the authority to negotiate the specific terms and details of participation in the asylum dispersal and refugee resettlement schemes to the director for adults and wellbeing.

Recommendation(s)

That:

- (a) Herefordshire Council's voluntary participation in the general asylum dispersal scheme is approved; and**
- (b) the extension of Herefordshire's commitment to resettlement of refugee families is approved, to include Syrian refugee families and those under the VCRS; and**
- (c) the director for adults and wellbeing be authorised, following consultation with the director for children's wellbeing and the relevant cabinet members, to take all operational decisions necessary to agree the specific terms of Herefordshire's participation in the general asylum dispersal scheme, to a maximum of 40 individuals at any time, and extend the resettlement of refugees families, from the existing pledge of 60 to a maximum of 95 individuals.**

Alternative options

1. To decline to join the general asylum dispersal scheme voluntarily. This is not recommended because this could lead ministers to use their powers to compel Herefordshire to participate in the scheme, potentially leading to higher numbers and reduced discretion and control over the programme.
2. To decline to resettle any further refugees. This option would have no immediate implications for the council. However, on balance it is not recommended because agreeing to take more refugees may reflect well on Herefordshire and carries no tangible

economic or community risk for the council. Declining further refugees would also limit the potential for further integration of Syrian and asylum seeker families into their local communities.

Key considerations

3. Over the past two years the council has had some discussion about the general asylum dispersal scheme with the Home Office, regional Strategic Migration Partnership and G4S, which is the contractor charged with managing placements across the region. Up to now the council has not made a formal commitment, focusing on the practicalities of placements in such a rural area. However the government is now seeking commitments from councils with increasing urgency and will be pressing Herefordshire for a firm commitment. The council has identified a number of concerns in relation to the profile of the population, the way housing is sourced, limitations on access to volunteering opportunities and employment. It has been indicated to the Home Office that the council would need to be satisfied in relation to those and other areas in order to join the scheme. The council will ensure that it has received reassurances in respect of these concerns before agreeing the specific terms of Herefordshire's participation in the general asylum dispersal scheme.
4. The council was originally asked by the Home Office in 2015 to become a dispersal area for the general asylum scheme, the expectation being that all councils would be required to participate in due course. The Home Secretary has some reserve powers to ensure that councils cooperate in the provision of accommodation for asylum seekers, through sections 100 and 101 of the Immigration and Asylum Act 1999. Ministerial powers could be used to compel councils to become a dispersal area with a ratio of up to one asylum seeker per 200 residents – which would equate to around 900 placements for the county.
5. In principal there are few direct implications in respect of the general asylum dispersal scheme should Herefordshire join, since neither the council nor the NHS have any specific duties to provide services to dispersed asylum seekers. However, there is evidence that the profile of asylum seekers has changed, with the number of single male applicants having reduced. In 2016, 25% of asylum applications were made by female applicants and the council has been advised that around 40% of current asylum applications are being made as families.
6. As a consequence of this change in the demographics of the asylum seeker population, there are potential implications for primary care, education and community cohesion. Concerns have been raised about the way in which national government provides housing for asylum seekers through the COMPASS contracts (government contracts for the provision of accommodation for asylum seekers), for which G4S is the regional provider. The council has sought reassurances on this and other issues, including people's rights to employment and volunteering. The Home Office has indicated that asylum seekers are now able to participate in volunteering opportunities. Also although as a general rule, asylum seekers are not allowed to work in the UK, the rules have relaxed for those who have been waiting for over 12 months for an initial decision on their asylum claim allowing some access to employment. Recent data on the processing of applications from the Home Office provide a mixed picture. It is intended that asylum applications will be concluded within a maximum of a year and on average, within 6 months.

7. On 9 May 2016, cabinet approved the procurement approach for an orientation and support service for up to 60 Syrian refugees to settle in Herefordshire from September 2016 onwards.
8. The council is now procuring and confirming the arrangements for year two support, at a somewhat reduced level, for the Syrian refugee families. This will include support with housing, English language development, and training and employment. If further refugee families are to be resettled, 'year one' orientation and support would need to be commissioned again. For such support services to be viable, a minimum number of individuals would be required. The commissioning of orientation and support services will be the subject of a subsequent decision.
9. The first Syrian families were welcomed to Herefordshire in late November 2016. Further families arrived in January and March 2017 with the final family arriving in June 2017.
10. Herefordshire's initial pledge to resettle 60 Syrian refugees has been fulfilled. The recommendation to extend refugee resettlement to an additional 35 individuals would mean that Herefordshire's total commitment to refugee resettlement would be 95. This figure excludes UASC and anyone taken in the future under the asylum dispersal scheme. The possible total numbers across refugees and asylum could in due course grow to a total in the region of 160.
11. The Syrian refugee resettlement scheme appears to have gone well to date with no significant issues or pressures. Those resettled under the SVPRS have all been housed in properties sourced from the private rental market. The status of those resettled under the scheme means that they are able to claim benefits and seek employment as any other resident of Herefordshire.
12. The West Midlands Strategic Migration Partnership, on behalf of the Home Office, has requested that Herefordshire consider making a further pledge to resettle refugees under the SVPRS and / or the VCRS.
13. The SVPRS and VCRS schemes are both to resettle refugees and are funded in the same way. Nationally, the SVPRS seeks to resettle 20,000 refugees dispersed from Syria by 2020. The VCRS seeks to resettle 3,000 refugees dispersed from any country in the MENA (Middle East and North Africa) region by 2020. The reason for resettlement of those through the VCRS must be in relation to vulnerability of a child, although the child may be resettled with other family members. The Home Office work closely with the United Nations High Commission for Refugees (UNHCR) to identify the people that they deem in need of resettlement. It prioritises those who cannot be supported effectively in their region of origin: women and children at risk, people in severe need of medical care and survivors of torture and violence amongst others.
14. Whilst there is no obligation or threat of punitive measures if Herefordshire were not to engage in further commitment to resettle refugees, there is evidence of past success with this scheme and participation supports vulnerable people, meeting moral and ethical obligations. Further participation in the SVPRS will positively contribute to the council's discussions with the Home Office in respect of asylum dispersal and enable Herefordshire to strengthen the more general offer to the migrant population, including asylum seekers, through the development of knowledge and experience of local service and communities.
15. Commitment to the general asylum dispersal scheme and refugee resettlement schemes will continue to broaden Herefordshire's Black, Asian and Minority Ethnic (BAME)

population and strengthen the county's diversity ahead of the opening of the new university that wishes to attract overseas students.

Community impact

16. "Understanding Herefordshire" (the Joint Strategic Needs Assessment) indicates that hate crime increased by 38.8% (31 offences) in the county in 2017, which is in line with the 37.2% increase observed across West Mercia. The majority of hate crime was racial in nature which, by the year to February 2017, had increased by 24% (from 50 to 62 offences), compared to the previous 12 months. Whilst there has been a rise in hate crime relating to race and some negative comments seen in the media, these have been challenged and outweighed significantly by positive comments. The JSNA acknowledges that organisations and the local community across Herefordshire have offered support in various forms to the council's call for assistance for the Syrian refugee families, indicating that the majority of Herefordshire residents are supportive of resettling refugees.
17. The JSNA suggests that the total number of pupils on roll has risen by 1.43% between 2013 and 2016. 98.6% received one of their three expressed preference schools at the start of the 2016/17 academic year, considerably higher than the English average. The number of children likely to be added to the school population through the various schemes is unlikely to be such as to have any significant impact on these figures. In spring 2013, a total of 58 different languages other than English were recorded in the school census. By autumn 2016, 65 different languages other than English were spoken in Herefordshire schools. The spring 2017 census reports a 7.8% increase in the number of children with English as an additional language over the past 10 years, with Polish speakers being the predominant profile. Local schools are therefore well used to supporting pupils who do not have English as their first language.
18. The Corporate plan 2016-2020 sets out that by the end of the decade Herefordshire will have encouraged and supported even more local services to be run by communities themselves, thereby enhancing community resilience and reducing demand on statutory services. Experience of the Syrian resettlement scheme to date has demonstrated that there is a strong desire amongst Herefordshire communities, the voluntary and faith sector to support this scheme. Those resettled under the programme have also been undertaking volunteer work and are integrating with the local communities, so building local diversity. The Home Office and Strategic Migration Partnership have advised that asylum seekers are now able to partake in volunteering.
19. The JSNA reported that Herefordshire's BAME population was 6.4% in 2011, which is considerably lower than that recorded nationally at 19.5%. Developing a diverse population will support Herefordshire in attracting international students to the new university and provide a more varied workforce for businesses to recruit and develop from. Herefordshire now has an established small Syrian community so any further commitment to take Syrians would offer greater opportunities for them to integrate with the resident community.
20. There are no specific implications for the council's role as corporate parent in relation to the recommendations of this report. However the UASC scheme, which is outside the scope of this report, does require the council to execute its responsibilities as a corporate parent to UASCs arriving in Herefordshire as Looked After Children and those who subsequently leave care.

21. The council is committed to providing a healthy and safe environment for all individuals affected by the council's activities. Therefore the council endeavours to ensure that the work it and its partners undertake does not adversely affect the health, safety or welfare of refugees or asylum seekers. Council partners are expected to work to the same health and safety standards and codes of practice as the council, as far as is reasonably practicable. This will be a requirement of any agreed commitment to the asylum dispersal or refugee resettlement schemes.

Equality duty

22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
23. Accommodating Syrian refugees and unaccompanied asylum seeking children is one of the main priorities in the council's equality policy 2017. The values that the council adheres to and promotes include respecting cultures and values different to our own, recognising and guarding against our own prejudices and identifying and addressing discrimination. The policy recognises that community cohesion can be seen to be of particular importance to the changing demographics within the county, and particularly the arrival of "new communities", such as Syrian refugees, adult asylum seekers, and unaccompanied asylum seeking children.
24. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
25. The EIA (see appendices) details the impact of those with protected characteristics and how these may be mitigated, in relation to general asylum dispersal and refugee resettlement.

Resource implications

26. In principal there are no direct financial implications of the general asylum dispersal scheme should Herefordshire join. Since it is an unfunded scheme, neither the council nor the NHS have any specific duties with regard to asylum seekers, however there may be implications for schools and the NHS in particular if children are included amongst the asylum seeker cohort. There is no funding provided by the Home Office for the general asylum dispersal scheme.
27. Refugee resettlement schemes place no financial pressure on the council as the schemes are fully funded by the Home Office. The Home Office provides five years of funding to

the council for refugees, including exceptional costs relating to social care needs. It also provides one year of funding to the NHS and schools.

28. From the experience of the initial cohort of 60 individuals under the SVPRS, the costs of resettlement have been fully met by funding from the Home Office, to date.

Legal implications

29. The council is not under a statutory duty to comply with any of the three schemes, although has the power to participate under the General Power of Competence in Section 1 Localism Act 2011.
30. As outlined in paragraph 4 of the report under section's 100 and 101 Immigration and Asylum Act 1999 the Secretary of State has reserved powers to require councils to cooperate when requested to assist in the provision and management of housing accommodation.
31. There are no other specific legal implications with the recommendations.

Risk management

32. If the recommendations are approved then the director for adults and wellbeing will lead in negotiations with the Home Office to ensure that any further refugee resettlement and asylum dispersal is managed in such a way to maximise potential benefits and mitigate risks.
- 33.

Risk / opportunity	Mitigation
Community cohesion could be undermined if refugees and asylum seekers were not integrated locally	Continue to work with police, community cohesion colleagues, volunteers and the established migrant community to role model the equality values of respecting different cultures, challenging discrimination and promoting acceptance. If the Controlling Migration Fund bid is successful this will support the community in addressing cohesion issues and anti-social behaviour.
Lack of migration services, such as Office of the Immigration Services Commissioner (OISC) registered practitioners and refugee / asylum centre.	Council officers are working with the Strategic Migration Partnership to explore building capacity in relation to migration services.
Pressures on resources, particularly in	By voluntarily participating in the asylum dispersal team this will enable the council to influence the profile of those dispersed to

relation to children; education, health, primary care, housing

Herefordshire and control any risk to pressures on services. For the foreseeable future numbers of children would be small and length of stay in the county short.

34. Identified risks will be managed by the corporate lead officer who will report to the director and cabinet member for health and wellbeing.

Consultees

35. Consultation with political groups concluded on 9 November. The Green group commented that there was a moral and practical argument for Herefordshire to increase the number of refugees that could be accommodated, and that it would be pragmatic also to volunteer to participate in the general asylum seeker scheme. While there might be pressure on housing, it was noted that all the refugees had been placed in privately-rented accommodation and so there had been no impact on local families seeking social housing.

Appendices

Appendix 1 – Equality Impact Assessment

Background papers

None

Equality Impact and Needs Assessment Form

A) General Information

Name of service, function, policy (or other) being assessed

Strategic approach to refugees and asylum seekers

Directorate or organisation responsible (and service, if it is a policy)

Adults and Wellbeing

Date of assessment

2nd November 2017

Names and/or job titles of people carrying out the assessment

Amy Whiles, Refugee and Asylum Seeker Coordinator

Accountable person

Martin Samuels, Director Adults and Wellbeing

B) Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes:

The council was originally approached by the Home Office in 2015 to ask Herefordshire to become a dispersal area for the general asylum scheme. Further to ongoing communications over the past two years government is now seeking commitments from councils with increasing urgency and will be pressing Herefordshire for a commitment.

Herefordshire's original commitment to the Syrian Vulnerable Persons Resettlement Scheme (SVPRS) was to resettle 60 individuals. This pledge was fulfilled with the final family arriving in June 2017. The Home Office is asking councils who have fulfilled their

pledge to make a further commitment. The scheme appears to have gone well to date with no significant issues or pressures. The first Syrian families to arrive are nearing the end of their first year of orientation and support from Refugee Action and the council is finalising plans for more limited support for year's two and beyond.

If a further pledge to resettle refugees and / or become an asylum dispersal area is made this will impact on the resident population, including refugee families already resettled in Herefordshire under the Syrian Vulnerable Persons Resettlement Scheme (SVRPS), and any potential future refugees and asylum seekers, which may include people with any one of the protected characteristics.

The most common characteristics likely to be impacted on are in relation to race, religion or belief and disability.

C) Context - describe, in summary;

<p>The number of people and/or providers that may be affected by the proposal.</p>	<p>There are 60 refugees resettled in Herefordshire under the SVRPS. This included adults and children with a variety of impairments relating to their physical and mental wellbeing.</p> <p>A further commitment to refugee resettlement could see this increase by 40-60 further refugees.</p> <p>If ministerial powers are used to bring asylum dispersal to Herefordshire then there could in theory be up to 1 asylum seeker per 200 populations. The council are considering voluntarily participating so these numbers could be limited, initially to around 40 asylum seekers, and the demographic of the asylum population dispersed to Herefordshire influenced, initially to around 40 asylum seekers.</p>
<p>What are the values of the contract(s) affected by the proposal? (If appropriate).</p>	<p>N/A</p>
<p>What are the geographical locations of those that might be affected by the proposal?</p>	<p>It is likely that any further resettled refugees and / or asylum seekers would be accommodated in Hereford city or the immediate surrounding area.</p>

D) Who are the main stakeholders in relation to the proposal?

- a. Herefordshire Council's Adult Wellbeing Directorate
- b. Health services (e.g. CCG, Wye Valley Healthcare Trust, 2gether Trust)
- c. Refugee families
- d. Asylum seekers
- e. Police

E) What are the anticipated impacts of the proposal?

Positive impacts

Further refugee families could be supported in their integration by the established Syrian refugee families to develop their independence so that they have the skills and information required to live independently in the UK by the end of the 5th year of their resettlement.

The Home Office provides the local authority and health with funding to provide services for resettled refugees on government resettlement schemes.

The local communities are enriched by a more diverse population.

Negative impacts

Pressures on the housing market. The housing for refugee families would be sort from the private rental market. Housing for asylum dispersal would be sourced by the governments COMPASS contract provider G4S.

There is no funding associated to asylum dispersal as there is no direct impact on services. However, there may be indirect impact / pressures on policing, health, education and community resources.

F) With regard to the stakeholders identified and the diversity groups set out below;

	<i>Is there any potential for (positive or negative) differential impact?</i>	<i>Could this lead to adverse impact and if so what?</i>	<i>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason?</i>	<i>Please detail what measures or changes you will put in place to remedy any identified adverse impact.</i>
Age	No	No. The strategic approach should not adversely affect people of different ages, refugees and asylum seekers could be of any age.	N/A	N/A
Disability	<p>Yes. The individual needs of any refugees resettled under the SVPRS will be considered before accepting a case allocation, for example whether there is suitable housing and capacity in the health system for any specialist health issues.</p> <p>Asylum seekers may have a disability or health need, but the council will not be directly involved in individual dispersal placements.</p>	<p>Yes. Some cases may not be accepted under the SVPRS if it is not deemed that suitable housing and services are available.</p> <p>Yes. There may be pressures on health and social care services if asylum seekers have any needs.</p>	<p>Yes. The council would not be fulfilling the requirements of the SVPRS if the individual needs of the refugees could not be met, for example wheelchair accessible accommodation, specialist health care not available in Herefordshire requiring long journeys to see specialists.</p>	<p>Any costs associated with adapting properties, social care needs and meeting health needs of those resettled under the SVPRS can be reimbursed through Home Office funding.</p> <p>By voluntarily participating in the asylum dispersal scheme the council will be able to inform the types of cases allocated to Herefordshire.</p>

Race	Yes. The local demographics in Herefordshire evidence that 6% of the population describe themselves as not White British. Any refugees or asylum seekers will be part of a minority ethnic group.	Yes. Being part of a minority race category makes the refugees and asylum seekers more vulnerable to racial abuse or discrimination.	N/A	<p>Any issues or concerns will be highlighted to police and community cohesion colleagues as appropriate.</p> <p>The orientation and support service for refugees will support the families to appropriately respond to any racial abuse or discrimination they may face.</p> <p>Asylum seekers allocated are a case worker by the COMPASS contract provider (G4S in West Midlands), although it is understood that case worker support / interaction is minimal. The faith and community sectors are keen to support asylum seekers, although there is no funding to support this.</p>
Religion/ Belief / Non Belief	Yes. The refugee and asylum seeker schemes would encompass a range of people from different religious and political	Yes. Whilst quantitative data is not available it is believed that the Muslim families are in a minority religious category and are therefore more	N/A	<p>Any issues or concerns will be highlighted to police and community cohesion colleagues as appropriate.</p> <p>The orientation and support</p>

	backgrounds. Those resettled under the SVPRS have to date been predominantly of Muslim faith. The Unaccompanied Asylum Seeking Children have come with a broader ethnic, political and religious background. The opportunity to meet the religious needs, for example places of worship and specialist food provision is limited in Herefordshire.	vulnerable to religious abuse or discrimination.		service for refugees will support the families to appropriately respond to any religious abuse or discrimination they may face. Asylum seekers allocated are a case worker by the COMPASS contract provider (G4S in West Midlands), although it is understood that case worker support / interaction is minimal. The faith and community sectors are keen to support asylum seekers, although there is no funding to support this.
Gender	<i>No data available to allow analysis</i>			
Sexual Orientation	<i>No data available to allow analysis</i>			
Pregnancy / maternity	<i>No data available to allow analysis</i>			
Marital Status	<i>No data available to allow analysis</i>			
Gender Reassignment	<i>No data available to allow analysis</i>			

G) Consultation

Please summarise the consultation(s) undertaken with stakeholders regarding this proposal

None

H) Additional information and / or research

Include here any references or other sources of data that you have used to inform this assessment.

Are there any gaps in your evidence or conclusions that make it difficult for you to quantify the potential adverse impact(s) of this proposal? If yes, please list them here

If you have identified gaps in your evidence or conclusions, how will you explore the proposal in greater depth? Or, if no further action is required, please explain why.

Information and research used:

- LGA Resettling refugees: support after the first year guide
- Facts and figures Herefordshire

