

## UNIVERSITY DELIVERY PARTNERSHIP

### 1. PARTNERSHIP AGREEMENT

#### 1.1. Type of partnership

The joint university delivery board is a non-statutory partnership between Herefordshire Council (HC), Herefordshire Tertiary Education Trust (HTET), and New Model in Technology and Engineering (NMiTE).

#### 1.2. Principle reason for establishing

The purpose of the partnership is to support delivery of NMiTE in Herefordshire. NMiTE's objectives are:

- To educate more homegrown UK engineers with skills employers need
- To expand the diversity of the UK's engineering talent pool (equalising the gender balance)
- To be the UK's innovation lab for change in engineering education

#### 1.3. Council priority and aim to which the partnership will contribute

The creation of a university in the county will contribute to achieving the council's vision of: *People, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire.*

In particular NMiTE will support the growth of the county economy and help achieve the economic vision's aim that Herefordshire is a great place to learn.

#### 1.4. Date partnership commenced

August 2016.

#### 1.5. Expected lifespan

It is expected that the university will be operational from 2020 and the University Delivery Partnership will continue during NMiTE's development period.

### 2. PARTNERSHIP OBJECTIVES

#### 2.1. Partnership vision

The purpose of the partnership is:

- to support the development of the NMiTE;
- to ensure the benefits of a university in Herefordshire are maximised for the county and region; and
- to provide open and transparent accountability for use of public resources (money, people, property etc.) in the control of the council which are directed to support the achievement of the partnership vision.

#### 2.2. Partner contribution

*Herefordshire Tertiary Education Trust (HTET) and New Model in Technology & Engineering (NMiTE) are the project co-owners and are the leading bodies.*

*Summary Responsibilities:*

- Ultimately responsible for the project;
- Report progress of project at strategic level;

- Report progress of any projects authorised by the board delivered by NMiTE or HTET;
- Securing public, private and third sector funding for the development of the university;
- Identifies areas of activity where council intervention or support would be beneficial and recommends future action to the delivery board;
- Ensures the identified objectives are achieved and benefits delivered.

### *Herefordshire Council's Summary Responsibilities*

- Facilitate development of NMiTE in Hereford by supporting planning process, transport, property, economy, urban/city planning, ensuring the city is as fit as possible to support a university;
- Ensure that requests for drawdowns from the council's loan facility meet the requirements of the loan agreement;
- Monitor the use of the loan facility from the council and any council funding for the project;
- Identifies areas of HTET/NMiTE activity or planning that may impact (positively or negatively) on the wider wellbeing of the county and recommends future action to the board; and
- Receive reports and feedback from the JUDB.

### **2.3. Publication**

The terms of reference, together with all minutes and actions (excluding commercially sensitive items) will be published via both the council and HTET/NMiTE websites.

## **3. TERMS OF REFERENCE**

### **3.1. Purpose**

The purpose of the partnership is to support delivery of the Hereford university project, maximising benefits to the county whilst minimising any potential negative impacts. This project is a key part of Herefordshire's economic vision. The economic vision, which was approved by Cabinet in December 2016, includes the goal: *Aim 2 – a great place to learn – Increasing the range of higher education provision and improving the balance between business demand and the supply of skills and qualifications.* The successful delivery of the new university in Hereford will deliver this aim.

Specific issues that will be considered by the board include the impact of the university's operations on Hereford city and the wider county, and the impact of Herefordshire Council's operations and policies on the delivery of the university project.

#### *Partnership activities include:*

- Reviewing progress of the implementation of the overall NMiTE business plan & implementation plan
- Preparing reports for respective governing bodies
- Providing guidance and direction to HTET/NMiTE as the university project develops
- Reviewing progress of the council's support for the university project
- Ensuring compliance with the partnership objectives
- Monitoring and managing risk as it affects Herefordshire Council
- Supporting the development and delivery of the university's property strategy;
- Enabling the timely development of the university's campus. In particular ensuring that planning and related issues are explored as early as is practical;
- Developing a joint approach to community engagement;
- Recommending the establishment, as appropriate, of suitable joint venture entities to support delivery;
- Ensuring mutual alignment of university development with Herefordshire Council's economic vision;
- Exploring ways in which Herefordshire Council can assist the project through provision of expertise or services;

- Ensuring effective engagement of other public services (Health, Police, Fire, parish council(s) etc.) with the project;
- Jointly develop, with the engagement of local employers and public sector partners, a comprehensive understanding of the needs of the prospective student population and compare to the services and facilities available in the City to inform the investment strategies of the public and private sector.
- Jointly, to seek to develop relocation support and welcome services (advice and information) for both employees and students;
- To support the general health and wellbeing needs of students whilst at the University;
- To recommend the approval of applications to draw down funds from Herefordshire Council's loan facility (£300,000) in line with the council's agreed process and criteria; and
- To account to partners' governing bodies for delivery of partnership outcomes.

### 3.2. Scope

The partnership will manage the delivery of objectives that can best be achieved by the university and the council working together. Specific examples include the development and delivery of the university's property, community engagement, sports and social strategies and use of the proposed loan facility. The JUDB will not be responsible for overall development and operational management of the university.

### 3.3. Agreement

The council has committed to support the development of the new university in Hereford and has, for example, worked with HTET in delivering the green book business case. The original partnership agreement that set the terms of reference for the joint university project board was agreed by the Cabinet member: corporate strategy and finance on 20<sup>th</sup> June 2016 and by the trustees of HTET at their meeting on 20 June 2016.

### 3.4. Code of conduct

Board members will be expected to observe the general principles (Nolan) on standards in public life and a register of interests will be maintained and available for public inspection on the Council, HTET and NMiTE's websites.

## 4. PARTNERSHIP PRINCIPLES

1. JUDB shall operate under the laws of England & Wales. Specifically it shall observe, and be compliant with, the requirements of the Charity Commission and the policies and procedures of Herefordshire Council, HTET and NMiTE.
2. Its business shall be conducted transparently.
3. Where public money, assets or resources are to be deployed then they shall be safeguarded, transparently accounted for, and used efficiently and effectively to protect the position of the council and residents.
4. Services of external contractors, if to be paid from HC public funds, shall be procured in accordance with the council's procedures.
5. HC will provide the secretariat for partnership meetings, producing unambiguous minutes and action points.

## 5. MEMBERSHIP AND MEETINGS

### JOINT UNIVERSITY DEVELOPMENT BOARD

#### MEMBERSHIP (6 MEMBERS):

- NMiTE Board member
- HTET Trustee
- HTET/NMiTE Company Secretary
- Herefordshire Council lead cabinet member
- Herefordshire Council chief executive
- Herefordshire Council director for economy communities and corporate

#### MEETING ARRANGEMENTS:

- Nominating partners may identify named substitutes.
- The chairmanship will rotate meeting to meeting between a nominated member of the HTET/NMiTE team and a nominated member of the Herefordshire team.
- The board shall generally meet face to face but may on occasions meet via conference call or make decisions via written process; any such decisions will be reported formally to the next meeting of the JUDB.
- The board will seek to determine actions by consensus. In the event that this cannot be achieved, then the partnership shall be dissolved.
- Meetings of the JUDB shall be held at least quarterly with project team meetings (comprising nominated officers from the Council and HTET/NMiTE) being held at intervals agreed by the parties involved.
- Either partner may call for a meeting to be convened and shall normally provide the secretariat with no less than five days' notice of such a request. Agenda and relevant papers will normally be provided (electronically) three days in advance of the meeting, and draft minutes/action log will normally be circulated within five working days of the meeting and published on the council's website once approved at the next scheduled meeting.
- Meetings of the board will not be public meetings within the definition of the council's access to information rules; both partners undertake to publish agreed minutes on their respective websites to aid transparency.
- The JUDB shall agree any communications to be issued by or on behalf of the board.

#### ORGANISATIONAL STRUCTURE

The three partners are Herefordshire Council, HTET, and NMiTE.

The board may determine any other partners as necessary.

There are no voting rights and decision making is by consensus.

#### RESOURCES & FUNDING

1. In discussion with HTET, HC to assign (subject to JUDB approval) staff with relevant expertise to support the development of the university.
2. HC to propose a Lead Officer to act as the main contact point with HTET/NMiTE.
3. HC to arrange a loan facility of £300,000 to NMiTE.

#### ACCOUNTABILITY AND COMMUNICATION

The JUDB and, separately, HTET/NMiTE will provide a report annually to the Herefordshire Council cabinet to include progress against defined performance measures and outcomes, and priority activity for the partnership in the year ahead.

The council's corporate communications team will provide support for communications relating to the work of the JUDB.

Implementation of projects initiated by the JUDB will be done by either HTET/NMiTE or the council. The body carrying out the project will be responsible for reporting. Reporting will be via the project manager or project sponsor to the JUDB.

### GOVERNANCE

#### **Decision-making:**

The board will take decisions which it is authorised to take in accordance with the principles of good decision-making namely:

- giving consideration to all options available;
- having regard to due consultation;
- giving consideration to relevant professional advice;
- having clarity of aims and desired outcomes;
- the action proposed must be proportionate to the desired outcome;
- a presumption for openness, transparency and accountability;
- only relevant matters being taken into account;
- due weight to all material considerations (including equality, resources, opportunities and risks); and
- proper procedures being followed.

#### **Delegated authority**

The council's Director for economy, communities and corporate has delegated authority for the deployment of approved council resources in conjunction with JUDB. In doing so JUDB will ensure that all relevant legal, procurement, equality and other legislative requirements have been met and ensure compliance with the agreed loan criteria.

Where the resources apply to the secondment of council and HTET contractors or volunteers to specific roles, those staff will be accountable to the responsible officer outlined in the organisational structure detailed above and not their line manager within their respective organisations.

In the event that JUDB agrees a joint project then the lead officer shall appoint, in conjunction with NMiTE's Programme Director the appropriate resources in order to ensure the delivery. Where required, the timely procurement and appointment of consultants will be undertaken by the Project Manager in line with the procurement rules and regulations adopted by HC & NMiTE that are pragmatic and compliant with EU legislation.

The delegated representatives from the HTET/NMiTE boards shall have full delegated authority to take decisions as to the deployment of their staff resources. In doing so JUDB will ensure that all relevant legal, procurement, equality and other legislative requirements have been met.

### COMPLAINTS

Complaints relating to the activities of either partner will be dealt with in compliance with the relevant partner's complaints process.

### PERFORMANCE AND RISK MANAGEMENT

The board will ensure that appropriate accounting, budget management, and audit arrangements are in place, and that effective performance and risk management procedures are operated, and that any funding body accounting requirements are met.

The board will determine mechanisms to ensure transparency of resources across the partner bodies to enable effective resource planning and management and ensure that resources are allocated in line with aims and objectives.

For the purposes of the loan Herefordshire Council shall monitor that the loan is used for purposes that the council considers to be capital purposes.

The JUDB will develop and agree measures of performance that will enable the Board to track the effectiveness of the partnership in delivering to its agreed purpose.

## 6. DISPUTES AND TERMINATION

### CONFLICT RESOLUTION

The partnership board will continue to operate until such time that all parties have agreed that its shared objectives have been achieved. The board will seek to resolve all conflicts through the ordinary course of its operation. In the event that resolution cannot be reached either or both partners may refer the conflict to their respective board representative for resolution. Failing that the partnership shall be dissolved.

## 7. EQUALITY DUTY

The JUDB will support the university to meet its duties under the Equality Act:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it

NB The use of the word 'partnership' or 'partner' in this report are not intended to imply that the Council intends to enter into a partnership (for the purposes of the Partnership Act 1890) with any person in connection with this project.

**Signed:**  
For Herefordshire Tertiary Education Trust

**Signed:**  
For NMiTE

**Signed:**  
For Herefordshire Council

**Date:**

**Date:**

**Date**