

# Public Document Pack



Monday, 30 May 2022

To: Members of the MCA - Mayoral Combined Authority Board and Appropriate Officers

## NOTICE OF MEETING

You are hereby summoned to a meeting of the South Yorkshire Mayoral Combined Authority to be held at **South Yorkshire Mayoral Combined Authority, 11 Broad Street West, Sheffield S1 2BQ**, on: **Monday, 6 June 2022 at 10.00 am** for the purpose of transacting the business set out in the agenda.

A handwritten signature in black ink, appearing to read 'D. Smith'.

Dr Dave Smith  
**Chief Executive/ Head of Paid Service**

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Mayor Oliver Coppard (Chair)  
Councillor Chris Read (Vice-Chair)  
Councillor Terry Fox  
Councillor Sir Steve Houghton CBE  
Mayor Ros Jones CBE  
Councillor Alex Dale  
Councillor Steve Fritchley  
Councillor Tricia Gilby  
Councillor Simon Greaves

South Yorkshire MCA  
Rotherham MBC  
Sheffield City Council  
Barnsley MBC  
Doncaster MBC  
NE Derbyshire DC  
Bolsover DC  
Chesterfield BC  
Bassetlaw DC

## MCA - Mayoral Combined Authority Board

Monday, 6 June 2022 at 10.00 am

Venue: South Yorkshire Mayoral Combined Authority, 11  
Broad Street West, Sheffield S1 2BQ

SOUTH YORKSHIRE  
**SYMCA**



MAYORAL  
COMBINED  
AUTHORITY

### Agenda

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1.	Welcome and Apologies		
2.	Announcements		
3.	Urgent Items  To determine whether there are any additional items of business which by reason of special circumstances the Chair is of the opinion should be considered at the meeting; the reason(s) for such urgency to be stated.		
4.	Items to be Considered in the Absence of Public and Press  To identify where resolutions may be moved to exclude the public and press. (For items marked * the public and press may be excluded from the meeting.)		
5.	Voting Rights for Non-constituent Members  To identify whether there are any items of business that apply only to the South Yorkshire Members of the Mayoral Combined Authority, ie, where it would not be appropriate for non-SY Members to have voting rights.		
6.	Declarations of Interest by individual Members in relation to any item of business on the agenda		
7.	Reports from and questions by members		
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9.	Public Questions		
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**Date of next meeting:** Monday, 25 July 2022 at 10.00 am

**At:** South Yorkshire MCA, 11 Broad Street West, Sheffield S1 2BQ

**MCA - MAYORAL COMBINED AUTHORITY BOARD**

**MINUTES OF THE MEETING HELD ON:**

**MONDAY, 21 MARCH 2022 AT 10.00 AM**

**11 BROAD STREET WEST, SHEFFIELD S1 2BQ**



**Present:**

Mayor Dan Jarvis MBE (Chair)	South Yorkshire MCA
Councillor Chris Read (Vice-Chair)	Rotherham MBC
Mayor Ros Jones CBE	Doncaster MBC
Councillor Jim Andrews BEM (Substitute)	Barnsley MBC
Councillor Julie Grocutt (Substitute)	Sheffield City Council

Dr Dave Smith	Chief Executive / Head of Paid Service	SYMCA Executive Team
Stephen Edwards	Executive Director of SYPTE	SYMCA Executive Team
Sharon Kemp	Chief Executive, Rotherham MBC	Rotherham MBC
Martin Swales	Interim Director of Transport, Housing, Infrastructure and Planning	SYMCA Executive Team
Steve Davenport	Principal Solicitor & Monitoring Officer	SYMCA Executive Team
Gareth Sutton	Chief Finance Officer/S73 Officer	SYMCA Executive Team
Felix Kumi-Ampofo	Assistant Director Policy and Assurance	SYMCA Executive Team

**Apologies:**

Councillor Terry Fox	Sheffield City Council
Councillor Sir Steve Houghton CBE	Barnsley MBC
Councillor Alex Dale	NE Derbyshire DC
Councillor Steve Fritchley	Bolsover DC
Councillor Tricia Gilby	Chesterfield BC
Councillor Simon Greaves	Bassetlaw DC

**1 Welcome and Apologies**

Mayor Jarvis MBE welcomed everyone to the meeting, which would be the last SYMCA meeting of his Mayoral term. He was pleased to observe the key projects and programmes on the agenda for the meeting.

Members were referred to the promise made by Mayor Jarvis MBE four years ago, to work closely with the four Local Council Leaders to make devolution work, to ensure that South Yorkshire received its fair share of powers and resources. Four years on, he considered that South Yorkshire was now on stronger and firmer foundations.

Mayor Jarvis MBE considered that the agenda was testament to the work undertaken in unlocking the devolution deal, in securing more resources and in making sure that those resources were put to good work. He added that it had been a privilege to serve as Mayor over the period. Over the past decade of

austerity there had been the transition of Brexit and the COVID-19 pandemic, which had piled almost intolerable pressure on the businesses, public services and communities within South Yorkshire. This had been weathered through the resilience, tenacity, creative and entrepreneurial sparks that exist within South Yorkshire. To which, the Mayoralty, the SYMCA, the four local councils, the business community and civic organisations within the region had all played their part.

Members were referred to the ongoing situation in the Ukraine, which was an unjust and illegal invasion that was creating one of the largest refugee crises in Europe since the Second World War. On behalf of the SYMCA, Mayor Jarvis MBE wished to extend the solidarity with the people of Ukraine, and he expressed his thanks to the South Yorkshire community groups which were responding to the call for humanitarian assistance, and those who were willing to open up their own homes to assist individuals from the Ukraine.

Apologies for absence were noted as above.

## 2 **Announcements**

On 9 March 2022, the first ever South Yorkshire Economic Summit had been held which had brought together leading figures from industry, Government, academia, and finance in order to explore what was required to grow the region's economy and to attract new investment and opportunity. Mayor Jarvis MBE considered that the summit had proved that beyond doubt, that there should be optimism about the future. The partnerships, plans and purpose that exist would transform South Yorkshire.

Mayor Jarvis MBE had launched the South Yorkshire Sustainability Centre. There was an intention to launch a new Employee Ownership investment programme, which would be sponsored entirely by the private sector.

Members noted that the Government had now confirmed the emergency funding to maintain bus and tram services during the COVID-19 pandemic, which had prevented 50% of buses running across South Yorkshire having to be scaled back or cut out completely. However, this had highlighted the challenges faced and the Government support that was required to deliver a bus system that worked for South Yorkshire. Confirmation was awaited from the DfT regarding how the allocation had been calculated, together with the proportion for bus and light rail.

Mayor Jarvis MBE had met with the senior teams of First Bus and Stagecoach to impress upon them the importance of working with the SYMCA, of keeping services going and to give the SYMCA the time to appraise and manage any proposed network and service reductions. He considered that it was apparent that the current system was not delivering as it should within South Yorkshire, and that all methods should continue to be explored.

## 3 **Urgent Items**

None.

4 **Items to be Considered in the Absence of Public and Press**

None.

5 **Voting Rights for Non-constituent Members**

It was noted that Non-Constituent Members were welcome to participate in the discussion of every item on the agenda.

6 **Declarations of Interest by individual Members in relation to any item of business on the agenda**

Mayor Jarvis MBE declared an interest in respect of Item 17 entitled 'Annual Budget and Treasury Management Strategy 2022/23, which proposed allocations of the £12m Mayor's Sustainable Transport Fund, £2m of which was for schemes in Barnsley. He also declared an interest in relation to Item 18 entitled 'Programme Approvals' relating to the Barnsley Central Constituency.

Mayor Jones CBE declared an interest in relation to any programmes that related to DMBC.

Councillor Andrews declared an interest in relation to any programmes that related to BMBC.

Councillor Read declared an interest in relation to any programmes that related to RMBC.

Councillor Grocutt declared an interest in relation to any programmes that related to SCC.

7 **Reports from and questions by members**

None.

8 **Receipt of Petitions**

None.

9 **Public Questions**

It was noted that three public questions had been received.

The following question was received from Jenny Carpenter, Better Buses for South Yorkshire:

"Will the South Yorkshire Mayoral Combined Authority get behind the We Own It campaign calling on the Government to review the ban on public ownership of bus transport?"

In response, Mayor Jarvis MBE expressed his thanks to J Carpenter and the We Own It campaign for the work undertaken and for keeping up the pressure. He considered that Local Government should be empowered to do whatever

was appropriate to improve the bus system. South Yorkshire needed its own solution, which reflected its particular urban-rural geography, reflected the needs of its communities and integrated with the other transport modes within the region. He believed that the ownership issue should form part of that debate, and the issue had been addressed within the SYMCA's independent Bus Review. Members noted the multitude of tasks that were being undertaken at once, which included propping up a system that was on the verge of collapse whilst putting in place the Enhanced Partnership model which sought short- and medium-term improvements, and as with franchising, exploring the different models of managing the bus network.

The following question was received from Fran Postlethwaite from Better Buses for South Yorkshire:

"My question concerns Item 11C Enhanced Partnership Scheme components, section 5 'improvements to passenger engagement'. This states 'a new forum for passenger representation to include bus user groups, representatives of disabled people and local business groups' will be established by 30 June 2022. We also note that this section promises a new Customer Charter, also by 30 June 2022. Can we be assured that the Better Buses for South Yorkshire group, which brings together a large number of bus users and would-be bus users from across the region, will be recognised as a passenger group and invited to be represented on the forum?"

In response, Mayor Jarvis MBE thanked F Postlethwaite for her question and the work undertaken. He commented that the DfT guidance suggested that the Forum should include representatives of bus passengers, local businesses, disability groups, similar in nature to those that were involved in the development of the BSIP. There was a suggestion within the DfT guidance that the Partnership Forum would be the most appropriate means of involving neighbouring authorities, particularly those involved in the BSIP. The role of the Enhanced Partnership Board was to establish the Passenger Forum, which they would envisage to do by 30 June 2022, including representatives of the organisations suggested in the guidance.

The following questions were received from Gordon Dabinett, Steering Group Member of Sheffield for Democracy, which focussed on, but not exclusively addressed the devolution proposals contained within the Government's recently published Levelling Up White Paper:

"i) The White Paper proposes new relationships between the Mayoral Combined Authorities and the Police and Crime Commissioners and the Fire and Rescue Services in their areas. What new relationships will be set up in South Yorkshire in the future?

ii) The White Paper also calls for further integration of LEP Boards with the SYMCA Boards. What changes in the relationship between the South

Yorkshire Mayoral Combined Authority Board and the LEP Board will result from this?

iii) One of the many broad aspirations expressed in the White Paper is to see a



streamlining of the current 'funding landscape'. What specific changes would the SYMCA Board wish to see implemented?

iv) In what ways will the proposed greater SYMCA control of Local Transport and Adult Education budgets be put to use in South Yorkshire?

v) Are there any intentions to use a Mayoral Development Corporation by the South Yorkshire MCA in the near future?"

In response, Mayor Jarvis MBE thanked G Dabinett for his questions which were all important issues, to be considered fully by the SYMCA. A summary of the White Paper would be discussed during the course of the meeting. The White Paper was not yet legislation and was reliant upon further information from the Government. The White Paper referenced a number of powers, such as transport and adult education, that the SYMCA already used to the betterment of the South Yorkshire communities. At the recent South Yorkshire Economic Summit, Mayor Jarvis MBE had highlighted the importance of streamlining the current funding landscape to A Haldane, in his role of Head of the Government's Levelling Up Taskforce. The DfT had proved with their approach to the City Region Sustainable Transport Settlement that it could be done.

Mayor Jarvis MBE confirmed that there was no intention to establish a Mayoral Development Corporation within this Mayoral term. However, the new Mayor and Leaders would reserve the right to bring forward a Mayoral Development Corporation if the case was there to help unlock jobs and growth.

In relation to the Police and Crime Commissioner role, Mayor Jarvis MBE believed that there was a strong and positive case to be made for this. The issue would be resolved in the new Mayoral term.

#### 10 **Minutes of the meeting held on 4 March 2022**

RESOLVED – That the minutes of the meeting held on 4 March 2022 be agreed as a true record.

#### 11 **Delivering the South Yorkshire Enhanced Partnership**

A report was presented which set out the result of the public and statutory consultation on the Enhanced Partnership Plan and Scheme for South Yorkshire and the recommended next steps. The report sought approval to 'make' the Enhanced Partnership Plan and Scheme and outlined the principles of supporting governance arrangements for the Enhanced Partnership Board, who would have responsibility for delivering the Enhanced Partnership Scheme.

Mayor Jarvis MBE was pleased to observe that the Enhanced Partnership Plan had been brought forward to ensure that improvements could start to be made on the bus services from 1 April 2022, when the Enhanced Partnership Plan and Scheme would commence. In order to ensure that the public transport in South Yorkshire recovered from the COVID-19 pandemic, it would be crucial to

strengthen the relationship with the operators, which would create a more effective system for passengers.

In relation to the governance of the Enhanced Partnership, Councillor Grocutt highlighted the importance that each local authority should have an opportunity to provide input. She added that in relation to funding of the Enhanced Partnership Scheme, that the operators were dependent upon the external funding and the associated risk that this presented. There was a need to ensure that any initial objectives were reached given that the commitments to funding were uncertain at this time.

In response, S Edwards referred a number of other structures that would be developed together with the Enhanced Partnership Board, which included the Enhanced Partnership Forum and a mechanism for engaging with the other stakeholders, which included the local authorities. Members would be provided with the detail moving forwards.

RESOLVED – That the Board considered the results of the public and statutory consultation relating to the proposed Enhanced Partnership Plan and Enhanced Partnership Scheme for South Yorkshire, considered the findings of the Equality Impact Assessment and Competition Test and gave approval to ‘make’ the Enhanced Partnership Plan and Enhanced Partnership Scheme on 1 April 2022.

## 12 **South Yorkshire Renewal Fund Investment Strategy**

A report was submitted which provided an update on the progress made in developing the South Yorkshire Renewal Fund Investment Strategy. The report built upon that received by the Board in January 2022. The report together with its recommendations, represented an interim staging post in the development pathway, whilst recognising the strong collaboration that had enabled core principles to be developed, and the need for an interim step.

Councillor Read referred to the revenue pressures and the challenges that had been faced by the local authorities in bringing forward schemes over the previous few years. He highlighted the importance for the pipeline projects to be agreed on a South Yorkshire basis, and he welcomed the report. He welcomed further reports to be presented to the Board, which would enable Members to ensure that the money clearly linked back to the political priorities and the SEP.

Councillor Grocutt commented that it would be helpful to keep the matter under review, in order to ensure that the objectives were being met.

RESOLVED – That the Board:

- i) Noted the progress made in the development of the Renewal Fund Investment Strategy and the collaboration through the officer group.
- ii) Approved the proposed allocations of interim revenue resource through the Project Feasibility Fund to the SYMCA and LAs.

- iii) Approved the proposed allocation of capital resource to support delivery ready investment opportunities.
- iv) Approved the development of Place Based Investment Plans and the South Yorkshire Transformational Impact Investment Plan.
- v) Approved the proposed allocations of longer-term gainshare funding to support the delivery of the Plans in recommendation four (iv) above.

13

### **Housing Retrofit**

A report was presented which advised the Board of current progress towards the net zero target of 2040 and highlighted the priority areas of impact, namely Domestic, Transport, Industry and Nature. Addressed at scale, these areas would give further impetus to SYMCA led decarbonisation commitments within the region. The report recommended the next steps towards a Housing retrofit study, which if implemented, would contribute to the reduction of emissions within the domestic sector.

Mayor Jarvis MBE considered that the report was particularly timely, given the flood risk that had been faced by the region once again following the storms at the end of February 2022. It was key to tackle South Yorkshire's carbon emissions which were largely made up of domestic energy consumption. He referred to the potential for retrofits to help to create well paid jobs and to reduce fuel poverty. He hoped that this would be the first part of a process which would lead to greater benefits for both the environment and for the communities within the region.

M Swales took Members through the report, which covered the progress made towards the net zero target by 2040, the four priority areas of impact being Domestic, Transport, Industry and Nature. In 2019, the SYMCA had declared a Climate and Environmental Emergency. The Climate Response Framework had been approved by the SYMCA Board in January 2020. Since that time, the SYMCA's net zero work programme had been both comprehensive and cross-cutting, which had been delivered through all policy themes. The programmes had been progressed with a beneficial effect, and the impacts had been relatively modest to date. It was proposed for officers to examine the interventions with view to addressing the further carbon omissions for the region across the four priority areas. The first of which, to examine housing retrofit and associated decarbonisation.

**RESOLVED – That Board:**

- i) Noted the progress made on delivering the net zero target and to support the development of programmes within priority areas of impact – namely Domestic, Transport, Industry and Nature – that would also directly contribute towards the Net Zero target whilst delivering additional social and/or economic benefits.
- ii) Supported the commissioning of a Housing Retrofit Study that identifies actions to be undertaken to support the delivery of housing retrofit programmes across South Yorkshire.

## **Levelling Up White Paper**

A report was submitted which summarised the Government's Levelling Up White Paper and highlighted the implications for the SYMCA.

Mayor Jarvis MBE commented that the Government had made a strong intellectual and policy case for levelling up, which had a much greater local control and influence over the way in which it was tried to be achieved. The SYMCA, local councils and partners across South Yorkshire would have an opportunity within the White Paper to help deliver growth for the communities within the region.

Members noted that the policies adopted within the White Paper were in accordance with the SYMCA SEP and the key priorities relating to devolution.

Further guidance was awaited on the formalised arrangements for the LEPs to become part of MCAs. SYMCA largely complied with the requirements within the current arrangements. The report outlined the headlines around innovation, housing and culture, skills, and the UK Shared Prosperity Funding and how it was anticipated to be allocated to the combined authorities.

Councillor Grocutt highlighted the importance for the SYMCA to be in a position to bid for any funding that became available, and to ensure that the local authorities were included as part of the process.

Mayor Jones CBE considered that the bidding process was a waste of energy for local authorities and the mayoral combined authorities. She considered that the Government should provide the full set of required monies to enable it to be placed appropriately.

Mayor Jarvis MBE agreed with the points raised by Mayor Jones CBE. He had raised the issue with A Haldane during the South Yorkshire Economic Summit, and he would continue to make the points forcibly to the Government.

**RESOLVED** – That Members noted the summary of the White Paper and considered the implications for the SYMCA.

## **Progressive Procurement**

A report was presented which set out the new draft 'Progressive Procurement Policy' for the SYMCA that aimed to use the SYMCA's spending power to achieve greater 'social value'. By developing a more progressive procurement policy, which aimed to go beyond value for money in a traditional sense, the SYMCA could achieve greater social, ethical and environmental outcomes and realise greater added value for the economy and for society. In 2021/22 there had been a total SYMCA spend on procurement of £49m. The SYMCA's spend on investment totalled £390m. It was proposed to undertake a pilot during the first year, with the findings to be reported back the Board.

Mayor Jarvis MBE referred to the major and growing spending power of the SYMCA which should be harnessed to achieve greater social value for the region.

Members considered the following options:

**Option 1:**

To do nothing and to continue with the existing approach. This would limit the reach of SYMCA spending and would impact on what could be reported. There was a risk of significant reputational damage as the SYMCA was already lagging behind its peers in the policy space.

**Option 2:**

To agree a new progressive procurement policy which better reflected the ambitions for social value in the SEP. Work was underway to explore how the policy, if approved, could be implemented and how the SYMCA could work with anchor partners to agree and implement a consistent South Yorkshire-wide progressive procurement policy and approach.

Councillor Grocutt suggested that it would be helpful, from a SCC perspective, for the opportunity for the individual local authorities to respond to the points highlighted within the report. This would enable a clear understanding of the position of the other local authorities, with a view to establishing how to move and develop further.

Councillor Read welcomed the paper and the subsequential paper presented to the Board. He expressed his thanks for the work undertaken in production of the report.

RESOLVED – That Members considered the draft progressive procurement policy and approved Option 2, which was endorsed by the LEP Board on 10 March 2022.

16 **Social Value Eligibility Criteria**

A report was submitted to inform Members of the work that had been undertaken over the last few months to develop a set of eligibility conditions for accessing SYMCA funding and finance. Members noted the ten commitments that had been produced, which were designed to ensure that funding and finance from the SYMCA supported organisations with a similar desired ethos and with whom the SYMCA could work to generate greater social value through all of the actions, interventions and relationships. The policy had been endorsed by the LEP Board at its meeting held on 10 March 2022.

RESOLVED – That the Board reviewed and adopted the eligibility conditions, which had been endorsed by the LEP at its March 2022 meeting, noting the need to pilot its implementation in the first year.

17 **Annual Budget and Treasury Management Strategy 2022/23**

A report was presented which proposed a budget and accompanying financial strategies for the financial year 2022/23. The proposed budget provided

resource totalling c. £472m to enable the activity required to deliver upon the objectives that were set in the SYMCA's Corporate Plan.

G Sutton highlighted a number of key points within the report. The budget proposal at c. £472m would enable record in-year levels of investment. This would provide significant opportunities; however this reflected the significant amount of slippage from the current year into the next year. There were concerns around the bus and tram network within the region, with the ability to operate on a commercial basis; the funding details were awaited. Significant pay and price inflation, together with the labour market constraints continued to impact upon the delivery programmes. An uncertainty remained around the core funding streams. Longer term concerns were being raised around the use of reserves to support the transport levy, and material concerns in the medium-term environment regarding the tram network and how it would be funded post 2024.

Mayor Jones CBE welcomed a balanced budget. However, she considered that what was lacking was the funding and knowledge from the Government, instead of receiving piecemeal sums of money to be spent within a short time frame, which created the carry over position from one year to the next. She suggested that the SYMCA should continue to press for a proper system of funding, which would enable the SYMCA to prioritise those schemes that were considered the most beneficial.

Mayor Jarvis MBE commented that he would continue to make the point with the Secretary of State.

**RESOLVED – That the Board:**

- i) Approved the adoption of the revenue and capital budget estimates for the year.
- ii) Approved the Reserve Strategy.
- iii) Approved the Treasury Management Strategy.
- iv) Approved the award of CRSTS Revenue Grant.
- v) Approved the award of capital grant from the Mayor's Sustainable Transport Fund.
- vi) Delegated authority to the Section 73 Officer to accept a number of grant awards.

## 18 **Programme Approvals**

A report was submitted which requested progression of eight schemes and approval of two project change requests subject to the conditions to be set out in the Assurance Summaries. The report sought approval to progress business cases and enter into a contract for a number of investment proposals which would support the SYMCA's aspirations. The total value of the schemes was £43.93m and would be resourced from previously committed grant funding.

Mayor Jarvis MBE expressed his thanks to all of the officers for the work undertaken in bringing the programme approvals forward to the meeting.

RESOLVED – That the Board considered and approved:

- i) Progression of “Rotherham Parkgate” project to full approval and award of £11.55m grant to South Yorkshire Passenger Transport Executive (SYLTE) subject to the conditions set out in the Assurance Summary attached at Appendix A1.
- ii) Progression of “Park Hill 4” to full approval and award of £5.61m to Urban Splash (Park Hill) Limited subject to the conditions set out in the Assurance Summary attached at Appendix A2.
- iii) Progression of “Attercliffe Waterside” scheme to full approval and award of £4.08m to Sheffield City Council (SCC) subject to the conditions set out in the Assurance Summary attached at Appendix A3.
- iv) Progression of “Sheffield Heart of the City 2 – Block A” to full approval and award of £3m to Sheffield City Council (SCC) subject to the conditions set out in the Assurance Summary attached at Appendix A4.
- v) Progression of “Unity Active Travel” to full approval and award of £4.40m to Doncaster Borough Council (DBC) subject to the conditions set out in the Assurance Summary attached at Appendix A5.
- vi) Progression of “A61 Wakefield Road Bus Corridor” to full approval and award of £13.29m to SYLTE subject to the conditions set out in the Assurance Summary attached at Appendix A6.
- vii) Progression of “Rotherham to Kilnhurst Flood Alleviation” Scheme to full approval and award of £2m to Rotherham Metropolitan Borough Council subject to the conditions set out in the Assurance Summary at Appendix A7.
- viii) Progression of “Sheffield Future High Streets Fund (Front Door Scheme)” from outline business case (OBC) to full business case (FBC) subject to the conditions set out in the Assurance Summary attached at Appendix B1.
- ix) Approval of Change requests detail in Appendix C
- x) Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for the schemes covered above subject to funding being available.

## 19 **MCA Levelling Up Fund Round 2 Bid**

A report was presented which provided updated information on the Government’s Levelling Up Fund (LUF) and sought approval to submit a bid to the next round of the fund. The Government’s LUF had originally been published with the Budget on 3 March 2021, with a total of £4.8 billion

committed for the LUF for England over a four-year period up to 2024-25. There were two bidding rounds, with submission dates of June 2021 and in the Spring 2022. The SYMCA had made a submission in June 2021, together with all other MCAs; only one MCA had been successful at that time. However, the South Yorkshire local authorities did have some success. The submission to be made in Spring 2022 would be public transport related to address the current challenges within the region.

RESOLVED – That the Board approved the submission of an SYMCA Levelling Up Fund bid to Government and agreed delegated authority to the SYMCA Chief Executive and Statutory Officers in consultation with the Mayor, Council Leaders and Co-Chairs of the Transport and Environment Board to agree the final content of the bid.

## 20 **Local Nature Recovery Strategy (LNRS) 'Responsible Authority'**

A report was submitted which provided the Board with an update on the Local Nature Recovery Strategy (LNRS) 'Responsible Authority'.

Members noted that within the SEP, the SYMCA had committed to sustainability as a key policy objective. Within the Environment Act 2021, the Government had stated that they wished to assign a 'Responsible Authority' for each area to develop a Local Nature Recovery Strategy; to which the SYMCA was the preferred authority. Through DEFRA, the Government had made it clear that there would be additional 'burden payments' to ensure that resources were available.

RESOLVED – That the Board agreed that SYMCA should be 'Responsible Authority' for a South Yorkshire Local Nature Recovery Strategy, subject to the cost of the responsibility being met by Government funds.

## 21 **Midland Road Disposal**

A report was presented which sought delegated authority for the statutory officers of the Authority to enter into arrangements for the disposal of the former bus depot site at Midland Road, Rotherham.

The SYMCA owned a former bus depot at Midland Road, Rotherham, following the liquidation of the former SYITA Properties Ltd company. The site consisted of aged office accommodation and bus sheds which were constructed over 40 years ago.

RESOLVED – That the Board:

- i) Delegated authority to the statutory officers to make arrangements for the disposal of the Midland Road site in the most efficient manner possible.
- ii) Note the proposal to give due consideration to the regeneration plans of Rotherham MBC.



## **Assurance and Monitoring and Evaluation Frameworks**

A report was submitted which summarised the amendments that had been incorporated into the two frameworks following an initial review by the Government and presented them for endorsement and adoption by Members, ahead of their publication in draft form on 31 March 2022, pending Government approval.

The SYMCA and LEP were required by the Government to update and publish its Assurance Framework by 31 March each year. The Assurance Framework set out how the SYMCA and LEP would use public money responsibly, make robust decisions, achieve best value for money and act in an open and transparent manner.

RESOLVED – That:

- i) SYMCA Members noted, at section 2.2, the key amendments that had been made to the Assurance and Monitoring and Evaluation Frameworks following the initial review by Government.
- ii) SYMCA Members considered and endorsed and adopted the updated Assurance and Monitoring and Evaluation Frameworks set out at Appendices 1 and 2.
- iii) Delegated to the Head of Paid Service, the agreement of any final changes required by Government for them to approve and sign-off both Frameworks.

## **Delegated Authority Report**

A report was presented which provided an update on the decisions and delegations made by the SYMCA and the decisions and delegations made by the Thematic Boards.

Members were referred to Appendix A to report, which provided details of the delegations agreed by the SYMCA, which were in addition to those made under the Scheme of Delegation. Appendix B to the report provided details of the decisions taken under the delegation made to the Thematic Boards and the subsequent delegations made to officers where appropriate.

RESOLVED – That Members noted the decisions and delegations made.

Mayor Jarvis MBE wished to place on record his profound thanks to Sir Steve Houghton CBE, Mayor Jones CBE, Councillor Read, Councillor Fox and their deputies for their support, hard work and the huge dedication and commitment to support him in his role of Mayor over the last 4 years. He added that creating the stronger, greener and fairer South Yorkshire, that was wished to be observed by all, would only be possible by partners coming together across the region to deliver it. He considered that the SYMCA was better placed than ever before to make this happen. He expressed his thanks to the officers at the local authorities, and in particular to his officer team within the SYMCA.

I, the undersigned, confirm that this is a true and accurate record of the meeting.

Signed .....

Name .....

Position .....

Date .....



## Mayoral Combined Authority Board

06 June 2022

### Mayoral Priorities

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<b>Is the paper exempt from the press and public?</b>	No
<b><i>Reason why exempt:</i></b>	Not applicable
<b>Purpose of this report:</b>	Discussion
<b>Is this a Key Decision?</b>	No
<b>Has it been included on the Forward Plan?</b>	No

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#### **Director Approving Submission of the Report:**

Dave Smith

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#### **Executive Summary**

This report sets out a programme of early interventions led by the Mayor to deliver against his Manifesto commitments and an indication of some short term priorities for action.

#### **What does this mean for businesses, people and places in South Yorkshire?**

The Mayor's Manifesto sets out an ambition to transform South Yorkshire; delivering a better public transport system; securing higher value and better paid jobs; a cleaner and greener South Yorkshire; healthier and happier communities; supported by an approach that will focus on a different and more pervasive way of engaging with communities and businesses and supported through a strong partnership with government.

#### **Recommendations**

The Board is asked to:

1. Note the content of this report.

#### **Consideration by any other Board, Committee, Assurance or Advisory Panel**

N/A

## 1. Background

- 1.1 The Mayor's priorities as set out in the Manifesto outline a clear direction for the Mayoralty. This direction is routed around the principal themes of politics, people and place. Across these themes there are particular priorities that align with, build on and extend into new arena's of the MCAs work to date. These include:
- Getting to Net Zero by 2040.
  - Building a better, not just bigger economy, including championing and investing in technologies and industries of the future.
  - Investing in places to create more liveable communities.
  - Enhancing provision of Skills and Adult Education; including undertaking a Future of Work Commission.
  - Delivering real public transport improvements, including commitments to expediting the MCA's commitment to assess Franchising for buses, a Tram Review learning from the Bus Review together with a continuing commitment to Active Travel.
- 1.2 The manifesto signals a change of style and approach with an emphasis on creating a new deal with national government and a commitment to doing politics differently in South Yorkshire.
- 1.3 With the Mayor only in post for a short period of time early progress has focused on establishing ("resetting") a productive relationship with government, re-engaging with communities and public transport users, speaking to businesses, reaching out to public transport operators and user groups, supporting the recovery of bus patronage, securing rapid progress on a review of the long-term state of the bus network and bringing forward proposals to the MCA aimed at mitigating the cost of living crisis.

## 2. Key Issues

### 2.1 Engaging with national government:

The Mayor has opened up a renewed dialogue with Government, including:

- Writing to the Prime Minister seeking to develop a meaningful and productive relationship with the Government to deliver on the twelve national Levelling Up Missions set out the Queen's Speech. This letter set out where South Yorkshire currently sits against the Missions and called upon the Government to work with us to deliver them.
- Meeting alongside the other Metro Mayors with the Secretary of State for the Department for Education and pressed him and his team to support South Yorkshire with further devolution and influence over vocational education to match our devolved Adult Education Budget powers.
- Writing to the Secretary of State for Transport, signalling our appetite to work with the DfT to deliver on bus, tram, rail and active travel investment whilst also making clear that:
  - o the challenges facing commercial bus operations in South Yorkshire need a long term revenue solution
  - o the Government's rejection of the BSIP funding submission and the Integrated Rail Plan fall short of providing the investment we need
  - o the MCA needs to enter into further discussions on Supertram investment and

- that the Departments support for the MCAs developing Levelling Up Fund transport bid will be critical.

## 2.2 **Engaging with businesses, communities and places**

The Mayor has made it a priority to reset and reengage businesses and communities. In the first weeks of the Mayoralty this has included speaking with businesses in a roundtable hosted by the three Chambers of Commerce in South Yorkshire, speaking directly to readers of the Sheffield Star and Barnsley Chronicle, meeting with the Better Buses group, convening a meeting of the Bus Commissioners, visiting the Stagecoach Rawmarsh bus depot, meeting with the SYMCA Transport Contact Centre and hearing first-hand from public transport users questions, queries and complaints about the South Yorkshire transport system.

Activity during Better Business week included steps to establish positive proactive relationships with the Living Wage Foundation, the Trades Unions, Employer Owned businesses and Cooperatives, championing businesses with strong Environmental, Social and Governance approaches and showcasing the MCA's own Skills Bank and Working Win projects that support employees in employment.

## 2.3 **Progress on public transport improvements**

The Mayor has made rapid progress on a number of public transport fronts, including engaging with the Secretary of State for the Department for Transport, confirming internal resources required to undertake the Franchising Assessment work, writing to bus operators signalling our intention in the coming months to formally request the data on patronage, performance and financial information and bringing forward for consideration by the MCA an option for a short continuation of the Zoom Beyond pass which provides concessionary travel to 18-21 year olds in South Yorkshire.

## 2.4 **Developing a Manifesto Delivery Plan**

With a new emphasis on a manifesto-led approach the MCA Executive Team will be working closely with the Mayor to develop a detailed plan with a set of prioritised actions. This plan will be driven by the themes and priorities set out in the Mayor's manifesto and will inform detailed discussions with thematic board leads and Leaders.

## 2.5 **Delivering on transport improvements in the short term**

In the coming months the Mayor will be focused on:

- Appointing a new Active Travel Commissioner for South Yorkshire and engaging with active travel groups and the new Active Travel England body.
- Delivering the new Enhanced Partnership Forum and ensuring the Enhanced Partnership Board delivers for South Yorkshire; including a new Customer Charter.
- Resetting relationships with the public transport operators, challenging poor performance but also working with those operators to enable them to deliver for transport users.
- Progressing at pace our work on Franchising Assessment.

- Delivering a compelling Levelling Up Fund bid for transport improvements in the here and now.

## 2.6 Engaging with communities and stakeholders

In the coming months the Mayor will be focused on establishing new forums for engaging with people, business and communities right across South Yorkshire. This will include:

- meeting with and confirming a continued commitment to the Youth Mayoral Combined Authority.
- putting in place a programme of public facing Mayor's Question Time themed events enabling a more direct conversation with the communities served across the region.
- ensuring that stakeholders and communities are engaged in developing the MCAs approach to the Shared Prosperity Fund.
- Developing our collective thinking on what the region can do to grow it's Arts, Culture and Heritage offer.

## 2.7 Net Zero

Work over the coming months will include:

- Representing South Yorkshire's communities and businesses at the national Decarbonisation Summit in Manchester.
- Kickstarting engagement with partners on the development of the MCAs Local Nature Recovery Strategy for South Yorkshire.
- Developing plans to convene a South Yorkshire Citizen's Assembly on Net Zero and establishing a Retrofit Task Force.

## 2.8 Business, Economy and Skills

Work over the coming months will include:

- Overseeing the establishment of the South Yorkshire Innovation Board and meeting with key innovation businesses and innovation assets (including the University of Sheffield Advanced Manufacturing Research Centre, the Sheffield Hallam University Advanced Wellbeing Research Centre and National Centre of Excellence for Food Engineering) and place-based assets such as the Barnsley Digital Media Centre and working with Doncaster on the development of the innovation potential of the Gateway East site.
- Oversight of a number of business case proposals to the MCA to unlock private finance investment in businesses in South Yorkshire.
- A focus on promoting and support 'better business', including engaging with partners including the Living Wage Foundation, Cooperatives UK, the Ownership Hub and organisations engaged in Community Wealth Building to bring forward a community wealth building strategy for South Yorkshire.
- Leading work on Destination Management and Marketing of South Yorkshire; working with the Yorkshire Leaders Board, Leaders and key stakeholders on developing a response to the Yorkshire DMO review and how South Yorkshire plays its full part in Yorkshire wide arrangements as well working with partners to develop the South Yorkshire story and how the region promotes itself nationally and internationally.
- Supporting the co-chairs of the Education, Skills and Employment Board on the development of the MCAs Skills Strategy.

### **3. Options Considered and Recommended Proposal**

3.1 At this stage there are no alternative options to consider.

### **4. Consultation on Proposal**

4.1 n/a

### **5. Timetable and Accountability for Implementing this Decision**

5.1 n/a

### **6. Financial and Procurement Implications and Advice**

6.1 n/a

### **7. Legal Implications and Advice**

7.1 n/a

### **8. Human Resources Implications and Advice**

8.1 n/a

### **9. Equality and Diversity Implications and Advice**

9.1 The Mayor committed to undertake an annual equality impact assessment of the work of the MCA.

### **10. Climate Change Implications and Advice**

10.1 Given the prominence of net-zero in the Mayor's manifesto, climate change implications will be given consideration throughout the delivery of the Mayor's agenda.

### **11. Information and Communication Technology Implications and Advice**

11.1 N/A at this stage

### **12. Communications and Marketing Implications and Advice**

12.1 n/a

#### **List of Appendices Included**

None

#### **Background Papers**

[Oliver Coppard: Our future – Rebuilding the pride, purpose and prosperity of South Yorkshire](#)

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**Mayoral Combined Authority Board**

**06 June 2022**

**UK Shared Prosperity Fund**

<b>Is the paper exempt from the press and public?</b>	No
<b><i>Reason why exempt:</i></b>	Not applicable
<b>Purpose of this report:</b>	Discussion
<b>Funding Stream:</b>	Not applicable
<b>Is this a Key Decision?</b>	No
<b>Has it been included on the Forward Plan?</b>	No

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**Executive Summary:**  
This paper presents an update on the release of the UK Shared Prosperity Fund allocations and prospectus. The paper provides commentary on the amount of funding allocated, an option for how this could be accessed, and the issues identified. It also highlights next steps.

**What does this mean for businesses, people, and places in South Yorkshire?**  
UKSPF is the replacement for EU funding. How this is allocated and spent could have a profound impact on the quality of life and growth opportunities of residents, businesses, and places in South Yorkshire in the years ahead.

## **Recommendations:**

1. That Members note the guidance and actions required in its capacity as lead authority.
2. That Government priorities for the SPF outlined in 2.1 and the additional principles to be applied locally outlined in paragraph 2.3. are to be discussed and agreed between the Mayor and MCA Members through further discussions
3. Following agreement to the framework and set of principles and priorities, Chief Executives oversee an inclusive process to develop an investment plan to be presented in draft to the MCA Board in July.
4. Members endorse the submission of a plan for the Multiply programme into Government and delegate leadership of this plan to the Education, Skills and Employability Board.

## **Consideration by any other Board, Committee, Assurance or Advisory Panel**

Local Enterprise Partnership

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## **1. Background**

1.1 The UK Shared Prosperity Fund (UKSPF) is the major economic development fund, replacing EU Structural and Investment Funds (ESIF). The UKSPF aims to contribute to 'Levelling Up'; by providing financial assistance (largely revenue) to boost productivity, tackle geographical inequalities and improve life chances, especially in deprived areas.

1.2 The UKSPF allocation to the SY MCA provides an opportunity to further develop the intention and purpose of the South Yorkshire Renewal Fund (SYRF), as the UKSPF becomes an integral part of this. The principles of the SYRF (as set out in the January 2022 MCA paper on Investment Strategy) and the outcomes framework jointly developed by the MCA and LAs will inform the MCA submission to central government.

This will ensure strategic alignment with the SEP, through the Transformational Impact Investment Plan and the four Place Plans.

1.3 This paper sets out for Members a synopsis of the guidance, outlining government objectives, the accountabilities of the MCA in both the development of the plan and in delivering the Fund.

The paper highlights the decisions needed by Members as the options to develop the Plan are developed.

## **2. Key Issues**

### **2.1 Government Objectives**

The Government's objectives for UKSPF are set out as:

- boosting "productivity, pay, jobs and living standards by growing the private sector...in those places where they are lagging";
- spreading "opportunities and [improving] public services...in those places where they are weakest;
- restoring "a sense of community, local pride and belonging"; and
- empowering "local leaders and communities [where they are] lacking local agency".

There are three investment priorities: community and place; supporting local business; people and skills. All of these have strong alignment with the SEP and the resulting outcomes for the Renewal Fund, as set out and agreed by the MCA. The plan and process will need to demonstrate this alignment in the investments made.

## 2.2 **Accountability – The MCA as lead Authority**

The UKSPF guidance sets out the responsibilities of MCA to be the Accountable Body for the funds and administer the fund at a local level as the lead authority for South Yorkshire. This involves:

- setting out the Plan for the funds, in collaboration with partners and stakeholders,
- managing the funding allocation,
- assessing and approving applications,
- processing payments,
- day-to-day monitoring,
- reporting into central government, and
- evaluation.

## 2.3 **Developing the Plan**

SY MCA must submit an investment plan which should focus on three broad sections:

1. Local Context
2. Selection of outcomes and interventions
3. Delivery

The plan must confirm alignment of outcomes and interventions and must also indicate how funds will be allocated across the main Levelling Up Objectives (see paragraph 2.1 above). A decision will need to be made on which investment priorities to focus on and the weighting allocated to them. Options will be brought forward for Members to consider.

Alongside the Government criteria, it is recommended that a local principles framework is discussed and agreed by Members for South Yorkshire's UKSPF. This will be subject to further discussion but could include:

- Proposals must demonstrate how they further the goals and the outcomes of the SEP.
- Proposals must be consistent with the priorities of the MCA.
- Schemes should avoid the simple replication of existing programmes where more effective and efficient delivery mechanisms can be designed, including the ability to deliver across South Yorkshire.
- The principle of subsidiarity will apply. The MCA will be the deliverer of last resort with pan South Yorkshire schemes being delivered by a Local Authority, the Third sector or the private sector wherever possible.
- Funding will be allocated according to greatest need and greatest impact.

## 2.4 **Governance and Engagement Arrangements**

Engagement must be meaningful in that it helps determine the shape of proposals at the outset, and that our approach is not pre-determined. Whilst the Government guidance makes clear that there is no formal statutory consultation required, nor a requirement to establish a new formal "board", every effort must be made to engage meaningfully. Following further discussion and agreement of the principles and priorities by the Mayor and Members, it is recommended that Chief Executives are asked to take forward an inclusive approach to development of the plan.

## 2.5 Allocations

Government has pre-allocated funds for every part of the UK for the years 2022-23, 2023-24 and 2024-25, for both the core UKSPF and the adult numeracy programme, Multiply (see section 2.3 below). The figures below are the sum totals for all three years. The South Yorkshire UKSPF allocation totals £46.162m, made up of £7.256m Multiply and £38.906m “Core” UKSPF.

The allocations were determined on the formula for the previous 2014-20 ESIF and based on population (70%) and a formula (30%) previously used to select UK Community Renewal Fund priority places (using levels of productivity, household income and skills).

Within the allocations, local area Core SPF headline sums have also been provided (these add together to the SYMCA total):

Barnsley	£7,287,599
Doncaster	£8,960,876
Rotherham	£7,083,489
Sheffield	£15,574,166

Government has stressed that these local area sums were published to illustrate how the allocation for SYMCA was arrived at. They are not intended to be indicative allocations to each local authority. That will be for MCA Members and the Mayor to decide.

Whilst the SPF scales up to what the UK used to receive annually from ESIF (£1.5bn per year) in 2024/25, it is still nearly half (c.£15m) of what the region used to receive (c.£25m per annum) over the three-year period.

In developing and approving the plan and in recognition that the allocation cannot replace ESIF, Members are asked to consider the challenge in clearly determining the focus for the investment, the need to align with the broader place plans and the engagement regionally and locally with partners, for whom ESIF has been a lifeline.

## 2.6 Accessing Funding

The Government suggests that the deployment of funds should be a mix of competitions for grant funding (recognised as the default approach set out in Cabinet Office Grants Standards), procurement, commissioning or to deliver some activity through in-house teams.

The Transformational Impact Investment Plan and four Place Plans will need to be fully aligned with the UKSPF Investment Plan but it is also essential that deployment of resource is at the most appropriate geographic level and ensures that all partners (especially outside the MCA and LAs) who meet the agreed criteria, have a fair opportunity to access funding.

## 2.7 Multiply Programme

‘Multiply’ is a programme to offer adults who do not already have a GCSE grade C/4 or higher in Maths and need to improve their numeracy, free flexible courses that fit around their lives. A separate investment plan (alongside the UKSPF investment plan) will need to be submitted to Government and work is underway on options for this submission. Members are asked to delegate oversight of this to the Education, Skills and Employment Board, prior to a final draft being presented to the MCA.

### **3. Options Considered and Recommended Proposal**

- 3.1 Government has designated the MCA as the lead body for delivering the UKSPF. This is in line with the MCA feedback on the consultation on UKSPF that decisions should be made locally and not by national departments, not close to the local context. The guidance from Government is therefore welcome and enables the MCA Board to build the SY Renewal Fund around multiple funds, beyond Gainshare and borrowing.

### **4. Consultation on Proposal**

- 4.1 The guidance documentation sets out that in developing the plan, collaboration with a breadth of stakeholders including local authority, the third sector, HE and FE, and other partners who have delivered previous EU investments, is required. This should be with a “local partnership group” including local MPs, business, and the third sector.

The guidance does not suggest a new Board must be created if these components are in place in current local arrangements.

Following agreement to the principles by the Mayor and Members, it is recommended that Chief Executives take forward the inclusive development of the draft plan. An engagement plan will be developed to support this approach.

### **5. Timetable and Accountability for Implementing this Decision:**

- 5.1 The submission window for the investment plan opens on 30 June and ends on 1 August. Plans will be agreed between the MCA and UK government to unlock the allocations. A plan can be brought to the next MCA meeting on 25 July for sign-off before submission to Government. An informal session with Leaders will be arranged before this prior to the meeting. Subject to the submission of a satisfactory investment plan, the first payments to MCAs to commission, procure or directly deliver activity are expected to be made as early as October 2022.

### **6. Financial and Procurement Implications and Advice**

- 6.1 Funding is confirmed for three financial years; 2022-23, 2023-24 and 2024-25. The Government will pay SY MCA annually in advance on a “use it or lose it basis”. In 2022-23, funding will be paid once the local investment plan has been signed off. In 2023-24 and 2024-25, funding will be released at the start of the financial year. SY MCA will receive a grant determination letter and Memorandum of Understanding setting out Fund requirements and obligations. Lead authorities will be asked to return any underspends at the end of each financial year. Alignment to the SY Renewal Fund, should mitigate risks of underspend.
- 6.2 A small allocation of £40k has been made to the MCA to cover specialist support required to develop the Investment Plan.
- 6.3 The resourcing requirements associated with being a Lead Authority will necessitate a resource plan is developed setting out the implications. The Government guidance states that all lead authorities can use “up to 4% of their UK SPF allocation to support the delivery of their chosen interventions and by exception, lead authorities will be able to use more than 4% if required”.

## **7. Legal Implications and Advice**

- 7.1 The MCA is tasked with designing the project selection and contracting processes such that there are mechanisms to recover funding where beneficiaries do not comply with fund parameters, UK law or any local requirements. The MCA is also being asked to notify Government of any current or emerging operational or financial risks, or issues, and any contingency measures put in place. This will form a section in the investment plan and in monitoring reports thereafter.

SYMCA will have to evidence "their capacity and capability to manage" subsidies as part of the investment plan. Investment plans will only be approved where SYMCA has satisfied Central Government that they have appropriate processes in place. In practical terms, this will involve demonstrating that there is sufficient expertise to identify when a subsidy is present and to compliantly award such funding within the Subsidy Control rules.

- 7.2 The Assurance Framework sets out for Government how the MCA complies with these requirements for other funding regimes. The proposal is to review the requirements of UKSPF and ensure the current Assurance Framework of the MCA is updated, if necessary, and to use this as the basis of governance assurance and compliance.

## **8. Human Resources Implications and Advice**

- 8.1 Administering the requirements of a Lead Authority will require additional capability and capacity is secured to deliver the fund and maximise the impact and uptake of the fund. As part of the development of the Plan a gap analysis of capability and capacity will be undertaken to consider any risks or appointments required.

## **9. Equality and Diversity Implications and Advice**

- 9.1 The Investment plan will need to consider this and given its prominence in the SEP would be expected to be identified throughout. A recommendation is that an Equalities Impact Assessment be undertaken on the final plan.

## **10. Climate Change Implications and Advice**

- 10.1 The MCA is in the unique position of being able to contribute strategically to climate action for South Yorkshire, whilst also being able to facilitate local action across all areas. In developing the plan and options for investment, the MCA should undertake an Environmental Impact assessment to ensure the plan contributes to the MCA desire for actions to mitigate climate change.

## **11. Information and Communication Technology Implications and Advice**

- 11.1 It is expected that the functions of the Lead Authority can be contained within the current technology available to the MCA, eg the utilisation of VERTO for programme and project management. This will be monitored for sufficiency, and any gaps considered as part of the MCA Executive Business Planning process.

## **12. Communications and Marketing Implications and Advice**

- 12.1 The UK SPF prospectus provides clear guidance on how projects should be branded and how communications should be made. This is usual for government funds and was closely monitored as part of the recent Local Growth Fund programme. A schedule of branding and communication requirements will be developed and added to any funding agreement issued and monitored as part of regular contract monitoring.

### **List of Appendices Included**

None

### **Background Papers**

None

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## Mayoral Combined Authority Board

06 June 2022

### Supporting at-Risk Bus Services

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<b>Is the paper exempt from the press and public?</b>	No
<b><i>Reason why exempt:</i></b>	Not applicable
<b>Purpose of this report:</b>	Funding Decision
<b>Is this a Key Decision?</b>	Yes
<b>Has it been included on the Forward Plan?</b>	Yes

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Stephen Edwards, Corporate Director of Public Transport

**Report Author(s):**  
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#### **Executive Summary**

The impact of Covid-19 has had a substantial effect on the viability of public transport services in the United Kingdom. During the pandemic, government funding has been provided to ensure bus services remained operational even with significantly lower passenger demand due to national restrictions since April 2020.

Whilst restrictions are now at an end, and patronage is showing signs of recovery, a number of services have been identified in South Yorkshire which remain commercially unsustainable even following the recent extension of DfT Covid-19 recovery funding (BRG) to 4 October 2022. This paper seeks approval to support a policy decision to intervene to protect these services, and in doing so utilise up to £1.9m of funding to secure these services in the short-term. Decisions on the specific use of the funding will be delegated to the Chief Executive in consultation with the Mayor and Chair of the Transport and Environment Board Chair to enter into arrangements with operators for services up to the stated value.

By committing to support the at-risk services in the short-term, this would allow SYMCA to undertake a bus network review as required by the funding conditions set out by DfT.

This report seeks a funded budget variation and officer delegations to facilitate this intervention.

### **What does this mean for businesses, people and places in South Yorkshire?**

If approved, the recommendation provides greater protection over existing bus services to ensure their continued operation through to October 2022.

### **Recommendations**

1. Approve a policy decision to prevent near-term reductions in bus services in South Yorkshire by intervening with additional financial support.
2. Approve the variation to the operational bus services budget by up to £1.9m.
3. Approve the delegation to the Director for Public Transport in consultation with the Mayor and Chair of TEB to enter into arrangements to secure services.

## **1. Background**

- 1.1 The Department for Transport have extended Covid-19 recovery funding (Bus Recovery Grant, BRG) for bus operators through to 4 October 2022. This funding allows bus operators to continue to operate services at a higher level than would otherwise be possible in a normal commercial context and provides the environment to encourage further patronage recovery to enable city regions to maintain a sustainable bus network from October 2022.
- 1.2 Even with the provision of this additional funding, bus operators have indicated that some existing services are not commercially viable during this period of funding and hence further local funding support is required to protect the current network.
- 1.3 Therefore, the request is to vary the available budget and delegate authority to named officers in consultation with the TEB co-Chairs to enter into arrangements to secure at-risk services. This will allow MCA officers to ensure that services can remain in place and be delivered through the most appropriate funding route, using local and regional operators to deliver these services.
- 1.4 This report proposes that the associated budget variation be underwritten in the first instance from the 'Protection of Priority Services Reserve' that was created to support targeted interventions such as this.

## **2. Key Issues**

- 2.1 The challenging commercial environment in which bus operators are currently operating continues to apply financial pressure such that aspects of their network remain under significant pressure. This includes lower levels of passenger demand, and hence lower levels of income on their services due to patronage not yet fully recovering to pre-Covid levels. Operators are also experiencing the effect of inflationary pressures which is impacting the cost of retention of tendered services.
- 2.2 In order that SYMCA are able to agree a sustainable bus network beyond the end of this funding window from October 2022, network stability remains a priority to

ensure that the whole network is considered in totality. Without a change to budget this stability will be put at risk as operators make commercial decisions.

### **3. Options Considered and Recommended Proposal**

#### **3.1 Option 1**

Support the policy decision to prevent near-term reductions in bus services in South Yorkshire by intervening with additional financial support and increase the budget by £1.9m. This will allow SYMCA to agree and protect the bus services at risk during the DfT funding period and to delegate authority to the Corporate Director of Public Transport in consultation with the Mayor and the Chair of TEB to enter into arrangements with operators for services up to the stated value.

#### **3.2 Option 1 Risks and Mitigations**

There remains a risk that the funding request remains insufficient to protect at risk bus services. However, officers have assessed the routes and their viability based on information shared by operators, along with the costs of operation, and believe that the budget amendment is both reasonable and proportionate.

#### **3.3 Option 2**

Do not support the policy or vary the budget and await the outcome of bus operator decisions on what they would do in respect of their non-viable commercial services.

#### **3.4 Option 2 Risks and Mitigations**

This option would give little opportunity for mitigation for SYMCA officers to deal with operator decisions.

#### **3.5 Recommended Option**

Option 1

### **4. Consultation on Proposal**

4.1 SYMCA officers have already engaged with partner authority transport officers on the services at risk.

### **5. Timetable and Accountability for Implementing this Decision**

5.1 Should the recommendation be approved, the funding will be made available to protect services from June through to October 2022.

### **6. Financial and Procurement Implications and Advice**

6.1 This report proposes varying the budget to accommodate potential interventions into the bus market to secure the continued provision of a number of services.

6.2 The risk of commercially unviable services being withdrawn by operators was a key planning issue in the formation of the budget for financial year 2022/23, with

£7m set aside in a 'Protection of Priority Services Reserve' to support targeted mitigations.

- 6.3 Whilst this resource is available to support the proposal its use now will reduce the MCA's capacity to further protect services when Government funding is withdrawn in October.

## **7. Legal Implications and Advice**

- 7.1 The funding will be used to support bus services in accordance with the specific legislative proposals relating to service subsidies and concessionary fares.

The PTE has power to enter into an agreement providing for service subsidies for the purpose of securing the provision of bus services; but the power to do so shall be exercisable:

- 1 Only where the service in question would not be provided or would not be provided to a particular standard, without subsidy; and
- 2 Subject to sections 89 to 92 of the Transport Act 1985.

Under the Transport Act 1985 the PTE has 3 options to secure services via public service contracts that are de-registered. The PTE may:

- 1 Award de-minimis contracts (if sufficient headroom is available)
- 2 Award emergency 3-month contracts; or
- 3 Tender in accordance with s.89.

Any payments to operators for carrying Concessionary fare passengers needs to comply with the provisions set out in the Transport Act and Regulations. At present the restriction from re-imbursing operators such that they are in "no better" a financial position by carrying concessionary passengers is suspended by Regulations until March 2023.

## **8. Human Resources Implications and Advice**

- 8.1 Not relevant to this paper.

## **9. Equality and Diversity Implications and Advice**

- 9.1 Retaining bus services will be equality positive given the demographic of users. Members are reminded of their s.149 Equality Act duty to have due regard when taking decisions, even if it is at a high level i.e. losing services will disproportionately impact certain groups with protected characteristics, in particular the elderly and those with disabilities.

## **10. Climate Change Implications and Advice**

- 10.1 Board should note that a reduction in available bus network will likely have a detrimental impact on air quality given the benefits of buses in reducing vehicle emissions by removing trips from private cars.

**11. Information and Communication Technology Implications and Advice**

11.1 Not relevant to this paper.

**12. Communications and Marketing Implications and Advice. Please also refer to consultation undertaken as per Section 4**

12.1 Early service reductions are likely to be received unfavourably by passengers. Any service changes and conclusions from a network review would be subject to engagement with stakeholders and partners

**List of Appendices Included**

None

**Background Papers**

None

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## Mayoral Combined Authority Board

06 June 2022

### Extension to Zoom Beyond Concession

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<b>Is the paper exempt from the press and public?</b>	No
<b>Reason why exempt:</b>	Not applicable
<b>Purpose of this report:</b>	Funding Decision
<b>Is this a Key Decision?</b>	Yes
<b>Has it been included on the Forward Plan?</b>	Yes

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**Director Approving Submission of the Report:**  
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#### Executive Summary

In June 2021, SYMCA established a one-year public transport concession to allow those aged 18 to 21 to access the same single fare benefits of those aged under 18.

The concession, promoted as “Zoom Beyond” launched on 21 June 2021 and is due to end on 20 June 2022.

#### What does this mean for businesses, people and places in South Yorkshire?

If approved, the recommendation provides continued access to the reduced single fares for those aged 18 to 21 in South Yorkshire.

#### Recommendations

1. Approve a policy decision to extend the Zoom Beyond concession.
  2. Approve the variation to the budget to accommodate costs incurred in 2022/23.
  3. Approve the production of replacement cards to be issued to currently eligible participants.
-

4. Delegate the negotiation of revised rates of reimbursement with bus and tram operators to the Corporate Director of Public Transport.
- 

## **1. Background**

- 1.1 Following the impact of Covid-19 on public transport and the disproportionate impact on young people, SYMCA implemented a one-year policy to allow those aged 18-21 access to the same single 80p fare on bus and tram as that currently enjoyed by those aged under 18. The product was promoted under the “Zoom Beyond” brand and launched on the 21<sup>st</sup> June 2021.
- 1.2 Whilst initial forecasts and assumptions were that up to 43,750 residents would be eligible and apply for the pass, uptake was more modest, in part linked to the restrictions still in place at the time of launch. As of 8 May, there are now 23,716 passes in use.
- 1.3 In terms of pass usage, the scheme has now seen 1,189,953 trips made since launch and averaging just over 25,000 trips per week made since the start of 2022.
- 1.4 The scheme has so far cost a total of £1,140,899.03 in reimbursement to bus and tram operators since launch.

## **2. Key Issues**

- 2.1 The concession was created with the intention of providing short-term (one year) support for those affected by the impact of Covid-19. The costs of the scheme during 2021/22 were covered through an allocation of gainshare resource and revenue budget.
- 2.2 Should the MCA decide to extend the concessionary scheme, the costs are subject to change given the need to renegotiate rates of reimbursement with individual operators.
- 2.3 Members should note that the current single notified fare of 80p in use for this concession, consistent with that for all aged under 18, has not changed since September 2016. Whilst not the subject of this paper, Members should note that were normal inflation to apply to this fare, the cost would be at least 95p.

## **3. Options Considered and Recommended Proposal**

### **3.1 Option 1**

End the concession as planned on 20 June 2022 and implement the current policy position.

### **3.2 Option 1 Risks and Mitigations**

Whilst the concession did not attract as many eligible residents as forecast, there are still nearly 23,000 card holders who will see their pass expire in June. Although COVID restrictions have now been lifted the ongoing impact of the pandemic, coupled with wider cost of living pressures continue to place an increased financial burden across the communities of South Yorkshire.



### 3.3 **Option 2**

Extend the concession to June 2023 to allow time for SYMCA to consider concessionary support against the wider pressures on transport networks and allow for the necessary discussions on incorporating it in to the 2023/24 budget approval process.

### 3.4 **Option 2 Risks and Mitigations**

This presents a budget challenge. The SYMCA faces significant financial pressures in relation to public transport during 2022/23, which includes the anticipated reduction in the commercial bus network from October 2022 and the pressures this will place on tendered services budget to buy back socially necessary services to the extent that the budget allows.

Given that the concession was agreed with operators as a one-year arrangement, the MCA will need to seek an 'in principle' agreement with operators subject to the proposals being approved.

As all the passes currently in circulation were designed to expire on 20 June 2022 and cannot be used beyond this date, new cards will need to be issued to existing passholders who remain eligible (i.e. those who remain within the required age range).

### 3.5 **Option 3**

Extend the concession indefinitely. This option replicates that of Option 2 but would require the MCA to accommodate the cost implications in the transport revenue budget and hence levy for 2023/24 and beyond.

### 3.6 **Option 3 Risks and Mitigations**

The risks in relation to this option largely mirror that of Option 2, other than the assumption that the MCA is already willing to accept the future cost implications in to 2023/24 budget and beyond by approving this option.

### 3.7 **Recommended Option**

Option 2

## 4. **Consultation on Proposal**

4.1 SYMCA officers have discussed the option for concession extension with the Mayor and in turn with members of SYMCA Board.

The views of passholders have not been sought given the short timescales involved in the decision to extend the concession but it is reasonable to assume that it would be favourably received if the decision is taken to extend.

## 5. **Timetable and Accountability for Implementing this Decision**

5.1 The current concession is due to end on 20 June 2022. As such, is the recommendation is approved, the technical work required to implement the policy will commence as soon as possible thereafter to ensure that eligible residents continue to enjoy the benefit of discounted travel.

## **6. Financial and Procurement Implications and Advice**

- 6.1 The Zoom Beyond concession was originally priced at over £6m for twelve months of provision. This commitment was to be funded from £2m from the transport levy over two financial years with £4m allocated from gainshare.
- 6.2 Actual costs incurred through the concession have been significantly lower than forecast reflecting much lower demand than anticipated. It is now expected that by the end of the current concession the total cost of the scheme will be £1.5m. Underspend against the initial forecast has allowed the levy resource to be redeployed to the Summer Saver discount with a further £1m being allocated in the 2022/23 budget to meet the anticipated rising cost of tendered bus services.
- 6.3 The proposal to extend the scheme is currently unbudgeted. Initial forecasts suggest that a twelve-month extension could cost a further £1.5m with potential upside pressures given the existing concession has run during restrictions.
- 6.4 Should the Board wish to pursue Option 2 the costs could be accommodated within the existing gainshare allocation where £2.5m of resource remains.
- 6.5 An indefinite commitment as presented in Option 3 is not sustainable without recourse to the transport levy or further gainshare. Under both options the Board would need to agree to displace existing activity or allocate currently uncommitted funding.
- 6.6 It should be noted that in committing funding to this proposal the MCA will be reducing its ability to mitigate the anticipated service cuts that will arise following the end of Government funding support to the network post October 2022.

## **7. Legal Implications and Advice**

- 7.1 The proposed enhancement to concessionary travel will be introduced by SYPTTE. Under Part 1 of the Localism Act 2011 both SYPTTE and the MCA have the General Power of Competence. Further, under the Transport Act 2008 the MCA has power to take any action it determines is likely to achieve any one or more of the following objects:

1. the promotion or improvement of the economic well-being of its area,
2. the promotion or improvement of the social well-being of its area,
3. the promotion or improvement of the environmental well-being of its area.

This use of this power can be delegated to the SYPTTE under s.99(7). Suitable arrangements with public transport operators will need to be put in place in respect of re-imbursement to compensate the operators from any reduction in fares revenue. These arrangements will need to comply with Regulations that govern such compensation.

## **8. Human Resources Implications and Advice**

- 8.1 Not relevant to this paper.

## **9. Equality and Diversity Implications and Advice**

- 9.1 The paper considers the benefits of subsidised public transport for those aged 18-21 so the recommendation and decision will have a direct bearing on age of passengers and residents of South Yorkshire which is a protected characteristic.

## **10. Climate Change Implications and Advice**

- 10.1 Board should note that an extension to the scheme will positively encourage younger people to choose public transport over other options including private car. This is particularly pronounced at time when many for the first time have access to a car and are making decisions around personal car ownership.

Therefore any policy which encourages continued use of public transport will have a positive impact on air quality, climate change and our net-Zero targets.

## **11. Information and Communication Technology Implications and Advice**

- 11.1 Not relevant to this paper.

## **12. Communications and Marketing Implications and Advice. Please also refer to consultation undertaken as per Section 4**

- 12.1 A significant marketing and communications campaign will need to be delivered at pace to promote any agreed extension to the Zoom Beyond 18-21 concessionary travel scheme, communicate auto-renewal of expiring passes to customers and encourage travel pass applications and subsequent usage.

### **List of Appendices Included**

None

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## Mayoral Combined Authority Board

06 June 2022

### LEP Review

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<b>Is the paper exempt from the press and public?</b>	No
<b><i>Reason why exempt:</i></b>	Not applicable
<b>Purpose of this report:</b>	Governance
<b>Is this a Key Decision?</b>	Yes
<b>Has it been included on the Forward Plan?</b>	Yes

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**Director Approving Submission of the Report:**  
Dr Dave Smith

**Report Author(s):**  
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### Executive Summary

This report sets out for Members the requirements for the MCA to set out an Integration Plan and submit this to government by end of July or at the latest the end of January 2023. The paper highlights a few potential options for consideration and a timeline for decision making and engagement with the LEP and businesses.

#### **What does this mean for businesses, people and places in South Yorkshire?**

The LEP is a longstanding entity that has been part of the decision-making architecture in South Yorkshire since 2010 with previous responsibility for developing the Strategic Economic Plan, delivering the Local Growth Fund and championing the interests of businesses in South Yorkshire.

The established MCA governance model includes strong representation from the private sector in both the positioning of the LEP and the Thematic Board arrangements. This ensures the private sector voice is represented in policy and decisions relating to all of the priority areas of the economic plan.

## Recommendations

The Board is asked to:

1. consider and agree the process to be undertaken to complete the integration plan, including considering an option for business engagement to be put forward to Members by the LEP Private Sector,
2. consider and agree the timeline and engagement plan for development
3. consider and agree any further work members would like to commission officers to undertake prior to receipt of a draft plan.

## Consideration by any other Board, Committee, Assurance or Advisory Panel

Local Enterprise Partnership

12<sup>th</sup> May 2022

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### 1. Background

- 1.1 At the March 2021 Budget, the Government launched a review on the **form, function and geographies** of Local Enterprise Partnerships (LEPs) in England. The Government committed to consult and work in collaboration with LEPs and local businesses on the evolution of LEPs. The principle aim of the review was to ensure that local businesses would continue to be represented in decision-making processes that impact on businesses and economic growth, albeit under a new operating model from 2022/23. The Government's intention of better aligning LEP governance arrangements and geographical boundaries with new and existing Combined and Mayoral Combined Authorities (MCAs) was a key consideration for the review.
- 1.2 The Levelling Up White Paper and subsequent guidance produced by Government sets out a process to 'fold' LEPs in MCA areas into the MCA governance arrangements, to create an integrated approach. In addition, it is seeking to create a single, coterminous LEP in MCAs, where currently there are multiple LEPs. It should also be noted that where (M)CAs do not currently exist LEPs will continue to operate.
- 1.3 Government have indicated that the model already in place in South Yorkshire of MCA / LEP governance integration through the structure of Thematic Boards is at the heart of their intentions, as it sees the private sector voice engaged in the detail of accountable and transparent MCA decision making. This is a positive indicator of confidence in local arrangements and recognises the strength in the local arrangements for delivering economic growth outcomes and future devolution propositions.
- 1.4 The requirement of all MCA, outlined in the guidance, is to agree and submit and Integration Plan before 29 July 2022 or by 27 January 2023, where more time is needed.  
The expectations of government in the development of the Plan are that:
  - The plan must take account of the content outlined in the guidance. MCA will lead the development of the plan, outlining all considerations that apply.
  - The LEP and other key stakeholders should be engaged in the development of the plan and the LEP must sign this off prior to submission to government.

- Arrangements must embed a strong, independent and diverse local business voice into local democratic institutions... The Board must have a meaningful role in decision making and should be consulted on all relevant economic decisions.

There are a number of other requirements regarding staffing resources, which are not applicable as the MCA is the employing body for a single Executive team.

- 1.5 Section 2 of this paper sets out the requirement for the Integration Plan. Section 5 of the paper provides a high-level timeline to meet the first deadline for submission of the Plan by 29th July 2022.

## 2. Key Issues

- 2.1 The requirement for the Integration Plan is to ensure that the MCA is appropriately supported by a Private Sector Board such that economic planning is carried out in partnership with Local Leaders to clearly articulate their areas economic priorities and sectoral strengths. MCAs, where LEP functions are Integrated, should continue to use their convening power to bring together business, education, and other local economic stakeholders.

The plan therefore needs to articulate:

- Purpose
- Governance
- Engagement and Communication Plan
- Financial or Resource Plan

Work undertaken by the LEP and MCA in setting up the current governance arrangements, including the Terms of Reference set out in the Constitution, will be drawn upon to develop the initial sections of the Plan. This will be supplemented with engagement to develop the section on the forward engagement and communications plan.

### 2.2 Purpose

The remit for LEPs, as determined via a number of previous LEP Reviews, was as custodian of the economic plan for a defined geography and to steer the strategic direction of a large capital investment programme. This review has changed this leadership role and purpose as the responsibility for development of the regional economic strategy is in the purview of the MCA in consultation with an appointed Business Board and capital programmes will all be led by the MCA. However, the new Government requirements specify that the MCA must engage the business voice in its decision-making processes.

There are a few potential options for recasting the purpose and focus for a new business board. The Private Sector LEP Members are exploring the role the private sector could play in the development of a mutually beneficial partnership with the Mayor and MCA with a view to bringing back options to the Mayor and MCA to consider.

### 2.3 Governance

Work undertaken by the LEP and MCA in setting up the current governance arrangements will be drawn upon to develop the initial sections of the Plan. The

model in South Yorkshire, replicated largely in West Yorkshire, for Thematic Boards is the Governments preferred model, for ensuring private sector engagement within the MCA decision making processes. Therefore, the Thematic Board approach meets the requirements set by DLUHC.

## 2.4 Engagement and Communications

Engagement to date has been informally with the LEP Board Private Sector Members, to be supplemented by a facilitated workshop. The outcome of this will be a proposal from the Private Sector LEP Members to the MCA Board on the role and purpose they could fulfil in this new arrangement. In addition, the Business Advisory Group, including the FSB, Make UK, CBI, Chambers of Commerce, the International Trade Forum and Trades Unions will be able to consider the proposals following the workshop.

## 2.5 Finance and Resource Plan

Due to the existing arrangements with the MCA as Accountable Body for the LEP there are no immediate financial or resourcing issues to resolve as there are in areas where the LEP operates as a separate private company or where TUPE arrangements to the (M)CA are required. The current model where the MCA receives a core grant on behalf of management of LEP affairs programmes, through a Core and Growth Hub grant is at risk as it is uncertain that this will continue after this year.

## 3. Options Considered and Recommended Proposal

3.1 At this stage there are no alternative options to consider. The requirement for an Integration Plan to be developed is mandatory. Failure to develop and submit a plan is flagged as a risk to receipt of any future Core and discretionary budgets for LEP led activity.

There is the option that the submission is delayed until the long stop date of January 2023, this would permit greater time to discuss options, but could jeopardise future resource payments. We are seeking clarity on the implications of a later submission.

## 4. Consultation on Proposal

4.1 This is detailed in section 2.4 above, there is a requirement to engage with the private sector.

## 5. Timetable and Accountability for Implementing this Decision

To meet the deadline of 29th July, there is a need to meet the following milestones:

Milestone	Who	Date
<i>Engagement discussion LEP Private Sector</i>	<i>Private Sector</i>	<i>26/04/2022</i>
<i>Agreement to the Draft Plan development process</i>	<i>LEP Board</i>	<i>12/05/2022</i>
First Draft Plan to date circulated	LEP / MCA	20/05/2022
Draft Plan discussed MCA	MCA	06/06/2022
Final Draft Plan circulated	LEP / MCA	29/06/2022
LEP Board Decision	LEP	07/07/2022
MCA Board Decisions	MCA	25/07/2022
Submission to Government		29/07/2022



## **6. Financial and Procurement Implications and Advice**

- 6.1 The guidance has made a number of stipulations regarding the submission and making future funds contingent on compliance.

*Requirement of an open process to recruit independent members is a pre-requisite for the release of further core or transitional funding. This is in line with current arrangements and a process is already in place to comply with this.*

*The functions and roles agreed and contained within the integration plan will form the basis of the core funding grant offer. This will be part of the submission and is in line with an annual submission currently made for Core Grant.*

*Performance against these functions will inform future core funding decisions. We already report against and Annual Performance Requirement for strategy, governance and delivery and have reporting mechanisms in place.*

## **7. Legal Implications and Advice**

- 7.1 Following the development and approval of the plan there will be a requirement for some changes to Board Terms of Reference and / or the Constitution. This will be considered as part of the developing work plan.

## **8. Human Resources Implications and Advice**

- 8.1 None – the Executive is an integrated team, employed by the MCA and supporting the work of the Mayor, MCA and LEP. There are therefore no TUPE implications as there are in other places.

## **9. Equality and Diversity Implications and Advice**

- 9.1 Gender and diversity will continue to play a part in the recruitment of the private sector to ensure a representative board is in place. Business representatives must continue to be recruited through an open and transparent process.

## **10. Climate Change Implications and Advice**

- 10.1 Not Applicable

## **11. Information and Communication Technology Implications and Advice**

- 11.1 Not Applicable

## **12. Communications and Marketing Implications and Advice**

- 12.1 The guidance does not stipulate the requirement to retain the LEP brand for the Business Board. Any change in the role or composition of the LEP will need to be communicated through a communications and marketing campaign so that partners, stakeholders, businesses and the general public are aware of the changes.

### **List of Appendices Included**

None

**Background Papers**

None



## Mayoral Combined Authority Board

06 June 2021

### Programme Approvals

<b>Is the paper exempt from the press and public?</b>	No
<b>Reason why exempt:</b>	Not applicable
<b>Purpose of this report:</b>	Funding Decision
<b>Is this a Key Decision?</b>	Yes
<b>Has it been included on the Forward Plan?</b>	Yes

#### Director Approving Submission of the Report:

Gareth Sutton, Chief Finance Officer/s73 Officer

#### Report Author(s):

Sue Sykes – AD Procurement, Contracts and Programme Controls  
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#### Executive Summary

This report requests progression of six schemes and approval of 12 project change requests subject to conditions to be set out in the Assurance Summaries appended to this report.

#### What does this mean for businesses, people and places in South Yorkshire?

This report is seeking approval to progress business cases and enter into contract for a number of investment proposals which will support the MCA's aspirations.

#### Recommendations

The Board consider and approve –

1. Progression of "Sheaf Valley Cycling Route" project to full approval and award of £2.3m grant to Sheffield City Council (SCC) subject to the conditions set out in the Assurance Summary attached at Appendix A1
2. Progression of "A630 Bus Improvements" project to full approval and award of £1.6m grant to Doncaster Borough Council (DBC) subject to the conditions set out in the Assurance Summary attached at Appendix A2

3. Progression of “Goldthorpe Station Access” project to full approval and award of £0.55m grant to Barnsley Metropolitan Borough Council (BMBC) subject to the conditions set out in the Assurance Summary attached at Appendix A3
4. Progression of “Elsecar Active Travel Scheme” project to full approval and award of £0.57m grant to Barnsley Metropolitan Borough Council (BMBC) subject to the conditions set out in the Assurance Summary attached at Appendix A4
5. Progression of “D0037” project to full approval and in-principle approval for an investment of £3m to a Sheffield based business subject to the conditions set out in the Assurance Summary attached at Appendix C1
6. Progression of “Housing Retrofit” project from Outline Business Case (OBC) to Full Business Case (FBC) subject to the conditions set out in the Assurance Summary attached at Appendix B1
7. Acceptance of the Local Transport Fund Grant (£5.66m); the award of grant to South Yorkshire Supertram Ltd for the tram element of funding (£4m); and the earmarking of the bus element to the protection of priority services (£1.66m).
8. Approval of 12 Project Change requests detailed in Appendix D
9. Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for the schemes covered at 1-4 above.
10. Delegated authority to be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer and the Mayor and Chair of the Business Growth Board to enter into legal agreements for the scheme covered in point five, subject to the satisfactory conclusion of due-diligence and negotiation of an appropriate investment method.

### **Consideration by any other Board, Committee, Assurance or Advisory Panel**

Assurance Panel	28 March 2022
Assurance Panel	11 April 2022
Assurance Panel	25 April 2022
Assurance Panel	09 May 2022
Assurance Panel	23 May 2022

## **1. Background**

- 1.1 This report seeks full approval for 4 transport capital schemes and progression of 1 housing scheme. The total value of the transport schemes comes to £5.02m and will be resourced from previously committed grant funding.

This report also details the results of the assurance process of one currently unfunded proposed capital investment totalling c. £3m. The report recognises that the proposal meets the threshold for investment – subject to a number of conditions – and in line with previous decisions recommends that the Board consider resourcing the project from the gainshare funding made available in 2022/23. The report seeks an in-principle approval for this investment subject to the satisfactory conclusion of due-diligence and assurance processes and the agreement of a suitable investment model.

## **Progression of transport schemes to full approval and award of funding**

The report is seeking progression to full approval, contract, and award of grant funding for 4 transport schemes totalling £5.02m. Two schemes are located in Barnsley, with one each in Doncaster and Sheffield.

Funding is derived from previously received Transforming Cities and Active Travel grant, complemented by additional gainshare funding previously committed by the Board.

### **Sheaf Valley Cycling Route - (Active Travel Fund 2 (ATF2)/ Gainshare)**

This investment is for £2.3m to Sheffield City Council with total project costs of £2.38m

The Scheme aims to provide new walking and cycling infrastructure to enable more journeys to be made by active modes will provide a viable alternative to the private car, especially for shorter journeys. This will contribute to reducing the reliance on carbon intensive modes and supporting decarbonisation of our transport systems which is essential in tackling the climate emergency.

#### The Benefits and Outcomes

- Providing new walking and cycling infrastructure to enable more journeys to be made by active modes will provide a viable alternative to the private car, especially for shorter journeys. This will contribute to reducing the reliance on carbon intensive modes and supporting decarbonisation of our transport systems which is essential in tackling the climate emergency.
- 400m segregation
- 1 New controlled crossing
- 4 Improved controlled crossing
- 1 Improved uncontrolled crossing
- 2 Point closure - new
- 1 Point closure - relocated
- 1 Point closure - upgraded
- 200m Track widening
- 1780m Parking restriction
- 1 Bus gate
- 1 Junction improvement/Remodelling
- 20mph area

The Assurance Summary notes some conditions of approval, these are detailed in full within Appendix A1

### **A630 Bus Improvements - (Transforming Cities Fund 2)**

This investment is for £1.6m funding to Doncaster Borough Council.

The A630 is a road connecting the towns of Doncaster and Rotherham in South Yorkshire, facilitating a vital bus link between the two towns serving destinations such as Conisbrough, Warmsworth and Balby. The scheme is to improve 15

junctions using the latest enhanced traffic signal technology strategies based on Microprocessor Optimised Vehicle Actuation (MOVA M8). This aims to provide flexible priority for buses potentially reducing delays by 30% - 60% without taking up road space.

#### The Benefits and Outcomes

Through the installation of 15 state of the art signals, the scheme will:

- Provide an innovative yet proven technological solution to improve bus journey times and reliability along the A630.
- Improve air quality through two air quality management areas by reducing congestion and improving traffic flow.
- Enhance the infrastructure provision for a low carbon mode using a method with extremely low construction impacts and associated carbon emissions / embedded carbon.
- Encourage modal shift to bus by improving the reliability and performance.
- Improve the transport connectivity to disadvantaged communities, supporting sustainable economic development.

The Assurance Summary notes some conditions of approval these are detailed in full within Appendix A2.

#### **Goldthorpe Station Access - (ATF2/Gainshare)**

This investment is for £0.55m to Barnsley Metropolitan Borough Council.

The scheme is a package of measures which seeks to improve walking and cycling connectivity to the existing rail station at Goldthorpe. With plans through the Integrated Rail Plan to replace this station with a new “Dearne Valley Parkway” station, the links proposed will enable existing Public Rights of Way to be diverted to create the car park / increased station footprint.

#### The Benefits and Outcomes

- 1.5km of new Active Travel route created;
- 7 improved crossings at junctions
- 20 Advisory Speed at Highgate Primary School;
- Improve facilities and access by all modes;
- Increase levels of physical activity;
- Improve accessibility to employment;
- Improve Air Quality and noise levels;
- Improve levels of road safety;
- Increase patronage on public transport

The Assurance Summary notes some conditions of approval, these are detailed in full within Appendix A3

## **Elsecar Active Travel Scheme - (ATF2/Gainshare)**

This investment is for £0.57m funding to Barnsley Metropolitan Borough Council

The Elsecar Active Travel Scheme consists of a package of measures which seeks to improve walking and cycling connectivity between Elsecar Heritage Centre and Cortonwood Retail Park.

### **The Benefits and Outcomes**

- Enhancement of 2.8km of existing Public Right of Way and Trans Pennine Trail via improvements, widening and resurfacing;
- Introduction of zebra crossing and 2 further crossings on Wentworth Road.
- 2 improved crossing facilities on Wath Road and 1 improved crossing facility on Tingle Bridge Lane
- Wayfinding signage;
- Improvements to public realm, which will include improved footways within Elsecar Park, additional seating, greenscape improvements and route finders which will showcase Elsecar Heritage Centre attractions;
- Reduction of speed limit to 40mph on Water Lane;
- Introduce a wider 30mph speed limit within Elsecar and extend on Wentworth Road. Introduce 'dragons' teeth' road markings and speed roundels. A buffer speed limit of 40mph will also be introduced to between 60mph and 30mph zones.

The Assurance Summary notes some conditions of approval, these are detailed in full within Appendix A4

## **1.3**

### **Progression of schemes from OBC to FBC**

The report is seeking progression from OBC to FBC for one housing project located in Doncaster.

#### **Housing Retrofit - Thermal Efficiency and Heat Pump upgrades**

This investment is seeking funding of £2.7m with total project costs of £5.75m

Doncaster Council has successfully bid for funding to initiate a housing retrofit scheme focusing on the most impactful energy efficiency works in low-income communities with the oldest inefficient housing stock. With a restrictive qualifying criteria which does not allow an area based approach, the project is seeking funds that allow this in order to achieve greater community impact and value for money.

Housing retrofit is one of the contributors to net zero, improved health, reduced fuel poverty and economic recovery and development.

The Benefits and Outcomes:

- External Wall insulation for 250 Council owned properties
- Grants paying cost of external wall insulation to 50 privately owned homes
- 100 Council owned homes to receive fully funded Air Source Heat Pumps.
- Reduction in Carbon emissions
- 15 Jobs

The Assurance Summary notes some conditions of approval that will need to be resolved within the submitted FBC, these are detailed in full within Appendix B1

#### 1.4 **Progression of business scheme D0037 to full approval and award of funding**

The report is seeking progression to full approval, and in-principle contract and investment of £3m to a business scheme located in Sheffield.

This scheme offers the potential to bring high skilled well-paid jobs to the region in a sector in which the region is underserved, along with providing a valuable tool in addressing known issues around access to commercial finance for the region's growing businesses. Whilst ancillary to the principal benefits, the proposal also affords the region the potential for material returns that, if realised, could be reinvested into the Renewal Fund.

This report seeks in-principle approval for the proposal whilst noting that necessary assurance, due-diligence and negotiation around the method of investment are required. In-principle approval affords both the MCA and the business the confidence to continue this activity.

This report proposes that this commitment be met from the uncommitted Renewal Fund gainshare capital available in year.

The assurance summary includes conditions of funding which must be met before contract execution. Further details of the scheme and risks are included in Appendix C1.

Subject to this in-principle approval, the completion of due-diligence activity, and the agreement of an appropriate method of investment, this report recommends that delegated authority is granted to the Chief Executive in consultation with the Mayor and the Chair of the Business Growth Board to enter into arrangements with the business.

#### 1.5 **Local Transport Fund Settlement**

The Department for Transport has now formally offered the MCA the previously announced grant funding for the continuation of support to the tram and bus network to the end of October. This funding totals £5.66m and likely represents the last of government support.

Funding is awarded on the basis of a notional split of £4m to the tram network and £1.66m towards bus. The bus element of funding is lower than tram recognising the direct support operators are currently receiving from



government. Support is made to the tram operator on a 'no-better, no-worse' basis, ensuring that whilst services continue to be run profit is not made on public subsidy.

This report recommends acceptance of the funding, the onward award of the tram allocation to SYSL, and the earmarking of the bus element to supporting the anticipated pressures on the tendered services budget which will support at risk services.

## 1.6 **Project Change Requests**

In recognition of unforeseen circumstances that can arise during the project delivery phase, the approved Assurance Framework establishes a formal process for the acceptance of change requests. These change requests could be financial, requiring reprofiling of funds, or could be to amend deliverables or timescales. Details of the Change requests can be found in Appendix D.

## 2. **Key Issues**

2.1 Further scheme details and assurance summaries are presented as appendices to this report.

## 3. **Options Considered and Recommended Proposal**

### 3.1 **Option 1**

Approve all recommendations.

### 3.2 **Option 1 Risks and Mitigations**

Approval of the unfunded business investment proposition would require a commitment being made against the MCA's 2022/23 gainshare allocation.

### 3.3 **Option 2**

Reject some, or all, of the recommendations.

### 3.4 **Option 2 Risks and Mitigations**

Rejection of some, or all, of the recommendations in this report would mean the region foregoing the forecast benefits arising from the investment and potentially also mean that the funding would be returned to government.

### 3.5 **Recommended Option**

Option 1

## 4. **Consultation on Proposal**

4.1 Discussions for these projects has continued with thematic boards during project development.

## 5. **Timetable and Accountability for Implementing this Decision**

5.1 Subject to the approval of the recommendations and approval by the MCA, the Head of Paid Service in consultation with the Section 73 Officer and Monitoring Officer will progress to enter into a legal agreement with the promoter.

5.2 The promoter is responsible for the further development of projects that have gateway approval to the next stage of the MCA Assurance process.

## **6. Financial and Procurement Implications and Advice**

6.1 The projects presented for approval today are profiled to draw down £5.02m of funding from previously received Transforming Cities, Active Travel, and Gainshare funding.

6.2 The report further proposes that that the MCA consider the deployment of gainshare funding totalling £3m in support of a business investment.

The report notes that whilst due-diligence is required on this investment, there is potential for material returns that could, if realised, be reinvested into the Renewal Fund.

The report further notes that the method of investment is subject to negotiation with the scheme promoter. This method will require careful consideration.

6.3 Finally, the report seeks the acceptance, disbursement, and earmarking of Local Transport Fund grant from Government. Acceptance and use of this funding is a key component in supporting the transport network to the end of October.

## **7. Legal Implications and Advice**

7.1 The legal implications of the projects have been fully considered by a representative of the Monitoring Officer and included in the recommendations agreed within the Assurance Summaries as presented in the Appendices. Projects have taken full legal advice regarding subsidy control with legal letters supporting applications included

7.2 Prior to awarding the grants and entering into investment, the MCA shall ensure contracts are put in place to ensure the recipients comply with the grant conditions

## **8. Human Resources Implications and Advice**

8.1 Not Applicable

## **9. Equality and Diversity Implications and Advice**

9.1 Appropriate equality and diversity considerations are taken into account as part of the assurance of the project business cases

## **10. Climate Change Implications and Advice**

10.1 A number of the schemes include new and/or enhanced active travel initiatives and improvements to public and community transport infrastructure thereby shifting private vehicle use to more sustainable modes of transport. This aims to deliver huge benefits for health and the prosperity of cities, positively contributing to the SYMCA's climate change aspirations

**11. Information and Communication Technology Implications and Advice**

11.1 Not applicable

**12. Communications and Marketing Implications and Advice**

12.1 The approvals provide positive opportunities to highlight the difference the MCA's investments will make to people and passengers, businesses and places across South Yorkshire and how Members are taking action to support the region's recovery from COVID

**List of Appendices Included**

- A Progression of schemes to full approval and award of funding
- A1 Assurance Summary: Sheaf Valley
- A2 Assurance Summary: A630 Bus Improvements
- A3 Assurance Summary: Goldthorpe Station Access
- A4 Assurance Summary: Elsecar Active Travel
- B1 Assurance Summary – Housing Retrofit
- C1 Assurance Summary – D0037
- D Project Change Requests

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# Appendix A1 - Assurance Summary

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1 – SCHEME DETAILS			
<b>Project Name</b>	O0050 Sheaf Valley Cycling Route	<b>Type of funding</b>	Grant
<b>Grant Recipient</b>	SCC	<b>Total Scheme Cost</b>	£2.386m
<b>MCA Executive Board</b>	TEB/MCA	<b>MCA Funding</b>	£2.3m (capped)
<b>Programme name</b>	ATF	<b>% MCA Allocation</b>	100%
<b>Current Gateway Stage</b>	FBC	<b>MCA Development costs</b>	£303k
		<b>% of total MCA allocation</b>	12.8%

2 – PROJECT DESCRIPTION		
<i>Is it clear what the MCA is being asked to fund?</i>		
<b>Yes</b>		
<b>Intervention</b>	<b>No. /Length</b>	<b>Location</b>
segregation	400m	various
New controlled crossing	1	Bramall Lane
Improved controlled crossing	4	Harmer lane, Shoreham st/ring road, Matilda/Shoreham
Improved uncontrolled crossing	1	Broadfield Road
Point closure - new	2	Cherry Street and Little London Road
Point closure - relocated	1	Rydal Road
Point closure - upgraded	1	Little London Road
Track widening	200m	Various locations
Parking restriction	1780m	Various locations
Junction improvement/Remodelling	1	Conversion of 5 arm R'about into T junction includes 2 closures
20mph area	1	Highfield
<b>Total length of treatment</b>	<b>4.0k</b>	

3. STRATEGIC CASE		
<i>Scheme Rationale</i>	<i>Does the scheme have a clearly stated rationale and provide a strong justification for public funding?</i> <b>Yes.</b> As reported for the OBC, the rationale is clear and in line with SYMCA strategies.	
<i>Strategic policy fit</i>	<i>How well does the scheme align with the strategic objectives of the SEP and RAP?</i> The FBC <b>very clearly</b> links the scheme outputs to the SEP and Transport Strategy objectives.	
<i>Contribution to Carbon Net Zero</i>	<i>Does this scheme align with the strategic objective to achieve Carbon Net Zero?</i> <b>Yes</b> , clearly,	
<i>SMART scheme objectives</i>	<p><i>State the SMART scheme objective as presented in the business case.</i></p> <ul style="list-style-type: none"> <li>• Increase the use of existing and planned pedestrian and cycling facilities in the city centre</li> <li>• Improve the cycling environment that is safer for both walking and cycling to replace journeys made by car;</li> <li>• Improve access to key city centre destination for all modes including walking and cycling</li> <li>• To create a cultural shift towards making cycling and walking the natural choice for shorter journeys</li> <li>• That this route will form part of a local area network linking into the Nether Edge TCF and ATF proposals, and creating a longer much improved active travel route when combined with City Centre, HZN and AMID proposals. Ultimately forming a key piece of the citywide network so that all destinations within the city are accessible and safer by bike or foot.</li> </ul> <p><i>Is there a 'golden thread' between the strategic objectives (see 3.2) and the scheme objectives (see 3.8)?</i> <b>Yes</b>, the scheme objectives are consistent with the vision of the SEP.</p>	
<i>Options assessment</i>	<p><i>Is there a genuine Options assessment and is there a clear rationale for the selection of short-listed options and the choice of the Preferred Way Forward?</i></p> <p><b>Yes.</b> The promoter has clarified that an appropriate filtering process to identify the best alignment in strategic terms regardless of costs and then the preferred route was considered in detail. Whilst this would appear to be not best practice, it is a proportionate approach in this case.</p>	
<i>Statutory requirements and adverse consequences</i>	<p><i>Does the scheme have any Statutory Requirements?</i> <b>Yes</b> – ETROs and TROs</p> <p><i>Are there any adverse consequences that are unresolved by the scheme promoter?</i> The FBC (7.12) lists a number of potential implications for traffic re-distribution and abstraction from public transport some of which could be beneficial. The M&amp;E plan is being designed to measure these impacts.</p>	
<i>FBC stage only – Confirmation of alignment with agreed MCA outcomes (Stronger, Greener, Fairer).</i>	<p><i>Does the scheme still align with strategic objectives?</i> <b>Yes</b></p> <p><i>Have the conditions of approval granted at OBC been complied with?</i> <b>Yes.</b> An updated QRA and a legible organogram are provided with the FBC.</p>	
4. VALUE FOR MONEY		
<b>Monetised Benefits:</b>		
<b>VFM Indicator</b>	<b>Value</b>	<b>R/A/G</b>
<i>Net Present Social Value (£)</i>	£8.077m	G

<i>Benefit Cost Ratio / GVA per £1 of SYMCA Investment</i>	5.58	G
<i>Cost per Job</i>	n/a	
<b>Non-Monetised Benefits:</b>		
<i>Non-Quantified Benefits</i>	Not identified	
<b>Value for Money Statement</b>		
<i>Taking into consideration the monetised and non-monetised benefits and costs, does the scheme represent good value for money?</i>		
<b>Yes.</b> The benefits are sensitive to the assumed cycling uplifts (17%;64%;64% A;B;C) which whilst based on experience elsewhere in Sheffield (Penistone Rd) are still uncertain. However, if they prove to be optimistic (eg by 100%) the BCR would be >2 and the scheme worthwhile/good VFM.		
<b>5. RISK</b>		
<i>What are the most significant risks</i>		
The Risk Log (Appendix A.3) lists and assesses the expected impact on costs of:		
<ol style="list-style-type: none"> <li>1. Insufficient access to materials and resources.</li> <li>2. TRO consultation for Shoreham Street receives objections</li> <li>3. Costs exceed budget.</li> <li>4. Covid restrictions introduced / Contractors workforce need to self-isolate</li> <li>5. Events ( sporting / other) planned throughout summer impact on construction timescales</li> </ol>		
The first of these is rated as high impact, high likelihood (EV=£65K).		
<i>....and is there evidence that these risks are being mitigated?</i>		
<b>Yes.</b> The promoter states that these possible events are being and will be mitigated as much as possible by early discussions with stakeholders and good communication with contractor and wider supply chain with regard to using alternative products if the desired ones are unavailable.		
<i>Do the significant risks require any contract conditions? (e.g. clawback on outcomes)</i>		
<b>No.</b>		
<i>Are there any significant risks associated with securing the full funding of the scheme?</i>		
<b>No.</b>		
<i>Are there any key risks that need to be highlighted in relation to the procurement strategy?</i>		
<b>No.</b> The work will be undertaken by SCCs Highway PFI contractor Amey.		
<b>6. DELIVERY</b>		
<i>Is the timetable for delivery reasonable and has the promoter identified opportunities for acceleration?</i>		
<b>Yes</b> – milestones have been updated and they plan to advertise TROs as required by end April/beg May. Any objections to be reported to Committee for decision. No external procurement is required. Construction will commence at risk in May to minimise work post September 2022		
<i>Is the procurement strategy clear with defined milestones?</i>		
<b>Yes.</b> AMEY already onboard.		
<i>What is the level of cost certainty and is this sufficient at this stage of the assurance process?</i>		
<b>95%</b>		

*Has the promoter confirmed they will cover any cost overruns without reducing the benefits of the scheme?*

**Sort of** – more likely the scope will be reduced slightly unless they can find “another funding opportunity”.

*Has the promoter demonstrated clear project governance and identified the SRO?*

**Yes.** TFS is the SCC Project Sponsor (=SRO)

*Has the SRO or other appropriate Officer signed of this business case?*

**Yes**

*Has public consultation taken place and if so, is there public support for the scheme?*

**Yes. Yes (see 7.11)**

*Are monitoring and evaluation procedures in place?*

**Yes. (see 7.12)**

## 7. LEGAL

*Has the scheme considered Subsidy Control compliance or does the promoter still need to seek legal advice?*

**Yes,** although has not sought a legal opinion. No (the scheme is clearly transport infrastructure as usually funded by the public sector).

## 8. RECOMMENDATION AND CONDITIONS

<b>Recommendation</b>	Proceed to contract
<b>Payment Basis</b>	Defrayal
<b>Conditions of Award (including clawback clauses)</b>	
<p><b>The following conditions must be satisfied before contract execution.</b></p> <ul style="list-style-type: none"><li>• Confirmation of costs</li><li>• Confirmation that ATF funded works be completed by September 2022</li></ul> <p><b><i>The conditions above should be fully satisfied by 30.06.22. Failure to do so could lead to the withdrawal of approval.</i></b></p> <p><b>The following conditions must be included in the grant agreement</b></p> <ul style="list-style-type: none"><li>• Clawback on Outputs and Outcomes</li></ul>	



## Appendix A2 - Assurance Summary

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### 1 – SCHEME DETAILS

<b>Project Name</b>	T0013: A630 Bus Improvements (Junction Technology Upgrade)	<b>Type of funding</b>	Grant
<b>Grant Recipient</b>	South Yorkshire Mayoral Combined Authority	<b>Total Scheme Cost</b>	£1.60m
<b>MCA Executive Board</b>	TEB	<b>MCA Funding</b>	£1.60m
<b>Programme name</b>	TCF	<b>% MCA Allocation</b>	100%
<b>Current Gateway Stage</b>	FBC	<b>MCA Development costs</b>	£0.084m
		<b>% of total MCA allocation</b>	5.25%

### 2 – PROJECT DESCRIPTION

#### *Is it clear what the MCA is being asked to fund?*

It is proposed to improve 15 junctions on a key link between Rotherham and Doncaster using the latest enhanced traffic signal technology strategies based on Microprocessor Optimised Vehicle Actuation (MOVA M8). (Basically, more, longer, green waves). The promoter expects this to provide flexible priority for buses potentially reducing delays by 30% - 60% without taking up road space.

### 3. STRATEGIC CASE

<b>Scheme Rationale</b>	<i>Does the scheme have a clearly stated rationale and provide a strong justification for public funding?</i> <b>Yes. Yes</b> The current and potential future problems faced by buses on this growth corridor are clearly laid out and the opportunities for and the advantages brought by quicker bus journey times are well explained.
<b>Strategic policy fit</b>	<i>How well does the scheme align with the strategic objectives of the SEP and RAP?</i> <b>Very well.</b> All three SEP policy objectives (Growth, Inclusion, Sustainability) are shown as being met. (The RAP is not mentioned). Eleven (11) separate policy documents at the national, regional and local level are listed and shown to have objectives in common with the scheme.
<b>Contribution to Carbon Net Zero</b>	<i>Does this scheme align with the strategic objective to achieve Carbon Net Zero?</i> <b>Yes</b>

SMART scheme objectives	<p><i>State the SMART scheme objective as presented in the business case.</i></p> <ol style="list-style-type: none"> <li>1. Improve the passenger perception (i.e. satisfaction survey) of bus services along the A630 through improved reliability, improved journey times and state of the art technology.</li> <li>2. Reduce average bus journey time for all services that use the corridor.</li> <li>3. Increase bus patronage along the corridor from current levels.</li> <li>4. Reduce congestion at junction along the A630 corridor.</li> <li>5. Contribute towards the modal shift from private modes to bus for commuter journeys to, from and within Doncaster and the City Region.</li> </ol> <p><i>Is there a 'golden thread' between the strategic objectives (see 3.2) and the scheme objectives (see 3.8)?</i>  <b>Yes.</b> The logic map and the timing of monitoring activities are shown in the Monitoring and Evaluation Plan (Appendix J).</p>	
Options assessment	<p><i>Is there a genuine Options assessment and is there a clear rationale for the selection of short-listed options and the choice of the Preferred Way Forward?</i></p> <p><b>Yes</b> - within the identified corridor – acknowledged to be the main public transport corridor between Sheffield and Doncaster. It would be possible to provide longer bus lanes but this would not be physically possible along the entire route without drastically reducing space for general traffic and not significantly improving queuing/congestion in the shared sections and at junctions. DMBC oppose this. Rail and tram options have been considered and rejected on practicality/efficacy grounds. Sections 2.7 and 2.8 (FBC) describes the shortlisted options – which are cumulative interventions along the corridor, with the option that maximises the number of bus operators on some or all of the corridor experiencing time savings and accessibility due to the proposals. This results in a preferred option that has a lower BCR than others, but the largest carbon saving</p>	
Statutory requirements and adverse consequences	<p><i>Does the scheme have any Statutory Requirements?</i>  <b>No.</b> Works comprise mainly signalling equipment and processing units. No hard infrastructure so no TROs required.  <i>Are there any adverse consequences that are unresolved by the scheme promoter?</i>  <b>No.</b></p>	
FBC stage only – Confirmation of alignment with agreed MCA outcomes (Stronger, Greener, Fairer).	<p><i>Does the scheme still align with strategic objectives?</i>  <b>Yes</b>  <i>Have the conditions of approval granted at OBC been complied with?</i>  <b>Yes</b></p>	
<b>4. VALUE FOR MONEY</b>		
<b>Monetised Benefits:</b>		
<b>VFM Indicator</b>	<b>Value</b>	<b>R/A/G</b>
Net Present Social Value (£)	£2.825m	G
Benefit Cost Ratio / GVA per £1 of SYMCA Investment	3.8	G
Cost per Job	n/a	
<b>Non-Monetised Benefits: 6t p.a. CO2e</b>		

Non-Quantified Benefits	n/a
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## Value for Money Statement

*Taking into consideration the monetised and non-monetised benefits and costs, does the scheme represent good value for money?*  
**Yes**, even with a 25% decrease in demand as possible.

## 5. RISK

*What are the most significant risks ?*

1. Implementation Cost increases
2. Availability of road space to carry out works
3. Works are delayed due to adverse weather
4. Contractors and sub-contractors don't perform as expected....delays whilst remedy works
5. Brexit – Delay in delivery of traffic signal equipment

*.....and is there evidence that these risks are being mitigated?*  
 Costs are being monitored regularly, there has been engagement with DMBC Network management and a process is in place to monitor contractor performance through construction

*Do the significant risks require any contract conditions? (e.g. clawback on outcomes)*

**No**

*Are there any significant risks associated with securing the full funding of the scheme?*

**No**

*Are there any key risks that need to be highlighted in relation to the procurement strategy?*

**No. Existing FW used** Procurement is complete

## 6. DELIVERY

*Is the timetable for delivery reasonable and has the promoter identified opportunities for acceleration?*

Works are expected to commence October 2022 and complete April/ May 2023

*Is the procurement strategy clear with defined milestones?*

**Yes** – procurement complete

*What is the level of cost certainty and is this sufficient at this stage of the assurance process?*

**95%. Yes.**

*Has the promoter confirmed they will cover any cost overruns without reducing the benefits of the scheme?*

The promoter states (5.7) that the risk allocation is sufficient for all contingencies.

*Has the promoter demonstrated clear project governance and identified the SRO?*

**Yes.** SRO is PB

*Has the SRO or other appropriate Officer signed off this business case?*

Pending <i>Has public consultation taken place and if so, is there public support for the scheme?</i> <b>Yes.</b> There is full support for the scheme by all stakeholder groups (see FBC section 6.8) <i>Are monitoring and evaluation procedures in place?</i> <b>Yes.</b> See FBC section 6.9
<b>7. LEGAL</b>
<i>Has the scheme considered Subsidy Control compliance or does the promotor still need to seek legal advice?</i> <b>Yes. No</b> (See FBC section 6.4)

<b>8. RECOMMENDATION AND CONDITIONS</b>	
<b>Recommendation</b>	Proceed to contract
<b>Payment Basis</b>	Defrayal
<b>Conditions of Award (including clawback clauses)</b>	
<b>The following conditions must be included in the grant agreement</b> <ul style="list-style-type: none"> <li>- Clawback on outputs and outcomes</li> </ul>	

## 1 – SCHEME DETAILS

<b>Project Name</b>	O0043 – BMBC Goldthorpe Station Access	<b>Type of funding</b>	Grant
<b>Grant Recipient</b>	BMBC	<b>Total Scheme Cost</b>	£550,176
<b>MCA Executive Board</b>	TEB	<b>MCA Funding</b>	£550,176
<b>Programme name</b>	ATF	<b>% MCA Allocation</b>	100%
<b>Current Gateway Stage</b>	FBC	<b>MCA Development costs</b>	£68,003
		<b>% of total MCA allocation</b>	12.4%

## 2 – PROJECT DESCRIPTION

*Is it clear what the MCA is being asked to fund?*

There have been some changes to the scheme’s scope since the OBC, as some improvements have been implemented by the promoter already.

The scope is now:

- Provision of an Active Travel route along Nicholas Lane, Thurnscoe Bridge Lane and Shepherd Lane;
- Widening of existing shared footways;
- Improvements to 7 uncontrolled crossings at junctions
- New signage / wayfinding.
- Bus stop improvements along the route

## 3. STRATEGIC CASE

<i>Scheme Rationale</i>	<i>Does the scheme have a clearly stated rationale and provide a strong justification for public funding?</i> <b>Yes.</b> The scheme fits well with the SEP, the Transport Strategy, the Active Travel Implementation plan and national policies to encourage urban living and active travel.
<i>Strategic policy fit</i>	<i>How well does the scheme align with the strategic objectives of the SEP and RAP?</i> <b>Well.</b> The scheme is promoted as a key part of plans to achieve these aims.

Contribution to Carbon Net Zero	<p><i>Does this scheme align with the strategic objective to achieve Carbon Net Zero?</i></p> <p><b>Yes</b></p>
SMART scheme objectives	<p><i>State the SMART scheme objective as presented in the business case.</i></p> <p>SMART objectives are given as:</p> <p>Short term:</p> <p>Encourage more cycling/walking;</p> <ul style="list-style-type: none"> <li>• Create an environment that is safer for both walking and cycling to replace journeys made by car;</li> <li>• To increase patronage on public transport</li> <li>• To provide safe, attractive and direct pedestrian and cycle routes to rail stations</li> </ul> <p>Long term:</p> <p>To create a cultural shift towards making cycling and walking the natural choice for shorter journeys</p> <ul style="list-style-type: none"> <li>• To affect a mode shift away from the private car in those areas where new opportunities are likely to see an increase in demand or where growth could be stifled</li> <li>• To improve air quality and environmental impacts within the Dearne Valley Corridor</li> </ul> <p><i>Is there a 'golden thread' between the strategic objectives (see 3.2) and the scheme objectives (see 3.8)?</i></p> <p>Each of these is specified in detail with targets that are measurable, with timescale, metrics and plans for measurement detailed in Appendix A (BR and M&amp;E plans).</p>
Options assessment	<p><i>Is there a genuine Options assessment and is there a clear rationale for the selection of short-listed options and the choice of the Preferred Way Forward?</i></p> <p><b>Yes</b> – See Appendix J. The applicant has followed a logical and systematic process to define the optimal features of the scheme in comparison to high and low-cost alternatives and shown that the preferred option best meets strategic and economic objectives.</p>
Statutory requirements and adverse consequences	<p><i>Does the scheme have any Statutory Requirements?</i></p> <p><b>No</b></p> <p><i>Are there any adverse consequences that are unresolved by the scheme promoter?</i></p> <p><b>No</b></p>
FBC stage only – Confirmation of alignment with agreed MCA outcomes (Stronger, Greener, Fairer).	<p><i>Does the scheme still align with strategic objectives?</i></p> <p><b>Yes</b></p> <p><i>Have the conditions of approval granted at OBC been complied with?</i></p> <p><b>Yes :</b></p> <ol style="list-style-type: none"> <li>1. Commitment to further public consultation throughout detailed design ? <b>Done</b> QRA to be updated with p50 costs included in bid ? <b>Done</b></li> <li>2. Optimism Bias to be deleted from bid amount, any certainties to enter risk register or base costs ? <b>Done</b></li> <li>3. AMAT tool be used to estimate benefits ?</li> </ol>

**Done**  
 4. Corrections to OBC as agreed?  
**Yes**

**4. VALUE FOR MONEY**

**Monetised Benefits:**

<i>VFM Indicator</i>	<i>Value</i>	<i>R/A/G</i>
<i>Net Present Social Value (£)</i>	£517.44m	
<i>Benefit Cost Ratio / GVA per £1 of SYMCA Investment</i>	1.33	
<i>Cost per Job</i>	n/a	

**Non-Monetised Benefits:**

<i>Non-Quantified Benefits</i>	On a scale -2 to +2: +2 For increased demand for AT, net zero carbon, health, economics. 0 For Improved PT viability, Social value
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**Value for Money Statement**

*Taking into consideration the monetised and non-monetised benefits and costs, does the scheme represent good value for money?*  
**No.** The scheme is of low value for money. (BCR<1.5)

**5. RISK**

*What are the most significant risks and is there evidence that these risks are being mitigated?*  
 The promoter has been proceeding with construction in order to ensure completion of the scheme before May 2022. Earlier delays to the scheme start mean that some costs have risen faster than inflation and the P50 risk provision at December 2021 will therefore be required.

*Do the significant risks require any contract conditions? (e.g. clawback on outcomes)*  
**No**

*Are there any significant risks associated with securing the full funding of the scheme?*  
**No**

*Are there any key risks that need to be highlighted in relation to the procurement strategy?*  
**No**

**6. DELIVERY**

*Is the timetable for delivery reasonable and has the promoter identified opportunities for acceleration?*  
**Yes, No**

*Is the procurement strategy clear with defined milestones?*

**Yes - DLO**

*What is the level of cost certainty and is this sufficient at this stage of the assurance process?*

**90%. Yes**

*Has the promoter confirmed they will cover any cost overruns without reducing the benefits of the scheme?*

**No** – the question wasn't considered to be applicable

*Has the promoter demonstrated clear project governance and identified the SRO?*

**Yes. Yes**

*Has the SRO or other appropriate Officer signed of this business case?*

**Yes**

*Has public consultation taken place and if so, is there public support for the scheme?*

**Yes** - public consultation took place in 2021, prior to site work commencing.

*Are monitoring and evaluation procedures in place?*

**Yes**

## **7. LEGAL**

*Has the scheme considered Subsidy Control compliance or does the promoter still need to seek legal advice?*

**Yes. No**

## **8. RECOMMENDATION AND CONDITIONS**

<b>Recommendation</b>	Proceed to Contract
<b>Payment Basis</b>	Defrayal
<b>Conditions of Award (including clawback clauses)</b>	
<b>The following conditions must be included in the grant agreement</b> Clawback on outputs and outcomes	



# Appendix A4 Assurance Summary

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1 – SCHEME DETAILS			
Project Name	O0043 – BMBC Elsecar Active Travel Scheme	Type of funding	Grant
Grant Recipient	BMBC	Total Scheme Cost	£575,177
MCA Executive Board	TEB	MCA Funding	£575,177
Programme name	ATF	% MCA Allocation	100%
Current Gateway Stage	FBC	MCA Development costs	£78.504
		% of total MCA allocation	13.6%

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2 – PROJECT DESCRIPTION	
<p><i>Is it clear what the MCA is being asked to fund?</i></p> <p>There have been some small changes to the scheme's scope since the OBC, as some improvements have been implemented by the promoter already. The scope is now:</p> <ul style="list-style-type: none"><li>• Enhancement of 2.8km of existing Public Right of Way (PRoW) and Trans Pennine Trail (TPT) via improvements, widening and resurfacing;</li><li>• Introduction of zebra crossing and 2 further crossings on Wentworth Road.</li><li>• 2 improved crossing facilities on Wath Road and 1 improved crossing facility on Tingle Bridge Lane</li><li>• Wayfinding signage;</li><li>• Improvements to public realm, which will include improved footways within Elsecar Park, additional seating, greenscape improvements and route finders which will showcase Elsecar Heritage Centre attractions;</li><li>• Reduction of speed limit to 40mph on Water Lane;</li><li>• Introduce a wider 30mph speed limit within Elsecar and extend on Wentworth Road. Introduce 'dragons' teeth' road markings and speed roundels. A buffer speed limit of 40mph will also be introduced to between 60mph and 30mph zones. (Please see scheme plans – Appendix B).</li></ul>	
3. STRATEGIC CASE	

<i>Scheme Rationale</i>	<i>Does the scheme have a clearly stated rationale and provide a strong justification for public funding?</i> <b>Yes.</b> The scheme fits well with the SEP, the Transport Strategy, the Active Travel Implementation plan and national policies to encourage urban living and active travel.
<i>Strategic policy fit</i>	<i>How well does the scheme align with the strategic objectives of the SEP and RAP?</i> <b>Well.</b> The scheme is promoted as a key part of plans to achieve these aims.
<i>Contribution to Carbon Net Zero</i>	<i>Does this scheme align with the strategic objective to achieve Carbon Net Zero?</i> <b>Yes</b>
<i>SMART scheme objectives</i>	<i>State the SMART scheme objective as presented in the business case.</i> SMART objectives are given as: Short term: <ul style="list-style-type: none"> <li>• Encourage more cycling/walking;</li> <li>• Create an environment that is safer for both walking and cycling to replace journeys made by car;</li> </ul> Long term: <ul style="list-style-type: none"> <li>• To create a cultural shift towards making cycling and walking the natural choice for shorter journeys</li> <li>• To effect a mode shift away from the private car in those areas where new opportunities are likely to see an increase in demand or where growth could be stifled</li> <li>• To improve air quality and environmental impacts within the Dearne Valley Corridor</li> </ul> <i>Is there a 'golden thread' between the strategic objectives (see 3.2) and the scheme objectives (see 3.8)?</i> Each of these is specified in detail with targets that are measurable, with timescale, metrics and plans for measurement detailed in Appendix A
<i>Options assessment</i>	<i>Is there a genuine Options assessment and is there a clear rationale for the selection of short-listed options and the choice of the Preferred Way Forward?</i> <b>Yes</b> – See Appendix J. The applicant has followed a logical and systematic process to define the optimal features of the scheme in comparison to high and low-cost alternatives and shown that the preferred option best meets strategic and economic objectives.
<i>Statutory requirements and adverse consequences</i>	<i>Does the scheme have any Statutory Requirements?</i> <b>Yes</b> – TRO's currently being prepared <i>Are there any adverse consequences that are unresolved by the scheme promoter?</i> <b>No</b> – this enhances an existing PWROW/TPT route
<i>FBC stage only – Confirmation of alignment with agreed MCA outcomes (Stronger, Greener, Fairer).</i>	<i>Does the scheme still align with strategic objectives?</i> <b>Yes</b> <i>Have the conditions of approval granted at OBC been complied with?</i> <b>Yes :</b> <ol style="list-style-type: none"> <li>1. Commitment to further public consultation throughout detailed design ?</li> </ol>

	<p><b>Done</b></p> <p>2. QRA to be updated with p50 costs included in bid ?</p> <p><b>Done</b></p> <p>3. Optimism Bias to be deleted from bid amount, any certainties to enter risk register or base costs ?</p> <p><b>Done</b></p> <p>4. Forecasts of demand to be revisited and sensitivity tests done</p> <p><b>Done</b></p> <p>5. Completion of SYMCA Appendices</p> <p><b>Yes</b></p>	
<b>4. VALUE FOR MONEY</b>		
<b>Monetised Benefits:</b>		
<b>VFM Indicator</b>	<b>Value</b>	<b>R/A/G</b>
<i>Net Present Social Value (£)</i>	£702.89m	
<i>Benefit Cost Ratio / GVA per £1 of SYMCA Investment</i>	1.77	
<i>Cost per Job</i>	n/a	
<b>Non-Monetised Benefits:</b>		
<i>Non-Quantified Benefits</i>	<p>On a scale -2 to +2:</p> <p>+2 For increased demand for AT, net zero carbon, health, economics.</p> <p>0 For Improved PT viability, Social value</p>	
<b>Value for Money Statement</b>		
<i>Taking into consideration the monetised and non-monetised benefits and costs, does the scheme represent good value for money?</i>		
The scheme is of medium value for money (1.5<BCR<2)		
<b>5. RISK</b>		
<i>What are the most significant risks and is there evidence that these risks are being mitigated?</i>		
The promoter has been proceeding at risk with construction in order to ensure completion of the scheme before May 2022. Earlier delays to the scheme start mean that some costs have risen faster than inflation and the full P50 risk provision at December 2021 will be required.		
<i>Do the significant risks require any contract conditions? (e.g. clawback on outcomes)</i>		
<b>No</b>		
<i>Are there any significant risks associated with securing the full funding of the scheme?</i>		
<b>No</b>		
<i>Are there any key risks that need to be highlighted in relation to the procurement strategy?</i>		

<b>No</b>	
<b>6. DELIVERY</b>	
<i>Is the timetable for delivery reasonable and has the promoter identified opportunities for acceleration?</i>	
<b>Yes, Yes</b>	
<i>Is the procurement strategy clear with defined milestones?</i>	
<b>Yes - DLO</b>	
<i>What is the level of cost certainty and is this sufficient at this stage of the assurance process?</i>	
<b>90%. Yes</b>	
<i>Has the promoter confirmed they will cover any cost overruns without reducing the benefits of the scheme?</i>	
<b>No –overruns will be discussed and a course of action agreed.</b>	
<b>However, standard contract conditions apply</b>	
<i>Has the promoter demonstrated clear project governance and identified the SRO?</i>	
<b>Yes. Yes</b>	
<i>Has the SRO or other appropriate Officer signed off this business case?</i>	
<b>Yes</b>	
<i>Has public consultation taken place and if so, is there public support for the scheme?</i>	
<b>Yes – public consultation took place in 2021.</b>	
<i>Are monitoring and evaluation procedures in place?</i>	
<b>Yes</b>	
<b>7. LEGAL</b>	
<i>Has the scheme considered Subsidy Control compliance or does the promotor still need to seek legal advice?</i>	
<b>Yes. No</b>	

<b>8. RECOMMENDATION AND CONDITIONS</b>	
<b>Recommendation</b>	Proceed to Contract
<b>Payment Basis</b>	Defrayal
<b>Conditions of Award (including clawback clauses)</b>	
<p><b>The following conditions must be included in the grant agreement</b></p> <ul style="list-style-type: none"> <li>- Clawback on outputs and outcomes</li> </ul>	



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# Appendix B1 - Assurance Summary

VERSION 1 24.11.2021



## 1 – SCHEME DETAILS

<b>Project Name</b>	Housing Retrofit - Thermal Efficiency and Heat Pump upgrades	<b>Type of funding</b>	Grant
<b>Grant Recipient</b>	Doncaster Borough Council	<b>Total Scheme Cost</b>	£5.75m
<b>MCA Executive Board</b>	Housing and Infrastructure	<b>MCA Funding</b>	£2.7m
<b>Programme name</b>	Gainshare	<b>% MCA Allocation</b>	47%
<b>Current Gateway Stage</b>	OBC	<b>MCA Development costs</b>	N/A
		<b>% of total MCA allocation</b>	N/A

## 2 – PROJECT DESCRIPTION

Following the Chancellor's announcement of a £2 billion Green Homes Grant (GHG) in July 2020, the government set out how the GHG would be delivered. With a focus on improving the energy efficiency standards in the homes of low-income households, to help both reduce fuel poverty and reduce carbon emissions, the government made the grant available to the public and for delivery via Local Authorities.

Doncaster Council has successfully bid for funding to initiate a housing retrofit scheme focusing on the most impactful energy efficiency works in low-income communities with the oldest inefficient housing stock.

With restrictive qualifying criteria, which do not allow an area-based approach, the applicant is seeking funds that enable the achievement greater community impact and value for money.

Delivery alongside our existing 5-year thermal improvement programme for social housing will enable that impact as well as allow the social housing works to be accelerated; delivering comfort, fuel and carbon savings much earlier in the programme.

To ensure the project is delivered to greatest effect and impact, the applicant will focus on low-income communities and specifically areas that have older housing stock with solid wall construction. By the time the MCA funding could be available, the applicant would like to be targeting such areas as Stainforth, Intake, Conisbrough/Denaby and Mexborough.

3. STRATEGIC CASE	
Options assessment	<p>The applicant outlines three options for the appraisal:</p> <ul style="list-style-type: none"> <li>• A <b>Do Minimum</b>, where the private property scheme operates sporadically and less homes reduce their energy costs. The applicant states in clarification responses that there would be a risk of losing the supply chain (due to increases in labour and materials cost), as the continuity of work would be lost in this option.</li> <li>• A <b>Viable alternative option 1</b>, in which the applicant receives 20% lower grant funding for the scheme, resulting in 320 homes being retrofitted.</li> <li>• The <b>Preferred option</b>, which secures full funding and supports a total of 400 homes.</li> </ul> <p>The rationale supporting the preferred option is that more homes can be provided with improved insulation, and that this will support net zero carbon objectives for Sheffield City Region. This is a clear rationale for its selection, and for the greater amount of funding requested in this option, as it fulfils a greater need for insulation within the local area.</p>
Statutory requirements and adverse consequences	<p>The applicant notes that <i>“planning has been undertaken to agree specifications of work and designs to the exterior of homes”</i>, further clarifying that the works are <i>“proposed to work to new PAS2035 standards for which the contractors J Tomlinson and Everwarm have achieved their accreditation.”</i> Furthermore, in clarification responses the applicant has confirmed that all planning approvals are now in place. Given this, there are no foreseen statutory requirements that may represent a risk to the project programme.</p> <p>In clarification responses by the applicant, the benefits to air quality have been modelled. The applicant states that <i>“Based on the boiler manufacturer assessment of NOX emissions. The boilers in scope for replacement have a 30mg/kWh emissions factor. An average household using 12,000 kWh’s gas per year would save 276,000 mg.”</i></p> <p>A potential disbenefit to residents is the additional operating cost that could be associated with those homes being fitted with Air Source Heat Pumps (ASHPs). There is a risk that operating costs for the units will turn out higher than compared to current costs. The applicant notes a “cost pressure of £266 with the change from Gas to ASHP” within the clarification responses but also notes mitigation relating to improving air tightness and use of battery storage for running the ASHP units although it is unclear if the latter is included in the project costs. It is possible that residents could notice an increase in their energy costs, which is very relevant at the moment with the current energy price issues. The energy-efficiency of units are also likely to vary from the quoted values, which could also affect likely cost savings.</p>
FBC stage only – Confirmation of alignment with agreed MCA	<p>The project demonstrates a clear alignment with the “Stronger” objective through the employment support on the program. The applicant has ensured that contractors will use local supply chains in the construction phase, which is anticipated to support 10-15 jobs. The applicant notes in clarification responses that employees will gain PAS2035 qualification in several different levels,</p>



<p><i>outcomes (Stronger, Greener, Fairer).</i></p>	<p>for example, at a Co-ordinator, Assessor and Designer level. Therefore, this further contributes to the targets surrounding skilled employment in this plan.</p> <p>The project will also contribute to the “Fairer” objective through supporting health improvements. The applicant states that “<i>The proposed retrofit works will reduce the risk of cold related illness and improve comfort as well as reduce fuel costs by up to £300 per home.</i>” The applicant also notes that there are 23,941 (17.8% of all households) estimated to be living in fuel poverty, implying that through the scheme, this can be reduced in Doncaster. Furthermore, in terms of energy costs, the applicant has justified an average saving of £510 per property from the scheme through clarification responses.</p> <p>The project will also contribute to the “Greener” objective through contributing to local and regional net zero ambitions. Through the scheme, the carbon emissions in each home are expected to reduce by 1 tonne per annum, equivalent to 10,000 tonnes over the life of the measures. This is an important contribution given that housing stock presents the joint greatest possible CO2 savings for Doncaster, alongside transport. This scheme contributes directly to reducing carbon emissions in Doncaster.</p>
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**4. VALUE FOR MONEY**

**Monetised Benefits:**

<i>VFM Indicator</i>	<i>Value</i>	<i>R/A/G</i>
<i>Net Present Social Value (£)</i>	£9.27m (indicative)	A
<i>Benefit Cost Ratio / GVA per £1 of SYMCA Investment</i>	3.43 (indicative)	A

**Value for Money Statement**

The applicant has not calculated a BCR for this scheme, as would usually be expected in a funding application, therefore the value for money of the scheme cannot be judged by this metric. In clarification responses from the applicant, they state that benefits are calculated through UNO software, with current energy prices applied, to calculate an average saving per household of 400 tonnes of carbon saved per annum, equivalent to an average cost reduction of £503 per year.

The scheme does have other benefits that could be monetised as part of the scheme. For example, social and health benefits for the tenants of the housing targeted for the intervention could be monetised for the benefits of the scheme. However, these benefits have not been quantified by the applicant, which would strengthen the application

If the fuel savings were to be calculated and used as a monetised benefit, this would be an estimated benefit of £5.03m (400 homes x £503 annual saving x 25 years) over the course of the 25 year appraisal period. If this metric alone was used to estimate value for money, this would give an estimated BCR of 1.86, indicating good value for money. If the carbon value was also be taken into account (which the applicant estimates at £245 per tonne x 693 tonnes per annum x 25 years) this would be an additional benefit of £4.24m over the appraisal period, increasing total benefits to £9.27m, resulting in a greater BCR of 3.43, which would be very good value for money. These are simple calculations (not taking into account additionality value) undertaken by the assessor, and it would be beneficial for the applicant to undertaken a more detailed assessment of BCR at the FBC stage.

## 5. RISK

Key risks identified include those relating to Covid. This would impact on the ability to access homes and supplying staff to install the insulation, which in turn would impact on the programme timescales. Other risks highlighted with the potential to impact on timescales and costs include poor weather, as the works are weather dependent, and the availability of materials, necessitating monitoring of lead times.

Poor workmanship is considered a risk, as the efficiency of Air Source Heat Pumps (ASHPs) and the envisioned health benefits of the scheme may not come to fruition. To mitigate against this, project managers of the scheme will ensure that all works are delivered to PAS235 specification. There is also the risk is that ASHPs might not achieve the intended co-efficient of performance (COP). This is mitigated with only choosing the most appropriate households for ASHP and also a detailed handover will be arranged along with ongoing tenant liaison to avoid greater risk of misuse.

The ambitious programme of activity represents a moderate risk. The MCA should stipulate that any allocated funding drawn down and not committed by the deadline is returned through the inclusion of funding clawback mechanism as part of the grant agreement.

Another further risk, given the risks detailed in the question above, is the likelihood of cost overruns due to inflation, capacity, material, or weather constraints. Therefore, a condition relating to cost overruns being borne by the applicant should be included.

The applicant does not state any significant funding risks for the project. The applicant details in section 2.1 that the Doncaster Council funding for the “Housing Retrofit – Thermal Efficiency and Heat Pump upgrades” is secured. All other funding is to be secured from the MCA as part of this application.

The procurement strategy has been completed for this scheme, and a contractor has been identified for the installation of the insulation in the local area. The Council’s technical monitoring team will ensure that works are monitored for quality and works will be paid for on satisfactory completion. There is some risk that contractors utilising subcontractors will have the potential to impact on quality, but that this is likely to be protected by the contractual obligations of the scheme.

## 6. DELIVERY

The timetable delivery is expected to take 12 months from the commencement of the project (April 2022) to the expected finish of the works (March 2023). Given the scale of the project, which aims to install insulation in 400 homes, the timetable implies a rate of installation of more than one home per day. Therefore, this makes the timetable somewhat ambitious and reliant on a lack of delays and flexibility in staff to be achievable.

The milestones identified within the OBC will need updating at FBC appraisal as Cabinet approval is currently assumed to be sought in March 2022 which has now passed.

The procurement strategy has been completed for this scheme, and a contractor has been identified for the installation of the insulation in the local area. Given this, it would be helpful to clarify whether this is a continuation of a previous scheme agreement or a new agreement. This was raised as part of the clarification process but it is still unclear. It is understood that the funding will be used for additional houses, separate to the improvements undertaken with the £3m of match funding. If so, it is anticipated that the contractors that worked on the original scheme (Everwarm Ltd covering the private properties and J Tomlinson Ltd covering the social housing), would continue to cover these new improvements.

The procurement strategy, outlined partly in section 4.4, is clear in terms of the obligations of the contractors. However, no clear milestones are identified for the progression of the scheme, for example, targets of the number of houses retrofitted per day. Clarification on these would help to ensure that the procurement of the chosen contractors was achievable and appropriate to meet the targets of the scheme.

The applicant has stated a cost certainty level of 95% for this submission, which is high for an OBC at this stage of development. The reviewer has noted the following issues for cost certainty in this OBC:

- The delivery plan, within the 2022/23 financial year, is ambitious given the scale and possible complexity of the works. This may lead to some grant funding coming forward in the financial year 2023/24 should there be overruns. The applicant has sought to clarify this, stating that *“Notwithstanding the supply chain challenges for ASHPs, all of the insulation works should be deliverable within that timeframe.”*
- There may be cost creep derived from the price of supplies, which may occur between the approval of grant funding and commencement of the project. This is a key risk given the current level of inflation in the UK economy and the resulting increase in prices for materials and equipment. This has the potential to reduce the numbers of homes where the measures outlined can be implemented.

An organogram of the project governance is presented in Appendix D of the submission. Karen Lythe will lead the team as the Assistant Director for Strategic Housing and Sustainability. The team is supported by experience across the council and St. Leger Homes and specialises in housing and sustainability practices. From an operational side, the principal contractors for the project are J Tomlinson Ltd. This will be led Operations Manager Ian West, who has significant experience in social housing improvement schemes, and will monitor KPI performance. The wider team has skills and experience in stakeholder engagement, communication, customer care, workstream planning and commercial schemes that mean it is well suited to this project.

Signatures are included in this version of the OBC. It is signed by the Director of Economy and Environment as the person responsible for the application and is also signed by the Director of Corporate Resources.

Monitoring and evaluation processes are set out in detail. The applicant states that *“we will be working with the University of Sheffield to survey the before and after impacts of the home energy efficiency improvements to assess the carbon and fuel savings achieved”*. The scheme will be subject to PAS235 standards, which will need to be upheld for evaluation stages. In terms of reporting, St. Leger Homes will report monthly findings to Doncaster Council for the project, similarly to previous LAD schemes. J Tomlinson will also provide monthly progress reports to Doncaster Council, who in turn will report progress to BEIS at the end of each month. Ongoing risks throughout the scheme will be monitored frequently throughout the project, according to the client.

## 7. LEGAL

The applicant notes that subsidy control is not applicable to this project. Justification is provided on the basis that *“An appropriately advertised open tender process (procurement) is used to select the supplier of goods, works or services”*. However, the applicant will be required to submit with their application a formal legal opinion confirming subsidy control compliance at FBC stage.

## 8. RECOMMENDATION AND CONDITIONS

<b>Recommendation</b>	Progress to FBC
<b>Payment Basis</b>	N/A
<b>Conditions of Award (including clawback clauses)</b>	
<p><b>Recommendations at FBC:</b></p> <ul style="list-style-type: none"> <li>• Submission of a formal subsidy control legal opinion.</li> <li>• Key milestones to be updated to reflect the projects current progress through the MCA's Assurance process.</li> <li>• Potential for cost overruns due to inflation, capacity, material, or weather constraints to be taken into consideration.</li> <li>• Economic Case to be updated to include a HMT Green Book compliant assessment of the projects potential economic benefits as discussed above in 'value for money'.</li> </ul>	

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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Project Name	Project Description	Change/s Requested	Justification
West Bar – (0.65m – SCC)	<p>The development will deliver:</p> <ul style="list-style-type: none"> <li>• New road layout to facilitate 2-way traffic on Bridge Street junction with the Inner Ring Road (IRR);</li> <li>• Openreach diversion works at Bridge Street; and,</li> <li>• demolition works to clear the West Bar site, to enable the construction works.</li> </ul>	<p>Reprofile of £0.46m and related outputs from 2021/22 to 2022/23 Extension of practical completion date from September 2021 to July 2022.</p>	<p>There has been a delay in the post demolition (above ground) works commencing due to a protracted period agreeing the extent/design of S278 highways works. In addition, following the Archaeological desk-top study the on-site investigations have been expanded. Both delays are associated with the discharging of pre commencement planning conditions.</p>
M1 J37 Phase 2 – (£10.63m – BMBC)	<p>The project will facilitate the delivery of new and improved off site highways infrastructure works and towards the onsite delivery of the road through the site, promoting the delivery of the MU1 mixed use employment and housing site (43ha of land for employment purposes that will create circa 3,510 new jobs when fully occupied. In addition, 1700 new homes plus public open space and a new primary school will also be delivered).</p>	<p>Reprofile of £3.46m from 2021/22 to 2022/23</p>	<p>The scheme has 6 work packages and due to the pandemic the project has experienced delays in finalising land acquisition. There are no impacts on outputs and outcomes of the project.</p>
Parkway Widening – (£40.16m – RMBC)	<p>The Project consists of highway improvements that will provide an additional lane in each direction of the 2.1- kilometre section of the A630 Parkway between the M1 Junction 33 and the Catcliffe Interchange</p>	<p>Reprofile of £5.02m from 2021/22 to 22/23</p>	<p>Delays in ministerial approval impacted on the progression of construction stages which were the original baselines within the DfT assured FBC. This has resulted in project expenditure of £18.43m against a profile of £23.45m in 21/22.</p>
Doncaster Urban Centre CCQ (0.63m – DBC)	<p>The project funding was towards a cinema and restaurant development in Doncaster urban centre which has been completed.</p>	<p>Reprofile of 83 jobs from 2021/22 to 22/23</p>	<p>The contract had a proposed outcome of 102 jobs created in financial year 2020/21, which is linked to clawback. Due to the impact of the COVID 19 pandemic these were not achieved</p>

Conductive Transfers (£0.17m)	The funded project is for the purchase of specialist printing equipment allowing for the printable conductive transfer process, which is approved for patent in the UK and USA	Reduction in grant and outputs and reprofile of £0.05m from 2021/22 to 2022/23	Conductive Transfers like many businesses were impacted by the pandemic. The project was effectively put on hold while the business went into a period of consolidation rather than growth. They have recently started to emerge from this and are again looking to progress with this project, although slightly scaled down. Of the grant approved, to date £0.04m has been claimed, with a further £0.02k being forecast and 5 jobs forecast against an original profile of 8
Bag it Don't bin it (£0.8m)	Installation of new factory and expansion of capability to ensure stable production lead times to allow further growth.	Reprofile of £0.02m from 2021/22 to 22/23 and 2 months extension to project completion.	Due to the Covid pandemic some suppliers have experienced supply issues and due to the time from the original project one model has been discontinued and replaced with a new version. Approval of the request will allow the delivery of the final machines and the project to complete.
Greasborough Road Corridor Improvements (£2.46m – RMBC)	Highway improvements on the B.6089, at its junction with Coach Road, Greasbrough.	Reprofile of £0.37m and outputs from 2021/22 to 22/23 Extension of 3 months to completion date to June 2022	The BT diversion had a notice period for the outage at the cable change-over. Unfortunately BT were unable to schedule this work prior to their Christmas embargo and so it was completed in early January. The site had to shut down for a period as the works could not progress with the existing BT apparatus still live and in-situ.  There was also an unforeseen issue with a shallow gas pipe in one of the areas of new carriageway construction which we had to lower, but this was ongoing in tandem with the BT delay so was partly mitigated.
Supply chain Programme (£0.20m)	Funding for Supply Chain advisors for each of the South Yorkshire Local Authorities to help with developing supply chains is a key ask of	Extension of the supply chain programme for 4 x Supply Chain	A late start in the recruitment of 3 Supply chain Advisors. An extension will allow the Growth Hub and its partners to review Year 1 and develop the



	Sheffield City Region businesses through and post COVID 19.	Advisors from March 2022 until 31st August 2022. Reprofile of £0.10m and outputs from 2021/22 to 22/23	potential supply chain programme for Year's 2 and 3.
Lontra Phase 1 (£3.25m)	<p>The project forms part of a larger £15m+ project to set up a 'smart' factory in Sheffield. It is predominately an R&amp;D project comprising of the following:</p> <ul style="list-style-type: none"> <li>• Software development using the Internet of Things (IoT).</li> <li>• Data mining from LP2 compressors at customer and reference sites, and also from the design, manufacturing and assembly processes of the LP2 compressors.</li> <li>• Data management, statistical analysis and insight to improve all aspects of the production cycle including better servicing and maintenance of LP2s.</li> <li>• The set-up of a Customer Support Operation in Sheffield with tailored support packages.</li> <li>• Promoting sustainability by improving the entire supply chain and reducing waste</li> </ul>	Reprofile of £1.66m from 2021/22 to 2022/23	A lack of an appropriate site being available and the delay in finding a site caused delays to the Digital Service Centre being completed. With Phase 2 now being approved (smart factory), Lontra's proposal is to position the Digital Service Centre within the factory premises.
Allen Street Site (0.55m – SCC)	Site acquisition and preparatory works including demolition and fencing works to a derelict site in the St Vincents area of Sheffield. This will accelerate the development of much needed housing in Sheffield City Centre	Extension of 6 months from 15/12/2021 to 30/06/2022. Reprofile of £0.55m from 2021/22 to 2022/23	SCC exchanged contracts with regard to the purchase and associated demolition in relation to the purchase of Allen St. Completion was due once demolition is carried out and completed. A live sub-station was discovered in December 2021, which is being investigated. The contract for the acquisition of site as originally agreed needs to be renegotiated as it included a "fully

			cleared site". SCC's legal team has confirmed that this renegotiation will take longer to conclude than anticipated and so will push completion to June 2022 as explained above.
Bus Shelter Replacement – (£1.12m – SYMCA)	The supply and installation of 148 replacement bus shelters, to replace life expired, dilapidated steel bus shelters across South Yorkshire	Extension from March 2022 to December 2022. Reprofile of £1.12m and outputs from 2021/22 to 2022/23	Delays in delivery of replacement bus shelters which will not be available for until mid-April. The installation will not be complete until December 2022. Site evaluation is still continuing for some shelters which may involve further consultation with LA's
AML Accelerate (£1.98m)	The project is an initial R&D phase and the subsequent creation of three new demonstration cells to expand AML's manufacturing capacity and capability.	Reprofile of £1.3m from 2021/22 to 2022/23	Due to negotiations prior to contract execution the project start date was delayed.



## Mayoral Combined Authority Board

6 June 2022

### Nominations and Appointments to Boards 2022/23

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<b>Is the paper exempt from the press and public?</b>	No
<b><i>Reason why exempt:</i></b>	Not applicable
<b>Purpose of this report:</b>	Governance
<b>Is this a Key Decision?</b>	No
<b>Has it been included on the Forward Plan?</b>	Not a Key Decision

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**Director Approving Submission of the Report:**  
Steve Davenport, Principal Solicitor/Monitoring Officer

**Report Author(s):**  
Christine Marriott, Democratic Services and Scrutiny Manager  
christine.marriott@southyorkshire-ca-gov.uk

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#### **Executive Summary**

This report:

- Informs the MCA Board of the second rotational Member appointments, required to ensure the Authority has a majority of constituent Members.
- Seeks approval of the elected member nominations for the Audit and Standards Committee.
- Seeks approval of the appointments of independent members for the Audit and Standards Committee.
- Seeks approval of the elected member nominations to the Overview and Scrutiny Committee.
- Seeks approval of the appointment of Mayor Coppard to the Transport for the North Board and subsequently the Rail North Committee.
- Seeks approval of Cllr Chris Read as substitute member for the Transport for the North Board.
- Seeks endorsement of the nomination of two members from Sheffield, Barnsley or Doncaster to the Transport for the North Scrutiny Committee.

## **What does this mean for businesses, people and places in South Yorkshire?**

Appointments to these committees will ensure that the MCA and partner Boards can function effectively and make decisions that have a positive impact on the South Yorkshire communities.

### **Recommendations**

Members are asked to:

- Note the appointment of second rotational Member appointments, required to ensure the Authority has a majority of constituent Members.
- Approve the elected member nominations for the Audit and Standards Committee.
- Approve the continuing appointment of the existing two independent members for the Audit and Standards Committee pending a new recruitment process.
- Approve the elected member nominations to the Overview and Scrutiny Committee.
- Approve the appointment of Mayor Oliver Coppard to the Transport for the North Board.
- Approve Cllr Chris Read as substitute member for the Transport for the North Board.
- Endorse seeking two Transport for the North Scrutiny Committee members from Sheffield, Barnsley or Doncaster.

### **Consideration by any other Board, Committee, Assurance or Advisory Panel**

n/a

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## **1. Background**

1.1 Appointments to MCA boards and committees are made on an annual basis in line with the MCA Constitution.

### **1.2 Rotational Members:**

As required by primary legislation, which dictates that constituent member authorities must have a voting majority on the Mayoral Combined Authority, the Authority has agreed to appoint two second rotational Member appointments to meet this requirement.

The principle of appointing rotational Members will be adhered to until there is any amendment to the primary legislation Rotational Members do not attend Authority meetings unless directed.

For 2022/23 the rotational members will be appointed from Barnsley Metropolitan Borough Council and Sheffield City Council.

## **2. Key Issues**

### **2.1 Audit, Standards and Risk Committee**

The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 prescribes a number of matters determining how the Combined Authority must make arrangements for an Audit Committee including the need for political proportionality and the appointment of at least one independent person. At present there are two Independent Persons appointed whose initial term is expiring, it is proposed to extend their appointments until the new recruitment process is complete, with an aim to have the process complete in the Autumn.

The Authority must appoint such a number of members of each of the constituent councils to an Audit Committee, so that the members of the committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the constituent councils when taken together. In previous years the MCA has sought nominations for 10 Members. In general attendance has been poor and with a legal quoracy level of 2/3rds most meetings proceed without being quorate. This is a reputational issue for the MCA and could result in audit issues. One proposal to assist with quoracy for 2022/23 is to have a smaller committee with Members who are more able to commit to attending. The alternative proposal for consideration is to seek nominations for 4 Members, one from each Authority and 4 substitutes. This will still allow political balance and is hoped to improve attendance and quoracy. This can be changed if it proves unsuccessful.

Nominations, received by the time of publishing, for the Audit and Standards Committee are included in the appendix. Depending which option for the size of the Committee is agreed upon then further nominations will be sought. A Chair will be appointed by the Committee following receipt of all nominations.

## 2.2 **Overview and Scrutiny Committee**

As determined by the Local Democracy, Economic Development and Construction Act 2009; The Cities and Local Devolution Act 2016 and The Combined Authorities (Overview and Scrutiny, Access to Information and Audit Committees) Order 2017 (SI 67) a number of matters are prescribed in respect of the membership and chairing arrangements of the Overview and Scrutiny Committee.

### **Member Composition**

The Combined Authority must appoint such a number of members of each of the constituent councils to an Overview and Scrutiny Committee, so that the members of the committee, taken as a whole reflect so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the constituent councils when taken together. Non-Labour Member appointees are sought initially from the districts with the largest political minorities.

### **Chairing arrangements**

The Chair of the Committee will be a councillor from a different political party to the Mayor.

Nominations, received by the time of publishing, for the Overview and Scrutiny Committee and the possible candidates for Chair are set out in the appendix.

## 2.3 **Thematic Boards:**

As described in the Authority's constitution, each thematic board comprises:

- one Leader, who is the portfolio lead, from an MCA constituent Local Authority
- a nominated elected member representative for each of the constituent Local Authorities
- a lead Chief Executive from a constituent Local Authority
- two private sector LEP Board members, one of whom will co-Chair the Board
- the MCA Head of Paid Service (or their nominated representative)

In the case of the Transport and Environment Board the Director General of the PTE is also a member.

Nominations, received at time of publishing, for the elected member representative for each of the thematic boards are set out in the appendix.

#### **2.4 Appointments to outside bodies – Transport for the North**

TfN requires each constitute authority to confirm the MCA's nominations by the 27 July 2021.

This report seeks approved to appoint Mayor Oliver Coppard to the TfN Board and formally re-appoint Cllr Read as the substitute member. Through this appointment Mayor Coppard and Cllr Read will also represent the Combined Authority on the Rail North Committee.

#### **2.5 The role of the appointed Members acting as the TfN Board is specified in the TfN constitution as:**

- Collectively be the ultimate policy makers of TfN
- Bring the views of their communities into TfN's decision making process
- Maintain the highest standards of conduct and ethics
- In carrying out the business of TfN, will observe the Code of Conduct for members adopted by their appointing Authority

#### **2.6 In addition, the combined authority is entitled to appoint a member and substitute member to TfN scrutiny committee. Should the MCA wish to appoint such members nominations are sought. The only restriction is that the members cannot be the members appointed to the TfN Board above, they can be any member of the constituent authority.**

### **3. Consultation on Proposal**

#### **3.1 The MCA Executive Team has consulted with Local Authorities regarding the appointments required.**

### **4. Timetable and Accountability for Implementing this Decision**

#### **4.1 Nominations will come into effect immediately.**

### **5. Financial and Procurement Implications and Advice**

#### **5.1 There are no financial implications associated with the appointments other than the agreed allowance made to independent members of the Audit and Standards Committee.**

### **6. Legal Implications and Advice**

#### **6.1 The membership requirements of all Boards and Committees is determined by the Constitution and the Local Democracy, Economic Development and Construction Act 2009 (and regulations made there under).**

**7. Human Resources Implications and Advice**

7.1 There are no human resources implications relating to these appointments.

**8. Equality and Diversity Implications and Advice**

8.1 The composition of the boards is determined by the nominations made by Local Authorities.

**9. Climate Change Implications and Advice**

9.1 An Impact Assessment is not required for this activity.

**10. Information and Communication Technology Implications and Advice**

10.1 There are no information and communication technology implications relating to this activity.

**11. Communications and Marketing Implications and Advice**

11.1 There are no communications and marketing implications relating to this activity.

**List of Appendices Included**

A Nominations from Local Authorities – an updated appendix will be provided when additional nominations are received

**Background Papers**

MCA Constitution

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## Board and Committee Nominations 2022/23

(An updated appendix will be provided when additional nominations are received)

### 1. Rotational Members

Nominations 'to be confirmed' from Sheffield and Barnsley.

### 2. Audit and Standards Committee

The next meeting of the ASC is scheduled for 9 June 2022.

Please note that we are awaiting nominations for the proposed The Member nominations currently provided by the constituent authorities are as follows:

<b>Barnsley</b>	Labour: tbc Substitute: tbc
<b>Doncaster</b>	Labour: tbc Substitute: tbc
<b>Rotherham</b>	Conservative: tbc Substitute: tbc
<b>Sheffield</b>	Liberal Democrat: tbc Substitute: tbc
<b>Independent members</b>	Angela Marshall Rhys Jarvis

### 3. Overview and Scrutiny

The next meeting of the OSC is scheduled for 28 July 2021. The Member nominations currently being sought from the constituent authorities are as follows:

<b>Barnsley</b>	Labour: Cllr Jeff Ennis Labour: tbc <b>Substitutes</b> Labour: Cllr Steve Green Labour: Cllr Kevin Osborne
<b>Doncaster</b>	Labour: Cllr Jane Kidd Conservative: Cllr Allan Jones <b>Substitutes</b> Labour: Cllr Barry Johnson Conservative: Cllr Martin Greenhalgh
<b>Rotherham</b>	Labour: tbc Conservative: tbc <b>Substitutes</b> Labour: tbc Conservative: tbc
<b>Sheffield</b>	Liberal Democrat: Cllr Colin Ross Liberal Democrat: Cllr Joe Otten Labour: tbc Labour: tbc <b>Substitutes</b>

Liberal Democrat: tbc
Labour: tbc

#### 4. Thematic Boards

##### a. Business, Recovery and Growth Board

Leader (Constituent member authority) (Chair)	Mayor Ros Jones
Private Sector member (Chair)	Neil MacDonald
Private Sector member	Richard Stubbs
Elected member (Sheffield)	tbc
Elected member (Rotherham)	tbc
Elected member (Barnsley)	Cllr Chris Lamb
Elected member (Doncaster)	Cllr Glyn Jones
Lead Chief Executive	Sharon Kemp
The MCA Head of Paid Service (or nominated representative)	Jim Dillon

##### b. Housing and Infrastructure Board

Leader (Constituent member authority) (Chair)	Cllr Terry Fox
Private Sector member (Chair)	Gemma Smith
Private Sector member	Michael Faulks
Elected member (Barnsley)	Cllr Robert Frost
Elected member (Sheffield)	Cllr Douglas Johnson
Elected member (Doncaster)	Cllr Glynn Jones
Elected member (Rotherham)	tbc
Lead Chief Executive	Damian Allen
The MCA Head of Paid Service (or nominated representative)	Martin Swales

##### c. Education, Skills and Employability

Leader (Constituent member authority) (Chair)	Cllr Sir Steve Houghton CBE
Private Sector member (Chair)	Dan Fell
Private Sector member	Prof. Chris Husbands
Elected member (Sheffield)	Cllr Martin Smith
Elected member (Barnsley)	Cllr Robert Frost
Elected member (Rotherham)	tbc
Reserve Member (Doncaster)	Cllr Lani-Mae Ball
Lead Chief Executive	Eugene Walker
The MCA Head of Paid Service (or nominated representative)	Jim Dillon

##### d. Transport and the Environment Board

Elected Member (Co-Chair)	Cllr Chris Read
Private Sector Member (Co-	Peter Kennan

## Appendix A

Chair)	
Private Sector Member	
Elected member (Sheffield)	tbc
Elected member (Barnsley)	Cllr James Higginbottom
Elected member (Doncaster)	Cllr Joe Blackham
Lead Chief Executive	Sarah Norman
Director General of SYPTTE	Steve Edwards
The MCA Head of Paid Service (or nominated representative)	Martin Swales

### 5. Appointments to outside bodies

#### a. Transport for the North (and Rail North Committee)

- Mayor Dan Jarvis
- Cllr Chris Read

#### b. Transport for the North Scrutiny Committee

- tbc
- tbc

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## Mayoral Combined Authority Board

06 June 2022

### Revised Financial Regulations and Contract Procedure Rules

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<b>Is the paper exempt from the press and public?</b>	No
<b>Reason why exempt:</b>	Not applicable
<b>Purpose of this report:</b>	Governance
<b>Is this a Key Decision?</b>	Yes
<b>Has it been included on the Forward Plan?</b>	Yes

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**Director Approving Submission of the Report:**  
Gareth Sutton, Chief Finance Officer/s73 Officer

**Report Author(s):**  
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#### **Executive Summary**

This report recommends the adoption of revised Financial Regulations and Contract Procedure Rules for the MCA Group.

In approving their adoption the Group will be ensuring that these core Constitutional documents reflect the latest changes in the regulatory environment whilst also supporting the integration process.

Adopting a common rule book across the MCA Group will better allow officers to work efficiently across the MCA Executive and SYPTE ahead of the formal integration.

#### **What does this mean for businesses, people and places in South Yorkshire?**

The Financial Regulations and Contract Procedure Rules set out the terms and procedures through which the MCA will deploy its financial resource in an efficient and effective manner.

#### **Recommendations**

- 1. Approve the adoption across the Group of the revised Financial Regulations*
- 2. Approve the adoption across the Group of the revised Contract Procedure Rules*

## **1. Background**

- 1.1 The Financial Regulations and Contract Procedure Rules are core Constitutional documents of both the MCA and SYPTE. Whilst part of one Group, both entities have similar but different documents.
- 1.2 The documents detail how the Group will manage its financial affairs and how it will acquire goods and services in pursuit of its objectives. The documents define procedure and the roles of officers and elected members.
- 1.3 Both documents are shaped by the external regulatory environment and internal governance. The documents are an integrated part of the wider Constitution and should be read in conjunction with other key documents such as the Scheme of Delegation of Functions to Officers.
- 1.4 Both documents are intended to provide an efficient and effective framework through which the Group will conduct its affairs. The documents balance the need for compliance with internal rules and the external regulatory environment with the need for responsive decision making that supports wider objectives.
- 1.5 As part of the process for the integration of the MCA and SYPTE into one new organisation the Financial Regulations and Contract Procedure Rules have been reviewed with the intention of adopting one common rule book.
- 1.6 Adopting one rule book now will allow officers to begin aligning core processes and procedures across both entities to push the integration in practical ways ahead of the formal integration.
- 1.7 The documents appended to this report reflect the proposed Financial Regulations and Contract Procedure Rules for both the MCA and SYPTE. It is intended that the documents are adopted by both bodies, noting that there may be particular instances around roles that require some differentiation in SYPTE.
- 1.8 The documents have been developed by officers from across the Group and take account of internal audit recommendations. In a number of places the documents have also been amended to reflect changes to the previously approved Scheme of Delegation and regulatory changes, particularly around the UK's exit from the European Union.

## **2. Key Issues**

### **Financial Regulations**

- 2.1 The Financial Regulations set out the way in which the MCA will manage its financial affairs. The Regulations are a Constitutional document and it is a requirement that the Regulations are adhered to.
- 2.2 The Regulations set out procedures and detail the roles and responsibilities of both officers and Members.

- 2.3 The MCA's Financial Regulations were last reviewed in 2019. Since that point there have been a number of changes in the MCA's operating environment as the Scheme of Delegation has been revised, systems have been changed, and structures amended.
- 2.4 Most notably, since 2019 the Finance teams of the MCA and SYPTE have been brought together under unified leadership with growing collaboration: sharing common systems and personnel to enable Group wide financial management, monitoring, and reporting.
- 2.5 To support this ongoing alignment ahead of the formal integration, and upon the dissolution of SYPTE, the next practical step is to adopt a common rule book. This will support greater standardisation of processes and procedures.
- 2.6 The Financial Regulations as presented in the appendix represent the considered work of officers from both organisations and the unified leadership team. The Regulations see some stylistic revisions to provide more clarity on roles and responsibilities and are updated for practical changes that have occurred since the last reporting date including the revised Scheme of Delegation.
- 2.7 It is intended that the Regulations be adopted by both organisations, although noting that some Scheme of Delegation differentiations will remain due to statutory roles within SYPTE.
- 2.8 Adoption of the Regulations now will increase the pace and quality of existing integration activity and enable a smooth transition at the formal legal integration date.

### **Contract Procedure Rules**

- 2.9 All public bodies are required to set Contract Procedure Rules (CPRs). These rules set the parameters through which public bodies will acquire goods and services and detail the formal processes through which they will go to ensure compliance with regulation and good practice.
- 2.10 CPRs form part of each public authority's suite of constitutional documents and in the case of the MCA can only be revised following approval from the Board.
- 2.11 The MCA's CPRs were substantially changed and readopted in November 2020, representing an important milestone in the MCA's maturity as it moved away from those processes and ways of working adopted in its formative stage when support services were provided by other authorities.
- 2.12 Since this point the procurement and contracting activity of the MCA has continued to evolve as it began to closely collaborate with SYPTE ahead of the formal integration.
- 2.13 Over this time Procurement, Contracting, Finance, and Legal officers from both entities have come together to offer one standardised service for the entire Group. This early alignment and collaboration has allowed for systems, frameworks, and personnel to be efficiently shared.

- 2.14 As with the Financial Regulations, this report recommends the adoption of new Contract Procedure Rules for the Group to offer a common rule book on the procurement and sourcing of goods and services.
- 2.15 The existing CPRs have been reviewed by officers from across both entities and considered against the proposed integrated operating model, external regulatory changes, and a number of internal audit recommendations.
- 2.16 The proposed CPRs are presented as an appendix to this report. The revised document contains a number of structural changes, with process matters removed from this governance document to an officer Procurement and Tender Manual, and procedural changes to reflect the new integrated operating model setting out roles and responsibilities.
- 2.17 The revised document removes reference to EU compliance requirements where appropriate and reinforces social value principles. An adjustment is also made to tender thresholds following a review of peer authorities and recognising both the impact of inflation and the desire to support local businesses wherever possible.
- 2.18 Adoption of the revised CPRs offers the opportunity to work more efficiently, ironing out differentiations and ensuring that decision making frameworks and operating models are properly aligned.
- 2.19 It is intended that both the MCA and SYPTE work to the new CPRs, although noting that some differentiations may persist in SYPTE due to statutory roles.

### **3. Options Considered and Recommended Proposal**

#### **3.1 Option 1**

Adopt the revised Financial Regulations and Contract Procedure Rules across the Group.

#### **3.2 Option 1 Risks and Mitigations**

Adoption of the revised documents will require the MCA to r

#### **3.3 Option 2**

Reject the revised Financial Regulations and Contract Procedure Rules.

#### **3.4 Option 2 Risks and Mitigations**

Rejection of the revised documents may impact upon the efficient and effective delivery of services across the Group as differentiated ways of working persist across the two entities supported by unified teams.

#### **3.5 Recommended Option**

Option 1

### **4. Consultation on Proposal:**

- 4.1 The Contract Procedure Rules are designed to reflect previous engagement with Board around social procurement and contracting.



**5. Timetable and Accountability for Implementing this Decision**

5.1 The Director of Finance and Investment will implement these recommendations immediately.

**6. Financial and Procurement Implications and Advice**

6.1 This a report of the Director of Finance and Investment, the details of which are covered in the main body of the report and the appendices.

**7. Communications and Marketing Implications and Advice:**

7.1 None.

**List of Appendices Included**

- A Revised Financial Regulations
- B Revised Contract Procedure Rules

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# **The South Yorkshire Mayoral Combined Authority**

## **Financial Regulations 2022**

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### **Appendix 1**

#### **Scheme of Delegation**

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## **1. Background**

### **1.1 The purpose and authority of the Financial Regulations**

These Regulations form part of the Authority's Constitution and as such carry with them the same authority. They set out the financial management policies of the South Yorkshire Mayoral Combined Authority and are a key part of the Authority's financial governance arrangements.

They are intended to help Members and Officers manage the Authority's finances in line with best practice and should be read and implemented in the wider context of the Authority's Constitution. The Finance Director (Section 73 Officer) is required to formulate and maintain any standards, procedures, processes and training as s/he deems necessary to support the effective implementation of these Regulations.

It is important that these Regulations are, and continue to be, relevant to the Authority. They should be reviewed regularly to remain consistent with the Authority's Constitution and related documentation and to be in line with accounting best practice, legislation and any changes in the Authority's requirements.

Any changes to these Regulations must be proposed by the Finance Director and approved by the Authority.

### **1.2 Accountability for compliance**

These Regulations are a key element of the Authority's governance arrangements. The Finance Director is required to sign the Annual Governance Statement (AGS) to confirm that they fully comply with the prescribed governance arrangements of the Authority including these Regulations.

All officers working for or on behalf of the Authority are accountable for following the rules set out in these Regulations and all relevant financial and accounting procedures as prepared by the Finance Director.

Non-compliance with these Regulations and associated procedures may result in the withdrawal of delegated financial authority and / or the instigation of disciplinary procedures.

Adherence to the processes associated with the Authority's finance systems (Epicor / ARM) is also essential in ensuring that officers are complying with these Regulations.

In the event of a dispute or lack of clarity over interpretation of these Regulations, the matter must be referred to the Finance Director for arbitration.

### **1.3 Accounting Policies**

The Finance Director is responsible for selecting Accounting Policies and ensuring that they are applied consistently. The Accounting Policies are set out in the Statement of Accounts which are prepared as at 31st March each year. The key controls in Accounting Policies are that:

- Systems of internal control are in place to ensure that financial transactions are lawful;
- Proper accounting records are maintained; and
- Financial statements are prepared which present fairly the financial position of the Authority and its expenditure and income.

#### **1.4 Risk Management**

These Financial Regulations and associated finance systems and processes are a key part of the Authority's risk management framework and associated risk strategies. Officers will need to demonstrate compliance with corporate risk management requirements.

#### **1.5 Internal Control**

Internal Control is the system put in place by the Authority to conduct its business in an orderly and efficient manner. It is used to safeguard its assets and resources, to deter and detect errors, fraud and theft, to ensure accuracy and completeness of its accounting data, to produce reliable and timely financial and management information and ensure adherence to the Authority's policies and plans.

The Chief Executive (Head of Paid Service) is required to highlight deficiencies in the control framework and to identify significant incidents that have occurred. As part of the Annual Governance process, s/he must also confirm that there are satisfactory arrangements in place to manage internal controls.

#### **1.6 Roles and Responsibilities**

The Authority has overall responsibility for ensuring that the Authority's expenditure remains within the resources available to it. Functions reserved to the Authority, which include approving the Annual Revenue and Capital Budgets, are set out in Part 4A of the Authority's Constitution and/ or prescribed by law.

The Finance Director is responsible for the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally. The Finance Director is authorised to sign any and all grant claims, statutory returns or other documents that require the authority of the Section 73 Officer.

The Head of Paid Service has overall responsibility for the management and co-ordination of the employees appointed by the Authority. Consistent with their role as a Chief Officer of the Authority, the Head of Paid Service is responsible for ensuring that the services provided to the Authority by staff under their control are in accordance with the Financial Regulations of the Authority.

#### **1.7 Staffing**

The Chief Executive is the Head of Paid Service and will be responsible for providing overall management to staff employed by the Authority.

The Chief Executive and the Finance Director will be responsible for ensuring that there is proper use of evaluation or other agreed systems for determining remuneration.

The Finance Director will:

- Ensure that budget provision exists for all existing and new employees;
- Ensure that appropriate mechanisms are in place to support the payment of salaries and any other related expenses to staff;
- Set out and issue a staff expenses scheme to be followed where staff incur personal expenses when carrying out their duties on behalf of the Authority.

Chief Officers must ensure that appointments are made in accordance with the approved establishment and scales of pay and the adequate budget provision is available. Officers must produce an annual staffing budget (including on costs and overheads) which should be an accurate forecast of staffing levels and associated costs.

A list of individual delegations for the 3 statutory posts (inclusive of the Monitoring Officer) is provided at Appendix 1.

## **2. Financial Management/ Planning**

### **2.1 Accounting Arrangements**

The Finance Director shall prepare a manual of financial and accounting procedures to be operated by officers working for the Authority.

All accounting and financial arrangements shall be determined by the Finance Director who shall be consulted before any form or document of a financial or costing nature is introduced.

At the end of the financial year the Finance Director shall be supplied with information in such a form and by such a date as he/she may determine to enable him/her to close the Authority's Accounts promptly.

The Draft Accounts must be presented to the Audit Standards & Risk Committee prior to the External Audit. The Final Accounts must be approved by the Authority before the statutory deadline (usually within 6 months of the year end) and promptly after the External Audit.

If the Auditor's Report requires any material amendment to be made to the Draft Accounts, this must be then reported to the Authority as soon as practicable after the receipt of the audit report.

The timescales for retaining financial records are set out in the financial and accounting procedures manual.

### **2.2 Financial Planning Arrangements**

The Finance Director is responsible for running the annual budget and business



planning process, thus ensuring that the proposed budget is policy-led.

The detailed format of the programme of capital expenditure and revenue estimates shall be determined by the Finance Director after consultation with appropriate Officers and Elected Members, in accordance with any general directions of the Authority.

The Authority is responsible for approving the annual revenue budget and capital programme of the Authority within the Budget and Policy Framework, including:

- Setting of a levy pursuant to the Transport Levying Bodies Regulations 1992 on or before the 15th February in the preceding year.
- Estimates of income and expenditure of the South Yorkshire Passenger Transport Executive (SYLTE).
- Grants to be made to SYLTE pursuant to section 13 of the Transport Act 1968. The Authority is required to set the Annual Revenue Budget for the forthcoming financial year, by such time as defined by statute.

### **2.3 Capital and Revenue Budget Planning - Medium Term Financial Plans**

The Finance Director shall prepare a medium term financial strategy comprising a forecast of capital and revenue expenditure and income for discussion with the constituent member authorities in relation to future levies and funding and report such discussions to the Authority. Such a strategy must reflect the priorities and plans of the Authority.

The Finance Director shall ensure that a revenue budget is prepared on an annual basis for consideration and approval at a meeting of the Authority before 31<sup>st</sup> January prior to the start of the forthcoming financial year, allowing for call in if required. At that meeting determination shall be made of the quantum of the levy, Mayoral precepts and other contributions for the following year.

### **2.4 Budgetary Control**

In approving the Revenue Budget, the Authority will determine the amounts to be allocated to various expenditure heads. The Finance Director will monitor expenditure against this approval, and report on a regular basis to the Authority showing actual and projected expenditure. It will be a matter for the Authority to determine from this information whether expenditure priorities should be changed.

For revenue expenditure, any likely overspending shall be reported as soon as practicable to the Finance Director. Where it is not possible to finance an overspend by a transfer between expenditure heads, the matter shall be referred to the Authority.

Before a capital scheme for which provision is made in the Capital Programme may proceed, a fully costed scheme report shall be presented to the Authority, after having been assessed in accordance with the Authority's Local Assurance Framework and any requirements as stipulated by the funding provider.

The Authority will determine guidelines for carrying forward of under- and over-spending on budget headings. The Finance Director will administer the scheme of carry forward within the guidelines approved by the Authority for consideration.

Any use of revenue and capital reserves, in addition to that already planned, must be approved by the Authority. The Finance Director will ensure that there are clear protocols for the establishment and use of reserves, advise the Authority on prudent levels of reserves and report on the use of reserves to the Authority.

Award of grant is a matter reserved to the Authority, and under delegation to the Thematic Boards. The Finance Director shall ensure that grants for capital and revenue purposes to outside organisations are not made without appropriate authority and budget provision.

As soon as practical after the end of the financial year, the Finance Director will report to Authority the overall Revenue out-turn position including details of reserves, balances and provisions held by the Authority. The report should include recommendations relating to the treatment of any under or over spending by the Authority.

## **2.5 Virements**

The Finance Director) shall be authorised to approve virements between expenditure heads up to £250,000. Anything in excess of these limits shall be reported for approval to the Authority. Virements are deemed to be:

- Revenue - a transfer of budget for a different purpose to that set out in the approved Budget;
- Capital - a movement of budget between approved capital schemes.

Changes to investment programmes involving the award of grant to external organisations is a policy matter reserved to the Authority and under delegation to the Thematic Boards. Approval will be sought from the Authority or Board for changes to previously approved programme or scheme funding levels.

Virements between Capital and Revenue require the approval of the Authority.

In accordance with the scheme of virement and associated thresholds, the Finance Director is responsible for considering reports submitted by Chief Officers in respect of virement proposals for revenue spending.

The Finance Director is to report and seek the approval of the Chief Executive to the exercise of the virement powers of the Authority where a matter is urgent.

## **2.6 Variations**

Changes to the overall level of resources available in the revenue budget and capital programme is reserved to the Authority. Any proposed changes will be made by the Finance Director as part of regular budget monitoring.

The Finance Director may vary the overall level of resource where an amendment is required to accommodate new grant funded activity that has been previously approved by the Authority.

## **2.7 Maintenance of Reserves/Provisions**

The Finance Director is responsible for formulating an annual Reserves Strategy for approval in line with the Constitution.

The Finance Director may approve the transfer to reserves of a restricted grant, being either ring fenced or subject to conditions imposed by the funder, received by the Authority where the related expenditure is not expected to be incurred in the current financial year.

As part of their duty to make arrangements for the proper administration of financial affairs, the Finance Director will manage the need for transfers to and from reserves in line with the approved Reserves Strategy. Movement to and from reserves will be reported to the Authority as part of the Revenue Budget Monitoring process. Where the proposed transfer is not consistent with the approved Reserves Strategy or does not relate to the receipt of a restricted grant, then subject to the urgency procedure, the decision may only be taken by the Authority.

Requests to carry forward underspends or to establish earmarked reserves should be linked to the annual revenue budget and may only be done following review by the Finance Director. Transfers made will be highlighted to the Authority as part of the Revenue Budget Monitoring process.

## **2.8 External Funding and Grants**

The Finance Director is responsible for:

- Ensuring there are proper processes and procedures in place for the completion, assessment, authorisation and submission of applications for external funding and any subsequent claims;
- Determining whether to accept grant offers on behalf of the Authority, subject to all the terms and conditions imposed by the grant awarding body, in accordance with the Officer Scheme of Delegation;
- Approval of all completed grant claims and certifications;
- Ensuring all statutory financial returns related to external funding are completed and submitted in line with relevant guidelines, and;
- Ensuring the income due from grant claims is received and that records are kept for the reconciliation of grants due and received. Such records must have robust audit trails and meet External Audit requirements.

## **2.9 Accountable Body Arrangements**

The Accountable Body is legally responsible for ensuring that the requirements of the funder are met.

Based on an assessment of risk, and other pertinent information, the Finance Director is responsible for approving whether or not it is appropriate for the Authority to act as the Accountable Body for external grant aid or to provide guarantees in relation to the liabilities of a third party.

The decision to agree to the Authority becoming the Accountable Body must be taken before any offers of funding are accepted. Where the Authority is guaranteeing the liabilities of a third party this must also be approved in accordance with these Regulations.

Where in the opinion of the Finance Director the risks associated with the Authority becoming the Accountable Body or guaranteeing the liabilities of a third party, merit doing so, s/he can require the decision to be taken by the Authority.

### **3. Risk Management & Control**

#### **3.1 Borrowings and Investments**

The Authority is responsible for:

- Approving the Treasury Management Strategy and the Investment Strategy of the Authority and its subsidiaries (including SYPTTE).
- Approving the borrowing limits of the Authority pursuant to section 3 of the Local Government Act 2003.
- Approving borrowing by SYPTTE pursuant to section 12(3), Transport Act 1968.
- Lending money to SYPTTE pursuant to section 12(4) Transport Act 1968

The Finance Director shall be the Authority's registrar of stocks, bonds, bills and mortgages and all borrowings shall be made by, or under the supervision, of the Finance Director.

The Finance Director shall ensure that the Treasury Management Code of Practice and the Prudential Code are complied with and shall, as recommended by the Codes of Practice, periodically submit relevant reports to the Authority in relation to its borrowings.

The Finance Director is responsible for negotiating an annual borrowing cap with Her Majesty's Treasury each year under the direction of the Authority.

#### **3.2 CIPFA Treasury Management Code of Practice**

In line with CIPFA recommendations, the Authority has adopted the following to create and maintain, as the cornerstones for effective treasury management:

- A Treasury Management Policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
- Suitable Treasury Management Practices (TMPs), setting out the manner in which the Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- The Authority will receive reports on its Treasury Management Policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid- year review and an annual report after its close, in the form prescribed in its TMPs.
- The Authority delegates responsibility for the implementation and regular monitoring of its Treasury Management Policies and Practices to the Audit, Standards and Risk Committee, and for the execution and administration of treasury management decisions to the Finance Director of the Authority, who

will act in accordance with the Authority's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

### **3.3 Contracts**

All contracts on behalf of the Authority shall be subject to the Authority's governance arrangements.

The Finance Director shall be informed as soon as possible of all contracts, agreements, awards or other instruments involving the payment or receipt of money on behalf of the Authority and shall carry out such checks as he/she considers necessary during the currency of a contract.

Every variation of a contract or addition to the original specification shall be authorised, in writing, by a duly authorised Officer in accordance with the Authority's Contract Procedure Rules. Any such variation or addition which necessitates an increase in the amount of an accepted tender or estimate shall be reported to the Finance Director as soon as possible.

The final certificate on a contract or accepted estimate shall be issued by the duly authorised Officer after he/she has submitted to the Finance Director a detailed statement of account, together with such vouchers or documents as he/she may require.

### **3.4 Insurance**

The Monitoring Officer of the Authority, under delegation from the Finance Director, shall effect all insurance cover required in connection with the business of the Authority, subject to any general direction of the Authority.

Chief Officers shall give prompt notification to the Monitoring Officer of all new risk, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

Chief Officers shall inform the Monitoring Officer promptly in writing of any event which may involve the Authority in a claim with its insurers.

### **3.5 Internal & External Audit**

The Finance Director shall, so far as he/she considers necessary:

- Arrange for the internal audit of all accounts and financial transactions of the Authority and its officers;
- Supervise security arrangements and the custody and safeguarding of the Authority's monies and property, including any funds entrusted to the Authority or its officers; and
- Undertake investigations in order to ensure that value for money is obtained and loss through wastage minimised.

The Finance Director will make arrangements to ensure that internal auditors have the authority:

- To have access to Authority premises at reasonable times;

- To have access to the Authority's documents, records, and equipment;
- To require any officer of the Authority to account for cash, stores, or any other Authority asset under their control;
- Where possible, to have access to records belonging to third parties, such as contractors, when required;
- To receive information concerning any matter under investigation; and
- To have access to the Chief Executive and the Audit, Standards and Risk Committee.

An Annual Audit plan will be prepared by the Head of Internal Audit and approved by the Audit, Standards & Risk Committee and the Finance Director. This Plan is designed to provide assurances to the Authority regarding the arrangements in place to manage the most significant risks faced by the Authority. As part of the audit planning process, and in line with the requirements of the Authority's Risk Management Framework, the Head of Paid Service is responsible for managing risk and for informing Internal Audit of the risks that are prevalent in his/her area. The Head of Paid Service is also responsible for agreeing and implementing relevant Audit recommendations. The Head of Internal Audit will report to each Audit, Standards & Risk Committee on the delivery of the Internal Audit Plan, the implementation of recommendations by management, any material changes to planned coverage, significant control issues and on the operational performance of the Internal Audit function.

External audit shall be carried out by an auditor appointed in accordance with the legislative requirements who will report annually, or more often if deemed necessary, to the Audit, Standards and Risk Committee.

### **3.6 Taxation**

The Finance Director is responsible for:

- Ensuring that taxation advice is available to Chief Officers to ensure compliance with relevant legislation;
- Maintaining the Authority's tax records, making all tax payments, receiving tax credits, and submitting tax returns by their due-date as appropriate;
- Completing all HM Revenue and Customs returns regarding Pay As You Earn (PAYE); and
- Completing a monthly return of VAT inputs and outputs to HM Revenue and Customs.

Chief Officers are to:

- Ensure that the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HM Revenue and Customs regulations and all output tax is properly identified and recorded;
- Ensure that the Authority is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994;
- Ensure that all persons employed by the Authority are added to the Authority's payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency;
- Follow any guidance on taxation that may be issued by the Finance Director.

### **3.7 Stocks, Stores & Security**

Each Chief Officer shall be responsible for the care and custody of stocks and stores within their area of responsibility. The responsibilities are to:

- make proper arrangements for the secure control and safe custody of all assets in respect of their area of responsibility;
- ensure that the property procedures are adhered to by all officers;
- inform the Finance Director of any instances where they believe the security to be inadequate;
- ensure that designated officers are personally responsible for the safekeeping of keys;
- ensure that designated Managers review the security of the premises under their control on a regular basis.

The Finance Director shall arrange for periodic checks of stocks by persons other than store-keepers where such stocks are of a significant value.

The Finance Director shall be authorised to write-off or dispose of obsolete or surplus stock. Requests to write-off or dispose of items in excess of £10,000 must be reported to the Authority for information.

Assets shall not be removed from the Authority's premises, unless on official Authority business and should not be used other than for official Authority purposes or in line with arrangements sanctioned by the Head of Paid Service. All information assets such as non-public paper records, IT equipment used to access information and the computer network, must be identified, recorded and have an appointed asset owner and be appropriately protected at all times.

### **3.8 Money Laundering**

Specific responsibilities relating to money laundering are set out in the Anti- Money Laundering Policy (appended to these Regulations) and the Head of Paid Service is responsible for ensuring that this policy is adhered to. The full policy and procedure is attached at Appendix 2.

### **3.9 Fraud**

All Officers, acting for or on behalf of the Authority, and Members are responsible for notifying the Finance Director where there is any actual or suspected irregularity affecting the Authority's assets.

The Finance Director will ensure an effective anti-fraud and anti-corruption policy is maintained which is included in the Authority's Constitution along with the Whistleblowing policy.

### **3.10 Financial Implications**

The Finance Director will ensure that all reports to Boards and Committees include a completed section for 'Financial Implications'. This section will summarise the capital and revenue expenditure implications of the proposals in the report together with any associated financial risks. The contents and advice within this section is the remit of the Finance Director.

## **4 Financial Procedures**

## 4.1 Banking Arrangements

All arrangements with the Authority's bankers shall be made by the Finance Director who shall be authorised to operate such banking accounts, as he/she considers necessary. Any funds due to the Authority shall be deposited directly into an account established under the direction of the Finance Director and no other Officer shall have the authority to establish any other type of banking arrangement without the express permission of the Finance Director.

## 4.2 Purchasing

All purchasing must be in accordance with the Authority's Contract Procedure Rules. Requests to operate outside of Contract Procedure Rules via waiver must be approved by the Finance Director, and any breaches of Contract Procedure Rules will be reported by the Finance Director to the Audit and Standards Committee.

The Finance Director must approve all purchasing arrangements involving credit or lease facilities.

Wherever possible a purchase order is required for all purchases of goods and services, and one must be processed before requesting the supply.

Different Purchase Order types are in place to meet expenditure requirements including those that are not for the supply of goods or services. They must fully detail the goods and services to be supplied and the budget from which the expenditure is to be met. Final costs or an estimate of the costs of the goods or services ordered (net of VAT) should also be provided.

Orders and procurement card purchases must only be raised for goods and services provided to the Authority or on official Authority business. Individuals must not raise official orders or make purchases using a procurement card for their own private use. Variations must only be actioned through properly authorised amendments to orders. Issued orders must not be amended verbally with the supplier.

Before authorising an order, Approvers must ensure that the proper approval for the spending has been obtained in line with the Authority's decision-making framework and Contracts Procedure Rules.

Authorisation in accordance with the requirements set out below is not a substitute for formal approval as required by the Constitution, the Authority's Standing Orders and Contracts Procedure Rules and Procurement Policy.

Before authorising an order, managers, who must have written authority from the Finance Director to do so, should be satisfied that:

- The order represents legitimate liabilities of the Authority.
- The required checks have been evidenced.
- Sufficient budgetary provision exists to cover the payment.
- The expenditure is correctly coded.
- All necessary documentation is attached.

The Finance Director will maintain an appropriate approval matrix for the approval of



purchase orders in line with the Authority's Scheme of Delegation.

The Finance Director will maintain a copy of all records required to support taxation matters.

#### **4.3 Payments to Suppliers**

No payment will be made unless supported by an appropriately authorised Purchase Order. Exceptions to this are payments relating to the use of Procurement Card or one-off payments transacted directly through the bank and approved by the Finance Director.

Supplier Invoices will go direct to the Accounts Payable team where it will be loaded into the finance system. Once the invoice is matched to the appropriate purchase order this will clear the invoice for payment in accordance with the payment timescales recorded on the Authority's finance system. Where the details contained on the invoice do not allow the purchase order to be matched, the order raiser should request a credit note from the supplier to resolve the mismatch.

The Authority's standard payment terms are 30 calendar days from the date that a valid invoice is received by the Authority. Any variation, which would result in the supplier being paid in less than 30 days, must be agreed by the Finance Director or delegate. Where a supplier makes a request for payment in advance, advice must be sought from the Finance Director.

#### **4.4 Payment of Accounts**

Chief Officers shall be responsible for the certification and submission of invoices and other claims to the Finance Director who shall make safe and efficient arrangements for the payment of such accounts.

#### **4.5 Petty Cash and Purchase Cards**

The Finance Director shall make such arrangements as he/she considers necessary for defraying petty cash and other expenses by means of an imprest system.

Purchase card accounts shall be operated strictly within the procedures determined by the Finance Director. All purchases made and general use of the card are subject to the Contract Procedure Rules.

#### **4.6 Expenses**

Members and officers will only be entitled to travel, subsistence and incidental expenses where these are incurred legitimately in performing duties on behalf of the Authority in line with the agreed policy and rates. Claims should be made in line with relevant Authority policies including the requirement to provide receipts to the provider of the Payroll Service. All such payments will be made through the payroll system.

Payments of expenses to individuals who are not Authority employees must be made through the Purchase to Payment system in accordance with the procedures as laid down by the Finance Director.

Expenses incurred by agency staff should be included in the Agency charge and paid through the Purchase to Payment system.

#### **4.7 Asset Register**

The Finance Director has overall responsibility for the financial elements of the Authority's Asset Register and for ensuring that it complies with all necessary accounting requirements.

#### **4.8 Estates and Property**

The Finance Director shall maintain a register of all estates and properties owned in a format approved by the Finance Director.

The Monitoring Officer shall be responsible for the safe custody of all legal documents under secure arrangements agreed with the Finance Director.

#### **4.9 Disposal of Assets**

It is the responsibility of the Head of Paid Service to authorise the acquisition and disposal of capital assets, aside from the disposal, acquisition and development of any land by the Authority or SYPTTE which, subsequent to Part 4 of the Authority's Constitution, may be authorised by the Authority.

#### **4.10 Income Management & Debt Recovery**

The collection of all money due to the Authority shall be directed by the Finance Director's representative. This will include the methods by which income will be accepted, its banking and storage, and appropriate separations of duties.

The Authority's standard payment terms and conditions are that, unless contractually agreed or in the case of a demand payable by instalments, sundry debts are payable within 30 days and in full.

The Authority will undertake robust action up to and including Court action to recover money owed to it. The costs of enforcement action to recover sundry debts, up to and including court action, will be borne by the relevant BusinessUnit.

If a debt is not paid by day 60, a charge will be made against the Business Unit to make full provision for the debt not being paid. Exceptions will be made for debts owed by constituent partner authorities.

If recovery action is unsuccessful, the Authority may write off debts that are correctly due to it but which, for whatever reason, are no longer collectable.

Write-offs must be proposed by the Head of Paid Service and approved and actioned by the Finance Director.

Acceptance of cash as a means of settling debtor-accounts is discouraged. Acceptance of cash payments in a single or linked transactions over £2,500 must not be accepted

without prior written permission from the Finance Director.

#### **4.11 Payroll**

The payment of all salaries, wages, pensions, expenses and any other payments to all employees and former employees of the Authority must only be made under arrangements approved and controlled by the Head of Paid Service and approved by the Finance Director.

Amendments to the payroll, e.g. for absences and variations to pay, shall be limited to those Officers authorised to do so, as per the Authority's decision making framework.

Payment of fees to individuals who are not Authority employees must be made through the Purchase to Payment system and in accordance with the requirements of HM Revenue and Customs and the relevant procedures as laid down by the Finance Director and the Head of Paid Service. Payment and personnel records must be held securely.

The Finance Director is responsible for the calculation of all PAYE and Superannuation deductions and their remittance to relevant bodies.

#### **4.12 Retention of Records**

The Finance Director is responsible for ensuring that appropriate records are retained to support all audit, funding and taxation requirements.

The Finance Director will maintain a Financial Records Retention Schedule in support of this.

## **Appendix 1 Scheme of Delegation**

### **1. Background**

Section F of the Constitution details the Scheme of Delegation of Functions to Officers. This Scheme of Delegation is prepared in accordance with Section 101 of the Local Government Act 1972.

The Constitution recognizes the Head of Paid Service, the Finance Director, and the Monitoring Officer as the Statutory Officers. 'Directors' in the context of this Scheme means any person designated as such by the Head of Paid Services and appearing on the staffing establishment as a Director.

The Scheme of Delegation sets out which powers may be exercised by which officer on behalf of the Authority. The Scheme of Delegations notes that powers may be exercised on behalf of those named officers, or in their name, provided that authorisations have been granted and recorded with appropriate monitoring arrangements in place. Finally, Section F of the Constitution notes the circumstances in which delegated powers may be exercised.

In relation to the Financial Regulations, the following General Delegations are of note:

### **2. Delegations to the Statutory Officers and Directors**

The functions set out below are delegated to all Statutory Officers and Directors unless limited by the individual delegation.

#### *Routine Management*

In relation to Statutory Officers and Directors the day to day routine management, supervision and control of services provided for the Authority by staff under their control in accordance with the Rules of Procedure and Financial Regulations of the Authority.

#### *Contracts/Land*

In relation to Statutory Officers the disposal of surplus or obsolete Authority assets to the person submitting the highest quotation up to a limit of £100,000 in value and the leasehold disposal of land leased for revenue generative purposes.

In relation to Statutory Officers the acquisition of land for the purpose of delivering any project in the approved capital programme and budget.

In relation to Statutory Officers and Directors the acceptance of a tender or quotation:-

- For the supply of goods, materials, or services for which financial provisions has been made in the Authority's Revenue Budget (as may be varied from time-to-time subject to the delegations afforded to the Finance Director through the Financial Regulations or is fully funded by any grant that is received as a result of a previously approved funding bid submission), or

- For building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Authority as part of the capital programme and such expenditure is approved by the Finance Director;

Provided that:-

- The **tender or quotation is in accordance with the Authority's Contracts Procedure Rules** and is either the most economically advantageous tender decided by reference to pre-determined weighted award criteria or the subject of a waiver of the Authority's Contracts Procedure Rules granted in accordance with those Rules;
- The decision relates to the **delivery of the agreed business plan** for that business area;
- The decision accords with any officer decision making guidance issued to Officers;
- Where the decision is a **key decision** or may have policy or strategic implications, the Officer exercising the delegation will, before the decision is taken, **consult with the relevant Thematic Board Chair**, or if it does not fall within a Thematic Boards remit, with the Mayor (*NB, the provisions of part 5B of this constitution apply to Key Decisions taken by Officers*);
- Once the decision has been made the Officer completes the prescribed officer decision form and complies with the **transparency requirements** of The Openness of Local Government Bodies Regulations 2014; and
- Officer decisions over £100,000 in value will be reported to the next available MCA as part of the **Delegated Authority Report**.

### 3. Delegations to the Finance Director

The functions set out below are delegated to the Finance Director:-

- To effect the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- The taking of all action required in relation to the Authority's treasury management (borrowing, investment and financing arrangements) subject to the submission to the Authority of an annual report of the Finance Director on treasury management activities in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- To effect all insurance cover required in connection with the business of the Authority and to settle all claims under such insurances arranged for the Authority's benefit.
- The preparation of manuals of financial and accounting procedures to be followed by all Officers working for and on behalf of the Authority.
- To accept grant offers on behalf of the Authority, subject being satisfied with all the terms and conditions imposed by the grant awarding body and subject to either the submission of the funding application for grant or the grant offer having been approved by the Authority or Thematic Board (in accordance with the Scheme of Delegation set out in Part 4 Section G) as appropriate.

- To submit all claims for grant to the UK Government, the European Union (EU) or any other source of funding.
- To make all such banking arrangements on behalf of the Authority as the Finance Director considers necessary, including arrangements for issuing cheques.
- To monitor capital spending and submit regular reports to the Authority.
- In relation to revenue expenditure under the control of officers, to consider the reports of those officers.
- The collection of all money due to the Authority, and the writing-off of bad debts.
- To supervise procedures for the invitation, receipt and acceptance of tenders.
- To administer the scheme of Members' allowances.
- To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011 including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Authority at the end of the year to which it relates and of the Authority's income and expenditure for that year.
- To discharge the functions of the Authority under the Accounts and Audit (England) Regulations 2011 (with the exception of regulations 4(3), 6(4) and 8(3)).
- To sign certificates under the Local Government (Contracts) Act 1997.
- To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.
- To determine an amount (not exceeding the sterling equivalent of 5,000 euros) being the maximum sum which the Authority will receive in cash without the express written consent of the Finance Director.
- To exercise the responsibilities assigned to the Finance Director in the Financial Regulations and the Contracts Procedure Rules.



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# South Yorkshire Mayoral Combined Authority

## Contract Procedure Rules

<b>VERSION CONTROL</b>			
<b>Date</b>	<b>Version</b>	<b>Author</b>	<b>Changes</b>
April 2020	Draft V0.1	Ian Hodge	New version
June 2020	Draft V0.2	Ian Hodge	Amendments following consultation with Statutory Officers
July 2020	Draft V0.3	Ian Hodge	Amendments following consultation with new Finance Director and further consultation with Legal Director
September 2020	Draft V0.4	Ian Hodge	Amendments following consultation with Statutory Officers
September 2020	Draft V0.5	Joe Gardner	Amendments following consultation with Statutory Officers: <ul style="list-style-type: none"> <li>• References to PPU and AD PPU replaced with “Procurement Expert” and “AD (Procurement)”</li> <li>• References to senior finance officer replaced with “Director of Finance or his/ her delegate”</li> <li>• CPR 6.16 and Procurement Report updated in relation to Conflict of Interest</li> </ul>
September 2020	Draft V0.6	Joe Gardner	Conflict of Interest amendments: <ul style="list-style-type: none"> <li>- Revision to CPR 6.16</li> <li>- Addition of CPR 9.10</li> <li>- Addition of Appendix 5</li> </ul>
September 2020	Draft V0.7	Joe Gardner	Conflict of Interest amendments: <ul style="list-style-type: none"> <li>- Revision to CPR 6.16</li> <li>- Revision of CPR 9.10</li> <li>- Addition of CPR 9.11</li> <li>- Revision to Appendix 5</li> </ul> Exempt Contract amendments: <ul style="list-style-type: none"> <li>- Revision to CPR 3.8</li> </ul> Waiver amendments: <ul style="list-style-type: none"> <li>- Revision to CPR 40.3</li> </ul>
October 2020	Draft v0.8	Joe Gardner	Acceptance of outstanding amendments and removal of comments throughout.
<b>16 November 2020</b>	<b>FINAL v1.0</b>	<b>Joe Gardner</b>	<b>CPRs adopted by MCA</b>
January 2021			<ul style="list-style-type: none"> <li>• To amend CPR 6.7 according to the impact of Brexit</li> <li>• To amend CPR 18 according to the impact of Brexit</li> </ul>
September 2021		Steve Davenport/Kerry Willers	<ul style="list-style-type: none"> <li>• Updated logo and name change</li> <li>• Amendments to 4 – Delegated Authority</li> <li>• Checking document for accessibility issues</li> </ul>
October 2021		Jill Smith	<ul style="list-style-type: none"> <li>• Yortender replaced with ProContract</li> </ul>
Mar 2022		Jill Smith	<ul style="list-style-type: none"> <li>• Annual Refresh</li> </ul>

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### 1. Introduction

- 1.1 These Contract Procedure Rules (CPRs) are made by the Authority in accordance with Section 135 of the Local Government Act 1972. The CPRs regulate the way tenders are invited and set out the responsibilities and procedures to be followed by Officers when procuring goods, services or works on behalf of the Authority.
- 1.2 These regulations also ensure compliance with the Public Contracting Regulations, 2015 and associated legislation.
- 1.3 It also should be noted that these Contract Procedure Rules should be read in conjunction with the Authority's Financial Regulations (FRs) and other Procurement Guides in order for officers to discharge their responsibilities accordingly.
- 1.4 Compliance with these CPRs ensures that:
  - Officers comply with the Authority's strategic objectives, procurement strategies, policies, and statutory legal obligations
  - All providers are treated fairly and equally and that all procurement taken place in an open and transparent way, encouraging competition
  - All elements of procurement, from identifying the need through to disposal of goods or ending of contracts, are governed to ensure sound, robust procurement practice
  - The Authority complies with Public Procurement Regulations 2015 ("the Regulations") and any other legislation governing public sector procurement
  - The Authority can defend against allegations of incorrect or fraudulent procurement practice, should the need arise.
- 1.5 Prior to commencing any procurement, sale or contracting process on behalf of the Authority, Officers must ensure that they have the required authority in place. This includes but is not limited to:
  - Constitutional approval through the Scheme of Delegation; and,
  - Budgetary and Financial authority.

Failure to do so may result in delay at the point of any required contract signing. It is important to note that having budgetary provision as part of the annual budget setting process or as part of any approved programme is not approval to award a contract and commit spend. Approval can only be given as part of a contract award process that has followed these CPRs.

### 2. Scope, Compliance and Waivers

- 2.1 All the Authority's procurements and contracts must be conducted in accordance with these CPRs.
- 2.2 The CPRs should be read in conjunction with the Authority's Constitution, the Financial Regulations and Scheme of Delegation.
- 2.3 Officers and Members must exercise the highest standards of conduct, integrity and impartiality when involved in the procurement, award and management of contracts and pay due regard to the requirements of the relevant Code(s) of Conduct.

- 2.4 All procurement and commissioning procedures must:
- Be in line with the Authority's objectives as set out in the Corporate Plan and individual directorate Business Plans
  - Meet the procurement need and achieve value for money
  - Ensure fairness and transparency in the allocation of public contracts
  - Comply with all appropriate legal requirements
  - Ensure that all risks in the process are appropriately assessed and managed
  - Ensure that all required pre-tender consultation has taken place
  - Ensure Procurement is engaged at an early stage of the process to ensure that the best commercial option is undertaken in any resulting tendering exercise
  - Encourage the participation of local businesses in contracts
  - Promote social value through contracting activities
- 2.5 If there is any doubt regarding the scope or application of these CPRs guidance should be sought from the Head of Procurement.
- 2.6 Non-compliance with CPRs, Financial Regulations or PCR 2015 legal requirements can have serious consequences for the Authority. Following CPRs allows the Authority to comply with the requirements of legislation and officers should be aware that any non-compliance may result in disciplinary action.
- 2.7 Where any Contract Procedure Rule indicates that an Officer "must" follow a certain course of action that CPR cannot be waived under any circumstances. All other Contract Procedure Rules must be complied with unless otherwise authorised via the waiver process (see CPR 40 below).

### 3. Exempt Contracts

- 3.1 The following contracts are exempt from the requirement for competitive tendering except where the Public Contract Regulations 2015 apply, in which case the Regulations must be complied with.
- 3.2 Services that are provided 'in-house' or by another Authority (where the conditions of the Public Contract Regulations 2015 are met).
- 3.3 Contracts of employment that make the individual a direct employee of the Authority. For the avoidance of doubt these CPRs do apply to the procurement of agency/recruitment services, the appointment of consultants and the provision of short-term agency workers.
- 3.4 Additional works, supplies or services that are required due to unforeseen circumstances, which are either strictly necessary for the completion of the contract, or for technical or economic reasons cannot be carried out separately without great detriment to the Authority. Any additional activity agreed must be signed off by the Head of Procurement. If the value of the activity exceeds 10% of the original value a contract variation and/or a business case must be completed.
- 3.5 Legal services contracts and arbitration services that fall within the exemptions set out in Regulation 10 of the Public Contracts Regulations 2015.
- 3.6 Financial services associated with the purchase and sale of securities or financial instruments, including the procurement of research.

- 3.7 Acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property.
- 3.8 Subscriptions, specific training or other goods, services and works not considered to be procurements. This includes purchasing of any unique product where no genuine alternative is available including but not limited to subscriptions to an accrediting body, membership of a unique group of organisations or attendance at a sector specific conference. If the value is above the relevant subsidy control threshold, Monitoring Officer approval is required.
- 3.9 Bus service subsidy contracts awarded in accordance with either the de-minimis or urgency provisions of the Transport Act 1985 and/or EU Regulation 1370/2007, as incorporated into UK law by UK Regulation (EC) No 1370/2007 (Public Service Obligations in Transport) (Amendment) (EU Exit) Regulations 2020.
- 3.10 Public passenger transport services by tram or train in accordance with the direct award provisions of EU Regulation 1370/2007 as incorporated into law by UK Regulation (EC) No 1370/2007 (Public Service Obligations in Transport) (Amendment) (EU Exit) Regulations 2020.

#### 4. Delegated Authority

- 4.1 Officers conducting procurement exercises on behalf of the Authority should act in accordance with these Contract Procedure Rules and the Authority's scheme of delegation.
- 4.2 Within approved budgets Officers are, empowered to seek tenders and quotations for goods, services and works in accordance with these CPRs. These officers are empowered to authorise any other suitable officer to lead a procurement process on their behalf.
- 4.3 The decision to award any contract (including a call from a Framework Agreement) may be taken either:-
  - i. In accordance with the Officer Scheme of Delegation set out in part 4E of the Constitution and ensuring compliance with The Openness of Local Government Bodies Regulation 2014 (noting that there is no financial limit for such delegated decisions); or
  - ii. if the Officer Scheme of Delegation is not appropriate, by a Thematic Board up to £200,000 or above these levels or where the procurement involves the potential TUPE transfer of the Authority's employees by the Authority (MCA Board).
- 4.4 Where a procurement and contract award that meets the criteria of a Key Decision the Officer should pay due regard to, and act in accordance with, Part 5B of the Constitution.

#### 5. IT, HR, Legal, Communications and Finance

- 5.1 The proposal to procure software, hardware or systems must be approved by the relevant Senior Responsible Officer of Information and Technology.
- 5.2 The proposal to procure services relating to HR, Legal, Communications or Finance must be approved by the relevant Senior Responsible Officer.

- 5.3 Approval to procure includes any renewal, extension, or variation of an existing contract.

### 6. Pre-procurement Requirements

Prior to undertaking a procurement exercise Officers must ensure that:

- 6.1 A procurement report (Appendix 1, for contracts valued £25k or more) has been completed and approval to commence the procurement has been obtained.
- 6.2 The proposed expenditure is contained within an approved budget in accordance with the Authority's Financial Regulations.
- 6.3 Due regard is given to all applicable legislation including the Public Services (Social Value) Act 2012, the Equality Act 2010, and Data Protection Act 2018.
- 6.4 An initial screening equality impact assessment is carried out to ascertain whether a detailed Equality Impact Assessment (EIA) is required to inform the procurement process and subsequent contract management phase.
- 6.5 An initial screening exercise is undertaken to determine whether the Data Protection Legislation applies to the contract. Where the screening indicates that the contract involves processing that is likely to result in a risk to the rights and freedoms of individuals, the Officer must carry out a data protection impact assessment. The Officer will keep a written record of the assessment on file and take appropriate and proportionate action throughout the procurement process and subsequent contract management.
- 6.6 A record of how social value has been considered, in all contracts valued over £25,000, shall be made in the Procurement Report.
- 6.7 There is no in-house provision.
- 6.8 All appropriate advice has been obtained such as legal, financial, insurance and other professional advice such as procurement, health and safety, risk management, data protection and assurance.
- 6.9 Key stakeholders including Members (where appropriate) and Trade Unions (where TUPE might apply) have been identified and consulted.
- 6.10 The total contract value is calculated in accordance with Public Contract Regulations 2015 (irrespective of whether the Regulations apply), including whole life costs for the duration of the contract, any period of extension and/or continuing costs and VAT.
- 6.11 Contracts are not disaggregated into 2 or more separate contracts in an attempt to avoid the Public Contract Regulations 2015 or avoid competition in accordance with these CPRs.
- 6.12 To ensure the authority optimises its buying power by aggregating purchases, regular reviews must be undertaken on all spend activity and appropriate steps taken to consolidate opportunities. However, consideration must be given in all cases to dividing the contract into smaller lots.
- 6.13 Any risks associated with the procurement are identified, assessed, and recorded together with the actions required to manage them.



- 6.14 Taking advice where necessary, the procurement is properly categorised for the purpose of the Public Contract Regulations 2015 as being works, supplies, or services, and that any Light Touch Services are correctly identified.
- 6.15 All Officers and stakeholders involved in a procurement process over £25,000 must confirm there are no conflicts of interest amongst Officers involved in the procurement process as part of the Procurement Report. Where necessary appropriate safeguards should be put in place.

### 7. Existing Arrangements and Frameworks (All Contract Values)

- 7.1 Where in-house provision exists, these services must be used unless there are good reasons why this would not be the best course of action.
- 7.2 The Authority may have an existing framework/corporate contract or other arrangement through which the requirement can be met.
- 7.3 In all cases, where no existing contract is in place, consideration should be given to whether any existing collaborative arrangements would be appropriate.

Collaborative procurement arrangements include procurement arrangements with another Local Authority, Government Department, or frameworks available through a public service purchasing consortium or other Public Body.

- 7.4 The framework may include a requirement for a mini competition exercise, and this shall be tendered in accordance with the framework agreement, where possible these CPRs, and where permitted by the framework, invited via ProContract.
- 7.5 Due diligence must be carried out to ensure it is legally viable for the Authority to make use of any such consortia arrangement or framework.
- 7.6 Where no suitable existing arrangements or frameworks are available a proportionate approach to procurement is required and Officers should comply with the appropriate Contract Procedure Rule according to the value of the contract.

### 8. Purchasing up to £10,000

- 8.1 Where variations in quality are minimal or there is no requirement to evaluate the quality of the goods, services or works, formal issue of a tender/quotation document is not required.
- 8.2 Officers should satisfy themselves that they have obtained, and kept a record of, an adequate amount of comparative pricing information, to include where possible at least one South Yorkshire based business, to ensure that the best value in terms of economy, efficiency and effectiveness is obtained.
- 8.3 The purchase order form shall specify the services, supplies, or works to be provided and set out the price and payment terms.
- 8.4 Where variations in quality are significant Officers should consider issuing a formal quotation document to at least two suppliers, where possible one supplier should be a South Yorkshire based business.

### **9. Contract Value £10,000 – £25,000 (Goods and Services), £10,000 to £50,000 (Works)**

- 9.1 In all cases the details of the procurement exercise and subsequent contract award must be published on the Contract Register in order to comply with the Local Government Transparency Code 2015.
- 9.2 Formal competition is required; where there are a sufficient number of providers in the market at least three written quotes should be invited, including where possible at least one organisation based in South Yorkshire.
- 9.3 Officers may use ProContract to invite and receive quotes, including where appropriate the “Quick Quotes” facility.
- 9.4 In exceptional circumstances and considering all the information available and in consultation with Procurement it may be decided that it is justified to invite less than three quotations. In this situation a Waiver Form (Appendix 4) must be completed and approved before proceeding.
- 9.5 The documents used must describe a minimum the services/goods/works to be provided and/or an explanation of the outcomes to be met. The methodology that the Authority will use to evaluate the quotes must be clearly explained and the quotation document must be made available electronically.
- 9.6 The specification must be approved by the Procurement Team in consultation with the contracts team and legal. Once approved they shall also provide an appropriate set of terms and conditions.
- 9.7 All Officers included in the tender evaluation panel will be required to confirm in writing to the Procurement team that no conflict of interest exists in relation to quote or tender submissions received, prior to evaluation taking place. In the event of any potential conflict of interest, the Monitoring Officer will decide if the Officer can be included in the evaluation panel or if a substitute must be nominated.

### **10. Contract Value £25,000 - £100,000 (Goods and Services), £50,000 - £100,000 (Works)**

- 10.1 Any procurement with a total contract value above £25,000 must be led by a member of the Procurement function.
- 10.2 The opportunity should be openly advertised or at least three written tenders invited via ProContract.
- 10.3 Procurement must consider whether the contract would be of interest to South Yorkshire based suppliers and, if it would, where possible at least one tender should be invited from these organisations.
- 10.4 All invitations to tender valued at £25,000 or more must be published on ProContract to ensure that all bidders are provided with exactly the same information and to ensure equal treatment.
- 10.5 If not invitation only, the invitation to tender must be advertised on Contracts Finder.
- 10.6 Award details must be published on the Contract Register and on Contracts Finder no later than 90 days after the contract is awarded.

### 11. Contract Value £100,000 – PCR 2015 Threshold

- 11.1 In addition to the requirements of CPR 9 and 10 the Officer conducting the procurement should comply with the following.
- 11.2 Where there are a sufficient number of providers in the market the contract opportunity should be openly advertised via ProContract.
- 11.3 The Officer should consider whether the procurement would be of interest to South Yorkshire based suppliers and, if it would, where possible at least two tenders should be invited from these organisations.

### 12. Contract Value Above PCR 2015 Threshold

- 12.1 Where the proposed contract exceeds the relevant threshold appropriate advice must be sought from the Head of Procurement and Legal Services, where appropriate.
- 12.2 Contract notices and award details must be published in accordance with CPR 17 including the requirement to publish the notice on Find a Tender and Contracts Finder.
- 12.3 In January 2022 the change to the methodology for estimating contract values must now be inclusive of VAT for the purposes of applying the thresholds. This does not require a change to the publication of procurement notices.
- 12.4 The thresholds are:
  - Services £213,447
  - Goods £213,447
  - Works £5,336,937
  - Light Touch Regime (Social and other specific services (as defined by the Regulations)) £663,540
- 12.5 A contract subject to the Public Contracts Regulations can only be awarded following a communication to all unsuccessful tenderers and a mandatory 10-day standstill period. Failure to comply can result in a challenge and the contract being declared ineffective.

### 13. Open Procedure

- 13.1 In the open procedure, any interested supplier may submit a tender in response to a contract notice. An open procedure may be used for contracts below and above the procurement threshold
- 13.2 The invitation to tender shall be accompanied by information regarding the evaluation criteria to be used by the Authority.
- 13.3 Where the procurement regulations apply the minimum time limit for the receipt of tenders is 35 days from the date on which the contract notice is sent. This can be shortened to 30 days where tenders may be submitted by electronic means i.e. via ProContract.

### 14. Restricted Procedure

- 14.1 The restricted procedure is a two-stage process where any supplier may apply to participate in the tender competition by providing the selection information that is

requested by the Authority. Following assessment of the information provided, only those suppliers invited to do so may submit a tender.

- 14.2 The time limit for receipt of selection information is 30 days from publication of the contract notice.
- 14.3 The time limit for receipt of invited tenders is 30 days from the date of the invitation to tender and this can be shortened to 25 days where tenders may be submitted by electronic means i.e. via ProContract.

### 15. Other Procurement Procedures

- 15.1 In most cases the Open or Restricted Procedures will be the preferred option for the Authority. In exceptional circumstances where they are not thought to be suitable then the Authority may opt to utilise another procurement procedure i.e. the Competitive Procedure with Negotiation, Competitive Dialogue, Innovative Partnerships, and the use of the Negotiated Procedure Without Prior publication.
- 15.2 Before commencing any of these procurement procedures the Officer must obtain the approval of the Head of Procurement.
- 15.3 The Officer shall prepare a report in the format set out in Appendix 2 explaining the reasons why use of another procurement procedure is the recommended course of action. The report must be submitted to the Officer described above (15.2) for consideration and approval or rejection.
- 15.4 Where approval is granted, it will in all cases be on the condition that the process is led by a suitably qualified procurement professional.

### 16. Invitation to Tender

- 16.1 The invitation to tender shall include details of the Authority's requirements for the contract including:
  - 16.1.1 a description of the services, supplies or works being procured;
  - 16.1.2 the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
  - 16.1.3 a specification and instructions on whether any variants are permissible;
  - 16.1.4 the Authority's terms and conditions of contract, form of contract and bond;
  - 16.1.5 the evaluation award criteria and sub-criteria including any weightings;
  - 16.1.6 pricing mechanism and instructions for completion;
  - 16.1.7 consideration of TUPE;
  - 16.1.8 form and content of Method Statements to be provided;
  - 16.1.9 rules for submitting tenders;
  - 16.1.10 any further information which will inform or assist tenderers in preparing tenders.

### 17. Publicity and Advertising

- 17.1 The Authority has legal obligations to ensure that contract opportunities and details of subsequent contract awards are suitably advertised, and that procurement activity is conducted in an open, fair, and transparent manner.
- 17.2 In all cases and regardless of value, Officers must consider and comply with the PCR 2015 regulations relating to procurement and subsequent award of contracts.
- 17.3 Below Thresholds:
  - 17.3.1 Where the invitation to tender is restricted to a number of suppliers the tender should be published on ProContract.
  - 17.3.2 Where openly advertised all invitations to tender valued at £25,000 or more must be advertised on ProContract and on Contracts Finder no later than 24 hours after publication on ProContract.
  - 17.3.3 Award details must be published on the Contract Register and on Contracts Finder no later than 90 days after the contract is awarded.
- 17.4 Above PCR 2015 Thresholds:
  - 17.4.1 All contract notices must be sent to the Find a Tender service to be advertised.
  - 17.4.2 When the Authority becomes entitled to publish the notice at National level, the contract notice must be published on ProContract and Contracts Finder within 24 hours.
  - 17.4.3 Award notices must be sent for publication on the Find a Tender service no later than 30 days after the award.
  - 17.4.4 Award notices must also be published on ProContract and Contracts Finder when permitted to publish at National level and no later than 90 days after the contract is awarded.
- 17.5 ProContract and Contracts Finder notices must not contain more information than that provided in the Find a Tender notices.
- 17.6 Procurements through framework agreements need not be advertised unless a mini competition is required in which case advertising will be in accordance with the requirements of the framework agreement. Where the mini competition is managed outside of ProContract the subsequent contract award must be added to the Contract Register and, if above £25,000 on Contracts Finder.
- 17.7 Detail of contract awards with a value in excess of £5,000 must be added to the Contract Register.

### 18. Pre-Tender Submission Clarification

- 18.1 Where either the Authority or a tenderer seeks to clarify any aspects of the tender documentation, adequate time must be allowed for both the clarification question and the response.
- 18.2 Clarification questions and responses must be in writing and recorded in a log.

- 18.3 In above Threshold tenders a minimum of 6 days must be allowed between the last clarification response and the tender submission deadline, if this is not possible the tender return deadline should be extended. To avoid malicious clarifications being raised with the intention of extending the tender period the Officer should state in the tender documents the latest date that tenderers may raise clarification questions.
- 18.4 Unless the clarification is of a confidential nature both the question (anonymised) and the response must be issued to all tenderers.

### 19. Tender Invitation and Receipt

- 19.1 ProContract must be used for the return/submission of quotations and tenders in accordance with the system's requirements.
- 19.2 Where the contract value exceeds £10k the tender or quotation documents must be issued and received electronically, including (where possible) mini competitions under external frameworks. The Officer may choose to use ProContract for this purpose.
- 19.3 Where the contract value exceeds £25k the tender or quotation documents must be made available electronically via ProContract, the tender and quotation submissions must also be received electronically via ProContract, including (where possible) mini competitions under external frameworks.
- 19.4 Only in exceptional circumstances, such as large construction contracts where there are a large amount of drawings, physical models are required, should hard copy submissions be permitted.

### 20. Hard Copy Submissions

- 20.1 In exceptional circumstances where hard copy submissions are permitted, they must be addressed to the Finance Director in a sealed envelope endorsed with the word "Tender" followed by the subject matter to which it relates. No marks shall be included upon the envelope that identifies the bidder prior to the opening of the envelope. Tenders shall be kept in a safe place and remain unopened until the time and date specified for their opening.
- 20.2 Hard copy tenders shall be opened in accordance with CPR 20.1.
- 20.3 Where above PCR 2015 Threshold hard copy tenders are permitted, they must be managed in accordance with regulation 22 of the Public Contract Regulations 2015.
- 20.4 Where hard copy submissions are requested, the Officer must indicate in the Procurement Report the reasons for that requirement.

### 21. Managing Late Tender Submissions

- 21.1 ProContract does not allow tenders to be submitted after the deadline.
- 21.2 Late bids may only be accepted with the approval of the Monitoring Officer where the bidder has gained no advantage as a result of the late submission and for reasons where the late submission is through no fault of the bidder, for example where there is evidence that ProContract was unavailable.

- 21.3 Any hard copy submissions received after the specified time shall be disqualified. Any such tender should be returned promptly to the bidder who should be notified accordingly. The tender envelope may be opened to ascertain the name and address of the bidder concerned.

### 22. Managing Errors and Ambiguities

- 22.1 Tender Documents must state how errors in tenders will be dealt with. Whichever process is followed it must be transparent and fair to all tenderers.
- 22.2 Where a tenderer has made a material and genuine error, they may, with the approval of the Monitoring Officer, be given an opportunity to correct that error prior to tender evaluation. If correction is permitted the tenderer must submit the required information within a strict time limit. Failure to meet the time limit will result in the tenderer being given the choice to stand by the bid as submitted or withdraw their tender.
- 22.3 Where information or documentation submitted appears to be incomplete or erroneous, or where specific documents are missing, the Authority may request the tenderer concerned to submit, supplement, clarify or complete the relevant information or documentation within a strict time limit provided that such requests are made in full compliance with the principles of equal treatment and transparency. Failure to meet the time limit will result in the tenderer being given the choice to stand by the bid as submitted or withdraw their tender.
- 22.4 Other errors in tender submissions should be dealt with either by asking the tenderer to confirm that they will honour their tender submission despite their error or if not withdraw the tender from the procurement process.
- 22.5 If a bidder agrees to stand by an error which jeopardises its ability to perform the contract to the standard required, or may result in legal dispute, then the Authority should consider whether this renders the bid to be unacceptable.

### 23. Abnormally Low Tenders

- 23.1 Where a tender appears to be abnormally low the Officer should request that the tenderer explains the tendered price in writing and considers the evidence provided. Should a satisfactory explanation not be provided the bid should be rejected following consultation with the Monitoring Officer.

### 24. Post Tender Clarification and Negotiation

- 24.1 Where an aspect of a submitted tender is genuinely unclear the Officer may request that the tenderer provides clarification of that matter. The response must only clarify the relevant part of the original tender and not contain any new information. Anything that is submitted and goes above and beyond clarification must be disregarded in the evaluation.
- 24.2 All clarifications and responses must be in writing and recorded in a log. It is important that clarifications are not used as a means to negotiate, and advice should be sought if there is any doubt whether something is clarification or negotiation.

- 24.3 Where the Public Contract Regulations 2015 apply post tender negotiation is only permitted whilst using the competitive procedure with negotiation. Post tender negotiations are not permitted in open and restricted procedures.
- 24.4 In sub-threshold procurements where the Public Contract Regulations 2015 do not apply and it is considered that post tender negotiations are in the Authority's interests and may achieve added value then post tender negotiations may, subject to 25.5 exceptionally be appropriate where authorised by the Assistant Director (Procurement, Contracts & Programme Controls).
- 24.5 Post tender negotiations must only take place where they do not distort competition or disadvantage any bidder. The process should be transparent and non-discriminatory and ensure bidders are treated equally. Post tender negotiations with any tenderers must be in accordance with the following conditions:
- Post tender negotiation should only take place if the tender documents state that it may take place.
  - Conducted by a team of suitably experienced Officers.
  - Written records of the negotiations are kept, and a clear written record of the added value obtained is incorporated into the contract.

### 25. Evaluating Tenders

- 25.1 The tender evaluation criteria including sub-criteria and all weightings shall be pre-determined and published in the invitation to tender (ITT). The pre-determined criteria shall be strictly observed at all times throughout the evaluation process by any Officer involved in the tender evaluation. The tenders must be evaluated in accordance with the relevant Public Contract Regulations 2015 and the evaluation criteria as set out in the ITT. Except where lowest price was pre-determined to be the appropriate criteria, the contract shall be awarded to the offer that represents most economically advantageous offer to the Authority.
- 25.2 Detailed records must be kept of the evaluation process and the individual or consensus scores allocated, including the reasons why each score was given and stored in accordance with the Authority's Records Retention Policy.
- 25.3 The evaluation must be managed by a member of the Procurement function to ensure appropriate separation of duties.

### 26. Debriefing and Feedback

- 26.1 Feedback is not required for quotations of £10k - £25k.
- 26.2 Once a decision to award a contract at £25k and above is made all tenderers must be notified at the same time, via ProContract, as soon as possible, in writing, of the intention to award the contract to the successful bidder, giving reasons for the decision.
- 26.3 The Officer will provide the evaluation results (tenderers score and winning tenderers score) to unsuccessful tenderers and will offer to provide further written feedback.
- 26.4 Where unsuccessful tenderers request a further debrief this should be provided to them in writing.



- 26.5 For above threshold contracts these can only be awarded in line with CPR 12.5. Failure to comply can result in a challenge and the contract being set aside.
- 26.6 Where the procurement was conducted under a framework agreement Officers should comply with CPR 26.5 above on a voluntary basis in order to avoid the risk of the contract being declared ineffective.
- 26.7 If an unsuccessful bidder challenges the decision to award the contract and the contract has not already been awarded then the award process must be postponed, the Assistant Director (Procurement, Contracts & Programme Controls) and the Monitoring Officer must be informed, and legal advice obtained.

### 27. Awarding Contracts

- 27.1 A contract may only be awarded in accordance with the delegations set out in CPR 4.
- 27.2 For all contracts tendered in accordance with the Regulations, a mandatory 10-day standstill period must be observed between the decision to award being notified to all bidders and entering into a contractually binding agreement with the successful bidder.
- 27.3 Written contracts include the Authority's purchase orders in addition to contracts prepared and/or approved by the Contracting team and Legal Services.
- 27.4 Officers must give proper consideration to the form of contract required in each case and obtain advice from Legal Services where necessary.
- 27.5 Contracts executed as a deed shall be under seal unless otherwise authorised by the Monitoring Officer.
- 27.6 Contracts may be signed by the Monitoring Officer, or an Officer authorised by the Monitoring Officer.
- 27.7 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002.
- 27.8 Every contract must be in writing and must be concluded (executed by all parties) prior to the commencement of any works, services, or any supply. Exceptionally, and only for certain categories of procurement such as construction, a letter of intent may be utilised to enable forward planning and mobilisation activities. Proceeding under a letter of intent can give rise to risks and suitable legal advice should always be sought before utilising a letter of intent.
- 27.9 When a contract is awarded, the Officer must ensure that the award is published in accordance with CPR 18.
- 27.10 Where directed Officers shall submit a report regarding the award of any procurement to the earliest available meeting of the appropriate Board or Committee.
- 27.11 A Purchase Order should be raised and issued with the signed contract.

### 28. Records and Retention

- 28.1 The Authorised Officer with delegated authority in respect of a particular procurement shall maintain a list of all tenders received.

- 28.2 A Contracts Register of all contracts awarded above £5,000 shall be maintained and made publicly available by the Head of Contracts on behalf of the Authority. The Contracts Register may be maintained electronically on ProContract.
- 28.3 For every individual contract a file shall be maintained for a period of 6 years unless otherwise predetermined by a funding body. The file may be held electronically.

### 29. Contract Management

- 29.1 All contracts must be managed in accordance with the Authority's Contract Management Manual. Officers should consider whether the use of Key Performance Indicators and/or liquidated damages would be appropriate and if so, they should be incorporated into the contract in a proportionate manner.

### 30. Contract Variation

- 30.1 If there is a requirement for a contract variation the officer must first consult the Head of Procurement and the Head of Contracts prior to implementation. A contract variation, Appendix 3, may be required.
- 30.2 The value of the variation shall be calculated in accordance with Public Contract Regulations 2015 (irrespective of whether the Regulations apply), including whole life costs for the duration of the variation and/or continuing costs and any unrecoverable VAT.
- 30.3 A variation must not materially affect or change the scope of the original contract. Such a variation could constitute a new award/contract. Where a proposed variation exceeds 10% of the original contract value (goods and services) or 15% of the original contract value (works), the Public Contract Regulations 2015 must be followed where applicable and suitable legal advice obtained.
- 30.4 All Contract variations must be in writing, signed by both parties and the Contract Register should be updated accordingly.
- 30.5 If the variation meets the criteria of a Key Decision, the decision to authorise the variation must be published on the forward plan, at least 28 days in advance of the decision being made.

### 31. Contract Novation

- 31.1 Approval to implement a contract novation must be requested by completion of a Business Case in Appendix 3 Request to implement a CPR.
- 31.2 Novation involves an agreement to change a contract by substituting the original contractor with another. Where the Authority is approached regarding novation the Officer should seek advice as follows:
- 31.3 For services or supplies contracts under the procurement threshold or works contracts under £250,000 the Monitoring Officer and Head of Contracts should be consulted for advice.
- 31.4 For services or supplies contracts valued above the procurement threshold or works contract valued above £250,000 the Monitoring Officer and Head of Contracts should be consulted and consideration be given to obtaining suitable legal advice.

### 32. Contract Extension

- 32.1 The Head of Procurement and Head of Contracts should be engaged ahead of consideration for any contract extension. Approval to implement a contract extension must be requested by completion of a business case in Appendix 3 Request to implement a CPR, to be approved by the Monitoring Officer and the Finance Director.
- 32.2 Contracts should not be extended unless the extension will achieve value for money.
- 32.3 Where the contact value exceeds the PCR 2015 threshold contract extensions are only permitted if there is provision in the contract to do so and the contract has not already expired. Once a Contract has expired it cannot be extended.
- 32.4 Below PCR 2015 Threshold contracts may be extended by negotiation.
- 32.5 Where a contract is extended the contracts, register should be updated accordingly.
- 32.6 Where the decision to extend a contract incurs expenditure that exceeds the threshold of a Key Decision, it is not necessary to treat that decision as a Key Decision, providing the option to extend the contract was included in the decision to award the contract.

### 33. Contract Termination

- 33.1 Approval to implement a contract termination must be requested by completion of a business case in Appendix 3 Request to implement a CPR.
- 33.2 Either party to the contract may terminate a contract early, by agreement, in accordance with the termination provisions set out in the contract. Any termination by the Authority must be agreed by the Monitoring Officer and authorised as directed by the Monitoring Officer.
- 33.3 Where termination is initiated by the contractor, or is planned to be initiated by the Authority, under circumstances that are not by mutual agreement, legal advice must be obtained.

### 34. Contract Review and Exit

- 34.1 At least twelve months prior to the expiry of the contract the Officer should have an exit plan in place. The exit plan should contain, as a minimum, provision for the handover of any assets or data, a strategy for post exit arrangements and if necessary, plans for re-procurement, including allowance of time for any required approval processes.

### 35. Joint Procurement

- 35.1 Any joint procurement arrangements with other authorities or public bodies including membership or use of purchasing consortia for procurements above £250,000 shall be approved by the Monitoring Officer prior to seeking any other required approval. Approval shall only be given where the joint procurement arrangement assures compliance with the Public Contract Regulations 2015. This Procedure Rule does not apply to utilising existing framework agreements.
- 35.2 The Authorising Officer must be satisfied that any joint procurement shall be undertaken in accordance with the principles of these CPRs.

- 35.3 Approval to embark on a joint procurement exercise must be requested by completion of a business case in Appendix 3 Request to implement a CPR.

### 36. Procurement by Consultants

- 36.1 Any Consultants used by the Authority shall be appointed in accordance with these Contract Procedure Rules. Where the Authority uses Consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the Consultants carry out any procurement in accordance with these CPRs, or using an equivalent market appropriate, open, and transparent process that is compliant, where applicable with the Public Contract Regulations 2015. Consultants shall only be permitted to make recommendations on whether to award a contract or who a contract should be awarded to.

### 37. Purchasing Cards

- 37.1 Purchasing cards shall be used in accordance with these procedure rules and the Authority's Purchasing Card Policy.

### 38. Review and Amendment of Contract Procedure Rules

- 38.1 These Contract Procedure Rules shall be reviewed and updated on a regular basis as determined by the Authority. Changes to titles, statutory thresholds and minor amendments will be undertaken in consultation with the Monitoring Officer from time to time. Amended Contract Procedure Rules shall be agreed periodically as determined by the Monitoring Officer and adopted by the Authority.

### 39. Waivers of Contract Procedure Rules

- 39.1 While the Authority may choose to waive certain requirements within these Contract Procedure Rules it is important to note that the requirements of Public Contract Regulations 2015 cannot be waived under any circumstances.
- 39.2 Waivers must be obtained in advance of the procurement action, cannot be issued retrospectively, and should not be requested due to a lack of planning.
- 39.3 Circumstances where a Waiver to the requirement for competition may be justified include for example, the procurement of goods, services or works, where evidence can be provided that they are obtainable only from one supplier, where no equivalent or reasonably satisfactory alternative is available, and no genuine competition can be obtained.
- 39.4 If the request relates to a waiver of competition, guidance must be sought from the Procurement Team. The goods/services and/or works to be procured must have a fully detailed specification and the Authority's terms and conditions agreed with the supplier.
- 39.5 In order to waive a Contract Procedure Rule the Officer must complete the waiver form attached to these CPRs at Appendix 4.
- 39.6 Waivers up to £50,000 may be authorised by the Head of Procurement or, if the position is vacant or the Head of Procurement is for any reason unable to act, the Director of Finance or his/her delegate.

- 39.7 Waivers up to £100,000 may be authorised by the Director of Finance or, if the position is vacant or the Director of Finance is for any reason unable to act, the Monitoring Officer.
- 39.8 Waivers in excess of £100,000 must be referred to the Authority.
- 39.9 Where it is necessary to waive CPRs because of an unforeseeable emergency involving immediate risk to persons or property, serious disruption to the Authority, or other significant situation that requires urgent action, the waiver may be approved verbally without completion of a waiver form up to a maximum of £100,000. The Officer must prepare a report describing the situation and actions taken for submission to the next appropriate Board meeting.
- 39.10 Waivers are granted for a specific period of time and cannot be extended. If waivers are not actioned on time a new waiver must be requested.
- 39.11 All applications to waive Contract Procedure Rules and a record of the decision to approve or reject the application must be recorded on the Authority's CPR Waiver Log.
- 39.12 Where the waiver results in a contract valued in excess of £5,000 detail of the waiver should be recorded on the Contract Register.
- 39.13 Where any Contract Procedure Rule indicates that an Officer "must" follow a certain course of action that CPR cannot be waived under any circumstances. All other Contract Procedure Rules must be complied with unless otherwise authorised via the waiver process.

### 40. Nominated Sub Contractors

- 40.1 If a sub-Contractor or sub-Consultant is to be nominated or named to a main Contractor, they must be procured in accordance with these Contracts Procedure Rules and under terms that are compatible with the main contract. The procurement documents should require that the nominated Contractor or Consultant must also be willing to enter into:
- 40.1.1 a contract with the main contractor on terms which indemnify the main contractor against the main contractor's own obligations under the main contract in relation to the work or goods or materials included in the sub-contract;
- Or
- 40.1.2 an agreement to indemnify the Authority in such terms as may be prescribed.

### 41. Managing Supplier Risk

- 41.1 Officers must consider any steps necessary to protect the Authority's interests in the event of contractor default. Officers should assess whether additional security is required in the form of a bond, guarantee and retention or, where performance is required by a particular date and where delay would have financial consequences for the Authority, provision for liquidated damages. Where appropriate supplier risk will be considered as part of pre-contract due-diligence and through in-contract management. This consideration should be based on risk to the Authority taking account of the circumstances, including:

- 41.1.1 value of the Contract
- 41.1.2 impact on the business operations
- 41.1.3 type of Goods, Services or Works being procured
- 41.1.4 payment profile of the Contract
- 41.1.5 financial strength of the suppliers in the market
- 41.1.6 affordability and proportionality.

### 42. External Grant Funded Procurements

- 42.1 The purchase of goods, works and services in grant funded projects are subject to rigorous audits to confirm that processes have complied with Public Procurement Law and the conditions of the grant in which the funding was given.
- 42.2 Examples of grant funding are the Transforming Cities Fund and City Region Sustainable Transport Settlement.
- 42.3 Failures by grant recipients to comply with Public Procurement Law and the conditions of the grant can lead to the claw back of funding. Depending upon the characteristics of the breach, this could be up to 100% of the grant.
- 42.4 There are separate penalties for breaches of Public Procurement Law.
- 42.5 Funding should only be sought to fund a procurement where the Authority is satisfied that it has fully considered and planned how it will be able to demonstrate compliance with Public Procurement Law and the terms and conditions of the grant.

Definitions

<b>“Authorised Officer”</b>	A person with appropriate delegated authority to act on the Authority’s behalf.
<b>“Authority”</b>	South Yorkshire Mayoral Combined Authority; or any designated Board of the Authority that has delegated powers to act on behalf of the Authority.
<b>“Conflict of Interest Declaration”</b>	Appendix 5 to these Contract Procedure Rules.
<b>“Consultant”</b>	Provider of professional services, expertise, expert analysis, or advice to facilitate decision making; undertake a specific one-off task or set of tasks; or perform a task involving skills or perspectives not available within the Authority.
<b>“Contract”</b>	Means an agreement between the Authority and any Contractor or supplier made by formal agreement or by issue of a letter of acceptance or official order for goods, works or services.
<b>“Contract Extension”</b>	An extension to the duration of the contract for a specified period, not including any alteration to the terms and conditions or any significant alteration to the scope of the contract. A contract cannot be extended if it has expired.
<b>“Contract Renewal”</b>	A renewal of a contract that has expired and the parties agree to enter into a new contract for the same goods, services or works.
<b>“Contract Variation”</b>	Any amendment, supplement, or modification to the Contract.
<b>“Contractor”</b>	Any person or body of persons providing, or seeking to provide, supplies, services, or works to the Authority. May be used interchangeably with supplier.
<b>“Contracts Finder”</b>	The web-based procurement portal provided by or on behalf of the UK Government Cabinet Office.
<b>“Contracts Register”</b>	A public register held and maintained by the Authority containing details of contracts valued at £5,000 or more.
<b>“Find a Tender”</b>	Replacement of OJEU notice as required by UK Government Cabinet Office
<b>“Forward Plan”</b>	A list of Key Decisions submitted to the Scrutiny Committee.

<b>“Framework Agreement”</b>	An agreement which allows an Authority to appoint a supplier to provide supplies, services, or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a nonbinding offer with no obligations on the Authority to call off from the supplier. If the Authority calls off from the supplier a binding contract comes into being.
<b>“Head of Procurement”</b>	The relevant Head of Service with responsibility for Authority’s procurement function
<b>“Key Decision”</b>	A decision that is likely to result in expending, or saving in excess of £250,000, or have significant effects on persons living or working in an area, comprising two or more wards or electoral divisions.
<b>“Key Performance Indicators”</b>	A quantifiable measure used to evaluate the success of an organisation in meeting performance objectives.
<b>“Light Touch Services”</b>	Public contracts for social and other specific services as set out in Chapter 3, Section 7 of the Public Contract Regulations 2015.
<b>“Monitoring Officer”</b>	The Monitoring Officer performing the functions of the “Monitoring Officer” as described under section 5 of the Local Government and Housing Act 1989.
<b>“OJEU”</b>	Official Journal of the European Union.
<b>“Procurement Report”</b>	Appendix 1 to these Contract Procedure Rules.
<b>“Procurement Team”</b>	Means the Head of Procurement or person nominated by them.
<b>“Public Procurement Law”</b>	The Public Contract Regulations 2015 and all other subordinate legislation, mandatory guidance case law relating to the public procurement process
<b>“Threshold”</b>	The thresholds described at CPR 12
<b>“ProContract”</b>	ProContract is the Authority’s Electronic Tendering system. Suppliers who have registered on the system are able to receive and return tender and quotation documents electronically.
<b>PCR2015 Regulations</b>	Means the Public Contracts Regulations 2015
<b>Records Retention Policy</b>	Means the policy as set out in the Authority’s Constitution.



# Appendix 1 Procurement Report (Contracts valued £25k or more)

11 Broad Street West, Sheffield, S1 2BQ

Authors should send this form to [procurement@southyorkshire-ca.gov.uk](mailto:procurement@southyorkshire-ca.gov.uk)

Section A: Report by		
1.	Report Author	
2.	Contact Telephone Number	
3.	Team	
4.	Department	
5.	Date	
6.	Responsible Officer ( <i>A.D. or above</i> )	
7.	Signature of Responsible Officer	
Section B: Pre-procurement Requirements.		
Request to commence a procurement exercise following due consideration of the points below.		
8.	Subject-matter and purpose of the contract, framework agreement or DPS to be procured.	
9.	Proposed procurement procedure ( <i>If not Open or Restricted please also complete Appendix 2</i> )	
10.	Contract value including whole life costs, extension periods and unrecoverable VAT.	
11.	Consideration of interest to economic operators in other member states of the EU and proposed action.	
12.	Possibility of in-house provision excluded.	
13.	Detail of equality screening / impact assessment and proposed action.	
14.	Consideration of social value and proposed action.	
15.	Data protection screening / impact assessment and proposed action	
16.	Advice taken ( <i>legal, financial, insurance, procurement, health and safety, risk management, data protection and assurance</i> ).	
17.	Consultation with key stakeholders including Members (where appropriate) and Trade Unions (where TUPE might apply).	
18.	Consideration of dividing the contract into lots. If not possible the reasons why.	
19.	Advice taken to properly categorise the contract as goods, services, works or 'Light Touch' services.	
20.	Identified risks and proposed actions to manage them. ( <i>political, economic, social and demographic, technological, legal, environmental, contractual and financial</i> ).	
21.	Confirmation that the expenditure is contained within an approved budget.	
22.	Proposed Quality / Price Weighting	

## Appendix B

23.	Confirmation that there is no known Conflict of Interest of relevant Officers in relation to the procurement	
-----	--	--

<b>Section C: Approval to commence the procurement (to be completed by Authorised Officer)</b>
--

<b>Procurement Expert Comments</b>	Based on the information detailed above, it is recommended that the request as proposed in this report is <b><i>approved/rejected</i></b> (delete as appropriate).
------------------------------------	--

<b>Signed</b>		<b>Date</b>	
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<b>Decision</b> Director or A.D for the business area.	Based on the information detailed above, the request to commence the procurement is <b><i>approved/rejected</i></b> (delete as appropriate).
---	--

<b>Signed</b>		<b>Date</b>	
---------------	--	-------------	--

<b>Section D: Recommended course of action following the completion of a procurement exercise.</b> Note: in addition to meeting internal reporting requirements, where the value of the contract exceeds the PCR 2015 Threshold, completion of section D will ensure compliance with Regulation 84 of the Public Contract Regulations.
---

24.	Subject-matter of the contract, framework agreement or DPS	
25.	Value of the contract, framework or DPS	
26.	Names of successful candidates at selection stage and the reasons for their selection	
27.	Names of unsuccessful candidates at selection stage and the reasons for their rejection	
28.	Reasons for the rejection of any tenders found to be abnormally low	
29.	Justification for use of competition with negotiation process or competitive dialogue process	
30.	Justification for use of negotiated procedure without prior publication of a notice	
31.	Reasons why it was decided not to award the contract/framework agreement	
32.	Reasons why non-electronic means was used for submission of tenders	
33.	Conflicts of interest detected and subsequent measures taken	
34.	If applicable the reasons for the decision not to subdivide the contract into lots	
35.	Name(s) of successful tenderer(s)	
36.	Reasons for selection of successful tenderer(s)	
37.	Name(s) of the main contractor's subcontractors (if any)	
38.	Share of the contract/framework agreement that the successful tenderer intends to sub-contract	

<b>Section E: Approval to award a contract / framework (to be completed by Authorised Officer)</b>
--

<b>Decision</b> In accordance with CPR 4	Based on the information detailed above, the award of the contract / framework is <b><i>approved/rejected</i></b> (delete as appropriate).
---	--

<b>Signed</b>		<b>Date</b>	
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## Appendix 2 Request to use a Procurement Procedure (other than open or restricted)

Authors should refer to CPR 16 before completing the form below and sending to [procurement@southyorkshire-ca.gov.uk](mailto:procurement@southyorkshire-ca.gov.uk)

Section A: Report By:	
1.	Report Author
2.	Contact Telephone Number
3.	Team
4.	Department
5.	Responsible Officer ( <i>A.D. or above</i> )
6.	Signature of Responsible Officer
7.	Date
By signing this report, I confirm that I have read and understand the requirements of CPR 16.	

Section B: Background		
8.	Title of Procurement	
9.	<b>Request to use the following procurement procedure</b>	<b>Please tick <input checked="" type="checkbox"/></b>
10.	Competitive procedure with negotiation	<input checked="" type="checkbox"/>
11.	Competitive dialogue	<input checked="" type="checkbox"/>
12.	Innovation partnership	<input checked="" type="checkbox"/>
13.	Use of the negotiated procedure without prior publication	<input checked="" type="checkbox"/>
14.	Contract Value ( <i>exc. Recoverable VAT</i> )	
15.	Contract Dates	
16.	Name of Supplier(s) ( <i>if applicable</i> )	

<b>Section C: Report</b>	
17.	<b>Reason for request and recommended course of action</b>
<p><i>[Sufficient information must be included to enable the Authorised Officer to make a decision e.g. justification for using the procedure), explanation of how value for money is being achieved including any savings secured by this approach. Any social, economic or environmental advantages from this course of action]</i></p>	
18.	<b>Consequences of proposed request not being approved</b>

<b>Section D: Comments and recommendation (Procurement Expert to complete this Section)</b>		
19.	Date Received	
20.	Legal / Head of IT Comments	
21.	Procurement Expert Comments	Based on the information / reasons detailed above, it is recommended that the request as proposed in this report is <b>approved/rejected</b> (delete as appropriate).
	Signed	
	Date	
	Any Conditions	

<b>Section E: Decision (to be completed by Authorised Officer)</b>			
<b>Decision</b> Assistant Director (Procurement, Contracts & Programme Controls)		Based on the information / reasons detailed above, the request as proposed in this report is <b>approved/rejected</b> (delete as appropriate).	
<b>Signed</b>		<b>Date</b>	

## Appendix 3 Request to Vary/amend/extend etc Contract under CPR31-36

Authors should refer to the relevant CPR before completing the form below and sending to [procurement@southyorkshire-ca.gov.uk](mailto:procurement@southyorkshire-ca.gov.uk)

Section A: Report By:	
1.	Report Author
2.	Contact Telephone Number
3.	Team
4.	Department
5.	Responsible Officer ( <i>A.D. or above</i> )
6.	Signature of Responsible Officer
7.	Date
By signing this report, I confirm that I have read and understand the requirements of the relevant CPR.	

Section B: Proposal to implement one of the following procedures	
8.	Title of Procurement
9.	<b>Request to use the following procurement procedure</b> <span style="float: right;">Please tick <input checked="" type="checkbox"/></span>
10.	CPR 3.4 – Additional works, supplies or services - that are required due to unforeseen circumstances, which are either strictly necessary for the completion of the contract, or for technical or economic reasons cannot be carried out separately without great detriment to the Authority. <span style="float: right;"><input checked="" type="checkbox"/></span>
11.	CPR 31 - Contract Variation <span style="float: right;"><input checked="" type="checkbox"/></span>
12.	CPR 32 - Contract Novation <span style="float: right;"><input checked="" type="checkbox"/></span>
13.	CPR 33 - Contract Extension <span style="float: right;"><input checked="" type="checkbox"/></span>
14.	CPR 34 - Contract Termination <span style="float: right;"><input checked="" type="checkbox"/></span>
15.	CPR 36 - Joint Procurement Exercise <span style="float: right;"><input checked="" type="checkbox"/></span>
16.	Value ( <i>exc. Recoverable VAT</i> )
17.	Contract Dates
18.	Name of Supplier(s) ( <i>if applicable</i> )
19.	ProContract Reference Number ( <i>if applicable</i> )

## Appendix B

<b>Section C: Report</b>	
20.	<b>Reason for request and recommended course of action</b>
<p><i>[Sufficient information must be included to enable the Authorised Officer to make a decision e.g. justification for using the procedure), explanation of how value for money is being achieved including any savings secured by this approach. Any social, economic or environmental advantages from this course of action]</i></p>	
21.	<b>Consequences of proposed request not being approved</b>

<b>Section D: Comments and recommendation (Procurement Expert to complete this Section)</b>		
22.	Date Received	
23.	Legal / Head of IT Comments	
24.	PPU Comments	
25.	Assistant Director (Procurement, Contracts & Programme Controls)	Based on the information / reasons detailed above, it is recommended that the request as proposed in this report is <b>approved/rejected</b> (delete as appropriate).
26.	<b>Signed</b>	
	Date	
	Any Conditions	

<b>Section E: Decision (to be completed by Authorised Officer)</b>			
Note: where approval constitutes a Key Decision this must be published on the forward plan			
		Based on the information / reasons detailed above, the proposal described in this report is <b>approved/rejected</b> (delete as appropriate).	
<b>Decision</b> (Finance Director / Monitoring Officer / Head of Paid Service / Chief Executive)			
<b>Signed</b>		<b>Date</b>	

## Appendix 4a Waiver Request Form

Contracts less than £50,000

### Guidance Notes

Authors should refer to CPR 40 before completing the form below and sending to [procurement@southyorkshire-ca.gov.uk](mailto:procurement@southyorkshire-ca.gov.uk)

Section A: Report By:	
1.	Report Author
2.	Contact Telephone Number
3.	Team
4.	Department
5.	Responsible Officer ( <i>A.D. or above</i> )
6.	Signature of Responsible Officer
7.	Date

By signing this Waiver, I confirm that I have read and understand the requirements of CPR 40.

Section B: Background – Request to waive Contract Procedure Rule(s):	
8.	Title of Procurement
9.	CPR(s) to be waived
10.	Contract Value ( <i>exc. Recoverable VAT</i> )
11.	Contract Dates
12.	Propose waiver end date
13.	Name of Supplier(s)

Section C: Report	
14.	<b>Reason for request and recommended course of action</b>
<p><i>[Sufficient information must be included to enable the Authorised Officer to make a decision e.g. justification for using the supplier including details of previous contracts (dates, value, scope, procurement process used), explanation of how value for money is being achieved including any savings secured by this approach. Any social, economic or environmental advantages from this course of action]</i></p>	
15.	<b>Consequences of proposed waiver not being approved</b>
16.	<b>Repeat Waiver:</b> <i>If applicable provide details of previous waiver and reason why previous waiver has not been actioned.</i>

Section D: Comments and recommendation (Procurement Expert to complete this Section)		
17.	Date Received	
18.	Legal / Head of IT Comments	
19.	Procurement Expert Recommendation	
	Signed	
	Date	
	Any Conditions	

Section E: Decision (to be completed by Authorised Officer)		
<b>Decision</b> Assistant Director, (Procurement, Contract and Programme Controls)	Based on the information / reasons detailed above, the request to waive the Contract Procedure Rule(s) as proposed in this report is <b>approved/rejected</b> (delete as appropriate).	
<b>Signed</b>	<b>Date</b>	



## Appendix 4b Waiver Request Form

Contracts greater than £50,000

### Guidance Notes

Authors should refer to CPR 40 before completing the form below and sending to [procurement@southyorkshire-ca.gov.uk](mailto:procurement@southyorkshire-ca.gov.uk)

Section A: Report By:	
1.	Report Author
2.	Contact Telephone Number
3.	Team
4.	Department
5.	Responsible Officer ( <i>A.D. or above</i> )
6.	Signature of Responsible Officer
7.	Date
By signing this Waiver, I confirm that I have read and understand the requirements of CPR 40.	

Section B: Background – Request to waive Contract Procedure Rule(s):	
8.	Title of Procurement
9.	CPR(s) to be waived
10.	Contract Value ( <i>exc. Recoverable VAT</i> )
11.	Contract Dates
12.	Propose waiver end date
13.	Name of Supplier(s)

Section C: Report	
14.	<b>Reason for request and recommended course of action</b>
<p><i>[Sufficient information must be included to enable the Authorised Officer to make a decision e.g. justification for using the supplier including details of previous contracts (dates, value, scope, procurement process used), explanation of how value for money is being achieved including any savings secured by this approach. Any social, economic or environmental advantages from this course of action]</i></p>	
15.	<b>Consequences of proposed waiver not being approved</b>
16.	<b>Repeat Waiver:</b> <i>If applicable provide details of previous waiver and reason why previous waiver has not been actioned.</i>

Section D: Comments and recommendation (Procurement Expert to complete this Section)		
17.	Date Received	
18.	Legal / Head of IT Comments	
19.	Procurement Expert Comments	
20.	Assistant Director (Procurement, Contracts & Programme Controls)	Based on the information / reasons detailed above, it is recommended that the request to waive the Contract Procedure Rule(s) as proposed in this report is <b>approved/rejected</b> (delete as appropriate).
	Signed	
	Date	
	Any Conditions	

Section E: Decision (to be completed by Authorised Officer)			
In accordance with CPR 40	Based on the information / reasons detailed above, the request to waive the Contract Procedure Rule(s) as proposed in this report is <b>approved/rejected</b> (delete as appropriate).		
Signed		Date	

# Appendix 5 Conflict of Interest Declaration (Contracts valued £10,000 or more)



11 Broad Street West, Sheffield, S1 2BQ

**Guidance Notes:** A copy of this form must be completed and returned to [procurement@southyorkshire-ca.gov.uk](mailto:procurement@southyorkshire-ca.gov.uk) for all Officers forming part of tender evaluation panel prior to any contracts being awarded.

Section A: Background	
Title of Procurement	
Procurement method	
Procurement Value	
Number of Supplier submissions	
Preferred Supplier	

Section B: Supplier Details		
	Name	Details
1		
2		
3		
4		
5		

Section C: Conflicts of Interest	
Is there anything that should stop you evaluating these tenders?	Yes/ No
Are any of your family directly employed by or a Director of any of the firms applying?	Yes/ No
Have you or any family member had any previous associations with any of the companies that should be declared	Yes/ No
If you answered Yes to any of the questions above please provide further detail below	

--

<b>Section D: Declaration</b>	
Based on the above information I confirm that in relation to this procurement or the prospective suppliers:	
<ul style="list-style-type: none"> <li>- [I do not have a conflict of interest and proceeded as an evaluator]</li> <li>- [I declared a potential conflict of interest and received Monitoring Officer confirmation I could proceed as an evaluator]</li> <li>- [I declared a potential conflict of interest and was removed as an evaluator at the Monitoring Officer's request]</li> <li>- [I declared conflict of interest and did not proceed as an evaluator]</li> </ul>	
<b>Name</b>	
<b>Date</b>	
<b>Signature</b>	

<b>Section E: Comments and recommendation</b> (Procurement Expert to complete this Section)	
<b>Date Received</b>	
<b>Signed</b>	
<b>Date</b>	
<b>Any Comments</b>	

<b>Section E: Decision</b> (Monitoring Officer to complete this Section only if a potential conflict of interest identified)	
<b>Statutory Officer Decision</b>	
<b>Signed</b>	
<b>Date</b>	
<b>Any Comments</b>	



## Mayoral Combined Authority Board

06 June 2022

### Appointment of Interim Head of Paid Service

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**Is the paper exempt from the press and public?** No

**Reason why exempt:** Not applicable

**Purpose of this report:** Discussion

**Is this a Key Decision?** Yes

**Has it been included on the Forward Plan?** Yes

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**Director Approving Submission of the Report:**  
Dr Dave Smith

**Report Author(s):**  
Ruth Adams  
[ruth.adams@southyorkshire-ca.gov.uk](mailto:ruth.adams@southyorkshire-ca.gov.uk)

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#### Executive Summary

This report is seeking approval to appoint Martin Swales as Interim Chief Executive Officer, (CEX) Head of Paid Service (HoPs) and Combined Authority Returning Officer (CARO) with effect from 1<sup>st</sup> July 2022, for a duration of approximately twelve months to enable the appointment process for the substantive position.

#### What does this mean for businesses, people and places in South Yorkshire?

The position of HoPs is a legal requirement for the MCA to ensure the effective running of the MCA, ensuring legislative requirements are met.

#### Recommendations

The Board is asked to:

1. Approve the appointment of Martin Swales on an interim basis, from 1<sup>st</sup> July 2022.

2. Delegate to the Deputy Chief Executive (lead for HR on behalf of the MCA) in discussion with the Monitoring and S73 Finance Officer making the arrangements for the appointment.

## **Consideration by any other Board, Committee, Assurance or Advisory Panel**

None

### **1. Background**

- 1.1 The notification of the current CEX to conclude his term as CEX / HoPs / CARO at the end of June 2022 (the contract renewal date) has necessitated the appointment of an Interim HoPs / CEX.

### **2. Key Issues**

- 2.1 Following early discussions between the Mayor and Leaders, in order to ensure continuity, the recommendation is to appoint Martin Swales to the position of HoP / CEX / CARO.
- 2.2 The process to appoint to the substantive role will commence in parallel and a process paper and job profile will be developed for consideration by the MCA in the coming months.

### **3. Options Considered and Recommended Proposal**

- 3.1 The appointment of an interim was the only option considered given the requirement to have a HoP in place. The option to seek an Interim from within the MCA was the preferred option due to the continuity this gives the programme of work.

### **4. Consultation on Proposal**

- 4.1 This has been focused on the Mayor and the MCA Board.

### **5. Timetable and Accountability for Implementing this Decision**

This will be implemented with effect from 1<sup>st</sup> July 2022.

### **6. Financial and Procurement Implications and Advice**

- 6.1 The budget is in place for this position.

### **7. Legal Implications and Advice**

- 7.1 The appointment of an Interim, pending a substantive recruitment process, meets requirements for continuity of the HoP role.

### **8. Human Resources Implications and Advice**

- 8.1 This has been sought for this appointment and HR will lead and develop the process for the substantive appointment.

**9. Equality and Diversity Implications and Advice**

9.1 Implications are always considered in recruitment and will be considered in the positioning of the recruitment campaign for the substantive appointment.

**10. Climate Change Implications and Advice**

10.1 Not Applicable

**11. Information and Communication Technology Implications and Advice**

11.1 Not Applicable

**12. Communications and Marketing Implications and Advice**

12.1 A formal press release and communication to Government and other national and local stakeholders will be made following the MCA decision.

**List of Appendices Included**

None

**Background Papers**

None

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## Mayoral Combined Authority Board

06 June 2022

### Decisions & Delegated Authority Report

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<b>Is the paper exempt from the press and public?</b>	No
<b><i>Reason why exempt:</i></b>	Not applicable
<b>Purpose of this report:</b>	Governance
<b>Funding Stream:</b>	Not applicable
<b>Is this a Key Decision?</b>	No
<b>Has it been included on the Forward Plan?</b>	Not a Key Decision

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**Director Approving Submission of the Report:**  
Ruth Adams, Deputy Chief Executive

**Report Author(s):**  
Christine Marriott  
Christine.Marriott@southyorkshire-ca.gov.uk

**Executive Summary:**

This paper updates the Mayoral Combined Authority on

- Decisions and delegations made by the MCA
- Decisions and delegations made by Thematic Boards
- Decisions and delegations made by the Officer Scheme of Delegation

**Recommendations:**

Members are asked to note the decisions and delegations made.

**List of Appendices Included**

- A **Appendix A** - Decisions and delegations made by the MCA
- B **Appendix B** - Decisions and delegations made by the Officer Scheme of Delegation

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## Delegated Authority Report

UI	Decision Maker	Date of delegation	Decision	Delegation	Delegated to	Financial value	Public or Private item	Update	Status
127	MCA	27/07/20	To enter into legal agreements with the four Local Authorities for their respective schemes for Phase 2 schemes.	Enter into legal agreements with the four Local Authorities for their respective schemes for Phase 2 schemes.	Head of Paid Service in consultation with the s73 and Monitoring Officer	upto £7.939m		In progress	Active
206	MCA	07/06/20	Progression of "Sheffield City Centre OBC" to FBC and the release of development cost funding of up to £1.4m to Sheffield City Council subject to the conditions set out in the Assurance Summary at Appendix C to the report.	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for the schemes covered above.	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer	£1.4m		Contract negotiation / grant agreement in drafting stage	Active
219	MCA	20/09/21	Progression of T18 iPort Bridge (FBC) to MCA for full approval of award of £5.45m from TCF2 to South Yorkshire Passenger Transport Executive subject to the conditions set out in the Assurance Summary at Appendix E to the report.	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for the scheme and enter into the necessary legal grant agreements with the Local Authorities and other delivery partners for the delivery of the Community Renewal funded projects.		£5.45m		Contract Negotiation	Active

UI	Decision Maker	Date of delegation	Decision	Delegation	Delegated to	Financial value	Public or Private item	Update	Status
220	MCA	20/09/21	Progression of t16 Stations Access Package (FBC) to MCA for full approval of award of £6.17m from TCF2 to Doncaster Metropolitan Borough Council subject to the conditions set out in the Assurance Summary at Appendix E to the report.	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for the scheme and enter into the necessary legal grant agreements with the Local Authorities and other delivery partners for the delivery of the Community Renewal funded projects.		£6.17m		Contract Negotiation	Active
222	Transport & the Environment Board	02/09/21	Progression of O46 Warmsworth to Conisborough Cycle Superhighway (OBC) to proceed to FBC and release of up to £80k business case development costs funding from ATF2 to Doncaster Metropolitan Borough Council subject to the conditions set out in the Assurance Summary at Appendix H to the report.	Delegated authority to be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements		£80k		Contract Negotiation	Active
236	MCA	20/09/21	Progression of "Project D0001" to full approval and award of £2m loan and £5.16m grant subject to the conditions set out in the Assurance Summary attached at Appendix A4 to the report.	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for the scheme and enter into the necessary legal grant agreements with the Local Authorities and other delivery partners for the delivery of the Community Renewal funded projects.		£5.16M		Contract Negotiation	Active

UI	Decision Maker	Date of delegation	Decision	Delegation	Delegated to	Financial value	Public or Private item	Update	Status
241	Transport & the Environment Board	16/12/21	Progression of 'T27 South Yorkshire Rail Station Improvements' to MCA for full approval and award of £3.45m grant from Transforming Cities Fund to South Yorkshire Passenger Transport Executive subject to the conditions set out in the Assurance Summary	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements		£3.45m		Contract negotiation	Active
242	Transport & the Environment Board	16/12/21	Progression of 'O43 Goldthorpe Station Access' to full approval and award of £0.55m grant from Active Travel Fund 2/Gainshare to Barnsley Metropolitan Council subject to the conditions set out in the Assurance Summary attached	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements		£0.55m		Contract negotiation	Active
243	Transport & the Environment Board	16/12/21	Progression of 'O44 Elsecar Station Access' to full approval and award £0.58m grant from ATF2/Gainshare to BMBC subject to the conditions set out in the Assurance Summary	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements		£0.58m		Contract negotiation	Active
244	Transport & the Environment Board	16/12/21	Progression of 'O46 Warmsworth to Conisbrough Active Travel Link' to full approval and award of £1.0m grant from ATF2/Gainshare to DMBC subject to the conditions set out in the Assurance Summary	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements		£1m		Contract negotiation	Active
247	MCA	15/11/21	Progression of "D0004 – R&D 2025" to full approval and award of £4.8m grant to a Sheffield based company subject to funding being available and the conditions set out in the Assurance Summary	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and monitoring officer to enter into legal agreements for the schemes covered above, subject to funding being available		£4.8m		Contract negotiation	Active

UI	Decision Maker	Date of delegation	Decision	Delegation	Delegated to	Financial value	Public or Private item	Update	Status
248	MCA	15/11/21	Progression of "D0011 – Manufacturing, Research and Development" to full approval and award £2m grant and £3.2m loan to a company looking to locate in South Yorkshire, subject to funding being available and the conditions set out in the Assurance Statement	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and monitoring officer to enter into legal agreements for the schemes covered above, subject to funding being available		£2m grant. £3.2m loan.		Contract negotiation	Active
254	Housing & Infrastructure Board	01/03/22	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for "Doncaster Small Sites" project for £0.89m Brownfield Housing Funding to DMBC	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements	Head of Paid Service in consultation with the Section 73 and Monitoring Officer	£0.89m		Contract Negotiation	Active
255	Housing & Infrastructure Board	01/03/22	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for "Former Nightingale School" project for £1.57m Brownfield Housing Funding to DMBC	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements	Head of Paid Service in consultation with the Section 73 and Monitoring Officer	£1.57m		Contract Negotiation	Active
256	Housing & Infrastructure Board	01/03/22	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements for "Adwick Depot" project for £1.2m Brownfield Housing Funding to DMBC	Delegated authority be given to the Head of Paid Service in consultation with the Section 73 and Monitoring Officer to enter into legal agreements	Head of Paid Service in consultation with the Section 73 and Monitoring Officer	£1.2m		Contract Negotiation	Active

UI	Decision Maker	Date of delegation	Decision	Delegation	Delegated to	Financial value	Public or Private item	Update	Status
258	Officer Scheme of Delegation	09/03/22	Officer Scheme of Delegation to approve/note the placement of Public and Employers Liability and Property Insurance policies for SYMCA at a cost of up to £82,125 for an initial period of 3 years with an option to extend by a further 2 years	Officer Scheme of Delegation to Executive Director of SYPTE	Executive Director of SYPTE	£82,125			
259	Officer Scheme of Delegation	03/03/22	Enter into a Funding Agreement with Northern Trains Ltd for the delivery of the Transforming Cities Funded (TCF) South Yorkshire Rail station improvements programme	Officer Scheme of Delegation to Executive Director of SYPTE	Executive Director of SYPTE	£3,133,440			
260	Officer Scheme of Delegation	02/03/22	Appointment of Quantity Surveyor/Project Administrator (QS/PA) for the Mass Transit project	Officer Scheme of Delegation to Executive Director of SYPTE	Executive Director of SYPTE	£3,397,663			
262	Officer Scheme of Delegation	02/03/22	Appointment of Main Contractor – Parkgate Link Road and Park and Ride	Officer Scheme of Delegation to Executive Director of SYPTE	Executive Director of SYPTE	£8,420,930			

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**Officer Scheme of Delegation – Record of Decisions taken between 21 March 2022 and 25 May 2022 over the value of £100,000**

<b>Ref No</b>	<b>Date Form Received</b>	<b>Name of Decision</b>	<b>Contract Value (if £100k+ report to MCAB)</b>	<b>Officer Making Decision</b>	<b>Date of Decision</b>
2022-019	20/04/22	Award of statutory school bus services and extension of tendered services contracts	£2,394,800	Steve Edwards	13/04/22
2022-021	22/04/22	Award of statutory school bus services and extension of tendered services contracts	£918,784	Stephen Edwards	13/04/22
2022-22	06/05/22	To approve the appointment of City Fibre to carry out underground service diversions for Phase 1 of the A61 works, the widening of Old Mill Lane Bridge, based on a C3 stage budget estimate.	£271,768.68	Steve Edwards	04/05/22

Ref No	Date Form Received	Name of Decision	Contract Value	Officer Making Decision	Date of Decision
2022-001	24/01/22	Award of Core IT Infrastructure Maintenance and Support Contract to Insight UK Ltd	£125K	Steve Edwards	05/01/22
2022-003	13/01/22	Financial Investment Decision Making Framework	£60,338	Gareth Sutton	10/01/22
2022-004	08/02/22	Light Rail Programme Director – Contract Extension	£133,438	Steve Edwards	02/02/22
2022-005	11/02/22	Award of Corporate Mapping Software Maintenance and Licensing contract to ESRI UK Ltd	£180,000	Steve Edwards	02/02/22
2022-006	18/02/22	Passenger Information Display Contract Call-off	£675,000	Steve Edwards	15/02/22
2022-007	21/02/22	Customer and Cleaning Services	£3,280,000.00	Steve Edwards	18/02/22
2022-008	24/03/22	Mass Transit Appointment of Infrastructure Advisors	£5,803,073	Steve Edwards	23/03/22
2022-009	02/03/22	Appointment of printer to produce the mayoral election address booklet		Dave Smith	25/02/22
2022-010	04/03/22	Appointment of Main Contractor to undertake the construction of a Bridge Widening and Highway Improvement Scheme which forms Phase 1 of A61 Wakefield Road, Barnsley TCF Project.	£5,488,606.87	Steve Edwards	02/03/22
2022-011	04/03/22	Approval to enter into a Funding Agreement with Northern Trains Ltd for the delivery of the Transforming Cities Funded (TCF) South Yorkshire Rail station improvements programme	£3,133,440	Steve Edwards	03/03/22
2022-012	04/03/22	Appointment of Quantity Surveyor/Project Administrator (QS/PA) for the Mass Transit project	£3,397,663	Steve Edwards	02/03/22
2022-013	04/03/22	South Yorkshire Electric Vehicle (EV) Chargepoint Programme	£532,195	Steve Edwards	02/03/22
2022-014	04/03/22	Appointment of Main Contractor – Parkgate Link Road and Park and Ride	£8,420,930	Steve Edwards	02/03/22
2022-015	07/03/22	Contract Extension of Public Transport Manager role	£77,880	Steve Edwards	02/03/22
2022-016	09/03/22	Placement of Insurance Cover for SYPTE	£632,000 over the full 5 year term.	Steve Edwards	09/03/22
2022-017	14/03/22	Award of Workstation Contract to Insight UK Ltd	£70,000.00	Steve Edwards	09/03/22
2022-018	11/04/22	Award of contract for the supply of mobile communication services to Telefonica UK Limited	£80,000	Steve Edwards	06/04/22
2022-019	20/04/22	Award of statutory school bus services and extension of tendered services contracts	£2,394,800	Steve Edwards	13/04/22
2022-021	22/04/22	Award of statutory school bus services and extension of tendered services contracts	£918,784	Stephen Edwards	13/04/22
2022-22	06/05/22	To approve the appointment of City Fibre to carry out underground service diversions for Phase 1 of the A61 works, the widening of Old Mill Lane Bridge, based on a C3 stage budget estimate.	£271,768.68	Steve Edwards	04/05/22
2022-023	06/05/22	Appointment of Pell Frischmann		Steve Edwards	04/05/22
2022-024	06/05/22	Laptop Replacement	£90k	Steve Edwards	04/05/22
2022-025	12/05/22	Award of Engineers Framework Lot 4 appointment – ZEBRA implementation	<b>£72,444.80</b>	Steve Edwards	11/05/22