

Appendix E Memorandum of Understanding (MoU) Between London Borough of Bexley (Accountable Body) and Slade Green & Crayford Marshes Neighbourhood Board - Pride in Place Programme

Draft Version 3.0

1. Purpose

1.1 This Memorandum of Understanding (MoU) sets out the working relationship between the London Borough of Bexley ("the Council"), acting as the Accountable Body, and the Slade Green & Crayford Marshes Neighbourhood Board ("the Board") in relation to the Pride in Place Programme.

1.2 The MoU establishes a shared understanding of roles, responsibilities, decision-making arrangements and governance expectations to support the successful delivery of the Programme.

1.3 This MoU is intended to support partnership working and does not create legally binding obligations.

1.4 The MoU should be read alongside:

- Pride in Place Programme Guidance;
- Board Terms of Reference;
- Board Code of Conduct;
- Conflict of Interest Policy;
- Council Constitution (including the Council's Contract Procedure Rules and Financial Regulations)
- Any applicable MHCLG grant conditions.

2. Shared Principles

The Council and the Board agree to work collaboratively in accordance with the following principles:

- Community-led decision making;
- Openness and transparency;
- Partnership working;
- Accountability;
- Inclusivity and equality;
- Stewardship of public funds;
- Evidence-based decision making; and
- Compliance with the Nolan Principles of Public Life.

Both parties recognise that the success of the Programme depends upon a strong partnership between communities, the Board, the MP and the Council.

3. Role of the Neighbourhood Board

Working in partnership with local communities, the Board is responsible for:

- Providing community leadership for the Programme.
- Identifying local priorities.

- Developing a 10-year community vision.
- Developing and recommending the Pride in Place Plan.
- Leading community engagement and co-production.
- Reviewing project proposals, business cases, feasibility studies and investment opportunities.
- Recommending investment priorities and funding allocations that support delivery of the Pride in Place Plan and 10-Year Vision.
- Considering financial information provided by the Council as Accountable Body and taking account of affordability, sustainability and value for money when making recommendations.
- Monitoring delivery expenditure, outcomes and benefits against agreed priorities.
- Supporting the alignment of Pride in Place investment with other public, private, voluntary and philanthropic funding where appropriate.
- Acting as ambassadors for Slade Green & Crayford Marshes.
- Supporting the transition towards increased community leadership and delivery over time.

The Board will seek to ensure that its decisions reflect the interests of the wider community rather than individual organisations or interests.

In carrying out its functions, the Board shall operate in accordance with its Terms of Reference, Code of Conduct, Conflict of Interest Policy and any other governance documents approved for the Pride in Place Programme.

4. Role of the Council as Accountable Body

The Council remains accountable for ensuring public funds are managed properly, transparently and lawfully.

The Council (using the allocated funding provided by the Pride in Place Programme) will:

- Receive and administer Pride in Place funding.
- Ensure compliance with grant conditions.
- Ensure compliance with statutory obligations and relevant regulatory requirements.
- Apply the Council's Constitution, Financial Regulations, Contract Procedure Rules and Scheme of Delegation.
- Ensure appropriate financial management, control, accounting and audit arrangements.
- Maintain financial records and monitoring arrangements that separately identify Programme funding, expenditure and commitments.
- Oversee procurement requirements, subsidy control obligations and other legal requirements
- Monitor financial performance, funding allocations and commitments

- Submit required returns to MHCLG.
- Maintain oversight of risks and governance.
- Support the Board in the development and delivery of the 10 Year Vision and Pride in Place Plan through the provision of programme management, governance and specialist advice and support. Such support may be provided directly by Council services or procured from external advisers where necessary to support delivery of the Programme or to satisfy governance, legal, financial, procurement or assurance requirements. The costs of providing such support may be funded through the Pride in Place Programme budget and/or be subject to the Council's cost recovery arrangements where appropriate
- The Council will undertake these responsibilities in a proportionate manner consistent with MHCLG guidance. There is no obligation on the Council (i) to give grants or meet any costs which are in excess of the funding which it receives and (ii) to make any further payments should the funding be suspended or withdrawn.
- The Board is responsible for determining local priorities, developing investment proposals and making recommendations regarding the use of Pride in Place Programme funding. However, all expenditure remains subject to the Council's governance and approval processes as Accountable Body. The Council shall ensure that all expenditure complies with its Constitution, Financial Regulations, Contract Procedure Rules, Scheme of Delegation, grant conditions and relevant statutory and regulatory requirements before any funding is committed or released. Where a recommendation cannot be implemented due to legal, financial, procurement, subsidy control or other compliance considerations, the Council will advise the Board and work collaboratively to identify an alternative compliant approach where appropriate.

5. Relationship Between the Board and the Council

The Board and the Council acknowledge that:

- The Board leads on identifying local priorities and investment proposals.
- The Council provides governance, assurance, stewardship of public funds and all approvals required under its Constitution, Financial Regulations and Contract Procedure Rules.
- The Council will support, enable and advise the Board.
- The Council will not ordinarily determine community priorities.
- The Board will take account of legal, financial and operational advice provided by the Council.

Where issues arise that create legal, financial or governance concerns, the Council will work constructively with the Board to identify alternative options where possible.

6. Decision-Making Arrangements

6.1 Role of the Neighbourhood Board

The Board may:

- Recommend priorities for investment.
- Recommend project funding allocations supported by business cases, investment proposals, feasibility studies or other supporting information proportionate to the value, complexity and risk of the proposal.
- Recommend amendments to the Pride in Place Plan.
- Establish working groups and advisory arrangements.

6.2 Role of the Council as Accountable Body

However, the Council retains responsibility for ensuring that decisions involving public expenditure:

- Are lawful;
- Are properly authorised;
- Are financially viable;
- Comply with grant conditions;
- Comply with procurement requirements where applicable
- Comply with subsidy control requirements where applicable; and
- Comply with the Council's Constitution, Financial Regulations, Contract Procedure Rules and Scheme of Delegation.

Any recommendation involving the allocation, commitment or expenditure of funding shall remain subject to the Council's governance and approval processes as Accountable Body. Appropriate officer approvals and authorisations shall be obtained in accordance with the Council's Constitution, Financial Regulations, Contract Procedure Rules and Scheme of Delegation before any funding is committed, contracted or expended.

6.3 Approval and Implementation Process

The Board will normally consider business cases, feasibility studies, investment proposals or other supporting information before making recommendations regarding the use of Programme funding. Recommendations shall be made in accordance with the Board's Terms of Reference, including any requirements relating to quorum and voting.

Following a recommendation by the Board:

1. The Council shall review the recommendation and any supporting documentation.

2. The Council shall undertake such financial, legal, procurement, subsidy control, due diligence and governance checks as it considers necessary.
3. The Council shall determine whether the recommendation can be implemented in accordance with grant conditions, applicable legislation, the Council's Constitution, Financial Regulations, Contract Procedure Rules and Scheme of Delegation.
4. Where the recommendation satisfies the necessary assurance and compliance requirements, the Council may approve implementation and release funding or resources as appropriate.
5. Where the recommendation cannot be implemented, the Council shall provide feedback to the Board setting out the reasons and, where appropriate, work collaboratively with the Board to identify an alternative compliant approach.

Implementation of an approved recommendation may involve grant funding, procurement of works or services, commissioning activity through Council services, delivery through partner organisations or other delivery mechanisms considered appropriate by the Council as Accountable Body. Where appropriate the funding may be released subject to conditions and/ or the completion of the necessary legal agreements.

7. Financial Management

The Council shall:

- Hold and administer Programme funding.
- Ensure that all expenditure is managed in accordance with applicable grant conditions, Managing Public Money principles, the Council's Constitution, Financial Regulations, Contract Procedure Rules and Scheme of Delegation.
- Maintain financial records, accounting arrangements and audit trails relating to the Programme.
- Undertake financial monitoring and budget management.
- Monitor expenditure, commitments and available funding.
- Produce regular financial and programme monitoring reports for the Board.
- Present an annual report summarising programme progress, expenditure, commitments and outcomes.
- Ensure Value for Money in the use of Programme resources.
- Recover costs and allocate programme management, governance, professional support and other eligible expenditure in accordance with Programme requirements, approved budgets and the Council's applicable policies and procedures.

The Board shall:

- Consider financial information provided by the Council, including information relating to expenditure, commitments and available funding.

- Take account of affordability, sustainability , value for money and deliverability when making recommendations.
- Have regard to the Council's advice regarding legal, financial, procurement and subsidy control implications where relevant.
- Support effective stewardship of public funds.
- Take account of available Programme budgets and financial information when prioritising investment recommendations

8. Procurement and Subsidy Control

The Council retains responsibility for:

- Procurement compliance.
- Subsidy control compliance.
- Contract management arrangements.
- Legal advice relating to expenditure decisions.

Where proposals require procurement or subsidy control assessment, the Board will work collaboratively with Council officers to ensure compliance.

9. Funding to Third Parties

Where funding is provided to external organisations, the Council shall apply the requirements of the Pride in Place Due Diligence Policy and any associated funding, monitoring and assurance arrangements.

The Board will support these arrangements and will take account of due diligence findings when making recommendations.

10. Conflicts of Interest

The Council and Board are committed to ensuring that decisions are taken fairly, transparently and in the best interests of the community.

All Board Members shall:

- Complete a Declaration of Interests upon appointment to the Board.
- Declare any actual, potential or perceived conflict of interest.
- Update declarations when circumstances change.
- Declare relevant interests at Board meetings and before consideration of any affected item.
- Comply with the Board's Conflict of Interest Policy and any related governance documents.

The Council, acting through the Secretariat, shall maintain a Register of Interests and ensure appropriate records are retained in accordance with the Board's governance arrangements. The Register of Interests shall be published and updated from time to time in accordance with the Board's Terms of Reference.

Where a conflict of interest is declared, the Chair shall determine the most appropriate course of action in accordance with the Conflict of Interest Policy, taking account of the nature of the interest, the need to maintain public confidence in the Board's decision-making and any advice received from the Secretariat or Accountable Body.

Actions may include:

- Recording the declaration with no further action;
- Permitting participation in discussion but not decision-making;
- Requiring withdrawal from discussion of a particular item; or
- Requiring withdrawal from discussion and voting for the duration of the item.

As a minimum, a Board Member with an actual conflict of interest shall not participate in any decision or vote relating to the matter in question.

Where Board membership changes, the Chair and Council shall ensure that appropriate declarations and conflict of interest checks are completed as part of the appointment process.

Failure to declare or appropriately manage a conflict of interest may be considered a breach of the Board's governance arrangements and may result in further action being taken under the Terms of Reference, Code of Conduct or Conflict of Interest Policy.

11. Information Sharing

The Council and Board agree to:

- Share relevant information openly and promptly.
- Comply with Data Protection legislation.
- Respect confidentiality where required.
- Act transparently wherever possible.

Information may be withheld where there are legitimate legal, commercial or personal data considerations.

12. Communications and Media

The parties will work collaboratively to communicate the objectives, progress and achievements of the Programme.

The Chair shall normally act as the principal spokesperson for the Board.

The Council retains responsibility for communications relating to its role as Accountable Body.

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Board Members must not represent personal views as official Board positions unless authorised to do so by the Chair or by a decision of the Neighbourhood Board. Where a Board Member expresses a personal view, they should make clear that they are speaking in a personal capacity and not on behalf of the Board.

13. Dispute Resolution

The Council and the Neighbourhood Board are committed to working collaboratively and in good faith to deliver the Pride in Place Programme and to resolving disagreements constructively in the interests of the community.

Where disagreement arises in relation to the operation of the Programme, the implementation of a Board recommendation, governance arrangements or any other matter connected with the Programme, the following escalation process will normally apply:

Stage 1

Informal discussion between the Chair and relevant Council officers and any other affected parties, with the aim of reaching a mutually agreeable solution.

Stage 2

Where the matter cannot be resolved at Stage 1, it shall be referred to the Chief Executive of the Council (or their nominated representative), the Chair and, where appropriate, the local Member of Parliament for consideration and resolution.

Stage 3

Where a matter cannot be resolved locally and relates to a significant governance, assurance, funding or programme issue, the Council and/or the Chair may seek advice from the Ministry of Housing, Communities and Local Government (MHCLG) Delivery Manager and, where appropriate, refer the matter to MHCLG for guidance or determination in accordance with Programme requirements.

Nothing in this section shall prevent the Council, in its role as Accountable Body, from taking any action it considers necessary to ensure compliance with legislation, grant conditions, its Constitution, Financial Regulations, Contract Procedure Rules or other governance requirements.

Both parties will seek to maintain the continuity and effective delivery of the Programme whilst any disagreement is being resolved.

14. Review of Arrangements

This MoU shall be reviewed:

- Annually;
- Following significant changes to Programme Guidance;
- Following significant changes to governance arrangements; or
- At the request of either party.

15. Signatories

For the London Borough of Bexley

Name

Position

Signature

Date

For the Slade Green & Crayford Marshes Neighbourhood Board

Name

Position

Signature

Date

Acknowledged by

Member of Parliament

Name

Position

Signature

Date
