

# UK SHARED PROSPERITY FUNDING (UKSPF)

## BASILDON BOROUGH UKSPF INVESTMENT PANEL

### DRAFT TERMS OF REFERENCE

#### 1. Background

On 13<sup>th</sup> April 2022, the Government launched the [UK Shared Prosperity Funding Prospectus](#) which requires Basildon Borough Council to work with partners to prepare an Investment Plan, which needs to be submitted to the Department for Levelling Up, Housing and Communities (DLUHC) by the 1 August 2022 at the latest.

The UK Shared Prosperity Fund (UKSPF) is a central pillar of the UK government's Levelling Up agenda and a significant component of its support for places across the UK. UKSPF will provide £2.6 billion of new funding for local investment by March 2025, with all areas of the UK receiving an allocation from the Fund via a funding formula rather than a competition.

The UKSPF supports the UK government's wider commitment to level up all parts of the UK by delivering on each of the levelling up objectives:

- Boosting productivity, pay, jobs and living standards by growing the private sector, especially in those places where they are lagging
- Spreading opportunities and improving public services, especially in those places where they are weakest
- Restoring a sense of community, local pride and belonging, especially in those places where they have been lost
- Empowering local leaders and communities, especially in those places lacking local agency

**The primary goal of the UKSPF is to build pride in place and increase life chances across the UK.** This aligns with Levelling Up White Paper missions, particularly: *'By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.'*

Recognising the acute challenges town centres and communities have faced during the pandemic, UKSPF aims to improve the places people live in, support individuals and businesses, drive noticeable improvements that matter to local communities, foster local pride in place and increase life chances including health outcomes. Underneath the overarching aim of building pride in place and increasing life chances, there are three UKSPF investment priorities:

1. Communities and place
2. Supporting local business
3. People and skills

DHLUC has published a [detailed list of interventions, outputs and outcomes](#) associated with each of these priorities which are aligned to the relevant Levelling Up White Paper mission.

#### 2. Introduction

These Terms of Reference (ToR) set out the core goals of the UKSPF Investment Panel, and how it will function. Supplementary working practices, which meet the requirements of the UKSPF guidance, can be agreed by the Investment Panel as the process evolves.

These Terms of Reference will be regularly reviewed by the Basildon Borough UKSPF Investment Panel.

#### 3. Role of Basildon Council as the Lead Local Authority

Basildon Council has been designated by central government as a Lead Local Authority for UKSPF, and as such is required to establish a local UKSPF Investment Panel to:

- Produce an agree a UKSPF Investment Plan by the deadline of the 1<sup>st</sup> of August 2022, at the latest (following the guidance issued by central government)
- Subsequently oversee the defrayal of UKSPF funding from October 2022 onwards (agreeing specifications, appraising projects, monitor performance etc).

As a Lead Local Authority, Basildon Council will be responsible for:

- Overseeing the defrayal of funding and managing the delivery of the final, agreed UKSPF Investment Plan.
- Agreeing with the central government the level and detail of information required to monitor the progress of UKSPF implementation against spend, milestones, interventions, outputs and results agreed in the Basildon Borough UKSPF Investment Plan, recommending remedial actions where necessary and relating progress to local indicators.
- Reporting progress and feeding into national processes as directed by central government
- Informing and overseeing programme evaluation at the local level, in line with the agreed national arrangements.
- Ensuring there are clear governance and/or working arrangements within the local area
- Working with other Lead Local Authorities to agree arrangements for commissioning joint projects.
- Fulfilling other functions as directed by central government or as outlined in published business processes and guidance.

#### 4. Purpose and Governance of the Basildon Borough UKSPF Investment Panel

This section of the Terms of Reference set out the Purpose and Proposed Governance Structure

##### Overarching purpose of the Basildon Borough UKSPF Investment Panel

As part of the UKSPF delivery arrangements, lead local authorities across the UK have been tasked with working with a diverse range of local and regional stakeholders, civil society organisations, employer bodies responsible for identifying local skills plans, and businesses or business representative groups to achieve UKSPF outcomes in their areas.

The investment panel will provide access to local insight and expertise to help identify and address need and opportunity and respond with the right solutions for each place.

Local partners should support lead local authorities for each place to develop an investment plan. Once the investment plans have been approved by central government, partners will be asked to provide advice on strategic fit and deliverability – taking care to avoid conflicts of interest. This will ensure that UKSPF investments complement other activities in the area and meets fund and local objectives.

The local partnership will be convened by the lead local authority, taking care to ensure that the panel is fully representative and that its terms of reference meet the Fund's needs. Local Members of Parliament and representatives of the UK government may also attend Investment Panel meetings, with the latter providing access to specific expertise where this is needed.

Based on the above, we would propose, the following core objective for the UKSPF Investment Panel:

- ***The Basildon Borough UKSPF Investment Panel is responsible for the development and delivery of the Basildon UKSPF Investment Plan, ensuring that local strategic aims are considered alongside national strategic and operational objectives and that maximum impact is achieved through the Funds, thereby contributing to the overarching objectives of boosting productivity, pay, jobs and living standards by growing the private sector; spreading opportunities and improving public services; restoring a sense of community, local pride and belonging and empowering local leaders and communities. It is responsible for ensuring operational delivery of activity supported by the Funds, overseeing the development of an appropriate pipeline of proposals; agreeing investments; and monitoring performance against targets at the Basildon level.***

##### Status and accountability of the Basildon Borough UKSPF Investment Panel

The Basildon Borough UKSPF Investment Panel is an integral part of the governance structure required to deliver the 2022-2025 UK Shared Prosperity Programme and demonstrates England's commitment to delivery of UKSPF in the spirit of the partnership principle that is embedded at the heart of the programme.

Basildon Borough's UKSPF Investment Panel's decisions will be taken using a consistent and transparent process. Agreed minutes and relevant documents (such as details of project calls, reports and case studies) will be published on a publicly accessible website or location.

Basildon Borough's UKSPF Investment Panel will set up and make publicly available a fair and transparent process for dealing with complaints.

Basildon Borough's UKSPF Investment Panel will act in accordance with the regulations governing UKSPF operations and as directed by central government. Basildon Borough's UKSPF Investment Panel will support delivery of the UKSPF Programme at a

local level in the following ways, having due regard to the impact on equalities throughout in accordance with the Public Sector Equality Duty, and making recommendations as to mitigating measures, where appropriate:

1. Develop and agree a Local Investment Plan with the Lead Local Authority – a rolling plan, which will be reviewed annually, setting out how UKSPF will be delivered locally and how it will contribute to the 12 Levelling Up Missions, including any cross-boundary working with other Lead Local Authorities.
2. Develop and agree with the Lead Local Authorities how projects will be commissioned and monitored, including (1) whether to utilise competitions for grant funding (which is the default approach set out in [Cabinet Office Grants Standards](#)), procurement, commissioning or delivery through in-house teams and (2) type of calls for projects, timing of calls, scope and fit with local priorities as identified in the Basildon Borough UKSPF Investment Plan.
3. Agree work with the Lead Local Authority to develop local arrangements for promoting and publicising the opportunities that the Funds provide for economic growth, in line with government guidelines and the prevailing legislation, and monitor the effectiveness of these promotional activities.
4. Encourage the development of a pipeline of projects that meet the local needs set out in the Investment Plan.
5. Following appraisal by the Basildon Borough UKSPF Investment Panel, or a suitably constituted sub-group, assess potential projects against the Basildon Borough UKSPF Investment Plan for their strategic fit, value for money, fit with overall UKSPF objectives, alignment with relevant national policies, and complementarity with interventions funded through local private and public sector sources, in an open and transparent manner. Any local assessments must use a methodology which is open, fair and transparent and agreed by the Panel.
6. Use any local assessment and appraisals to make recommendations and agree with the Lead Local Authority: the selection of projects, especially in regard to prioritisation, additional opportunities, and the fit with local needs.
7. Agree the Lead Local Authorities oversight of delivery of operations and outputs, to ensure alignment of procured and competitively selected provision with local priorities and inputting to discussions with the Lead Local Authority where performance of projects at a local level is falling behind.

## 5. Governance of the Basildon Borough UKSPF Investment Panel

As highlighted above, local partners will be responsible for supporting Basildon Council, as the local Lead Local Authority, to develop and deliver the agreed UKSPF Investment Plan.

The composition of the UKSPF Investment Panel will reflect the breadth of partners specified in the national UKSPF Prospectus and be broadly representative of the population of Basildon Borough. In putting together the UKSPF Investment Panel, the Lead Local Authority will have due regard to the Public Sector Equality Duty, taking account of the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people with and without a protected characteristic.

Based on the framework provided by central government (as illustrated by the table below), Basildon Council has invited a range of stakeholders to be a member of the UKSPF Investment Panel, based on the principal of selecting members that are capable of being representative of a range of local stakeholders.

| Recommended Partner  | Recommended Representatives  |
|--|--|
| Representatives from the lead local authority (this may also include neighbouring authorities or constituent authorities where relevant and to maximise alignment) | Cllr. Andrew Baggot - Leader / Portfolio Holder Economic Development   |
|  | Place representative - Paul Brace, Director of Community & Environment   |
|  | Prosperity representative – Tomasz Kozlowski, Director of Growth   |
| Business support providers or representatives, including sectoral representatives relevant to the place (for example - cluster bodies, tourism organisations)      | Jade Uko – FSB, Development Manager, Essex<br>Chris Murphy – Cultural Sustainability Consultant, Things Made Public / CPP Programme (Culture Sector)<br>Charlotte Horobin – Region Director – Midlands & East of England, Make UK (Manufacturing Sector) |
| Regional representatives of arms-length bodies of government   | N/A  |
| Voluntary, sector social enterprise and civil society organisations  | Simon Johnson – Chief Officer, Basildon, Billericay & Wickford Council for Voluntary Service<br>Dr Hephzi Tagoe, Director, GHScientific & Basildon Street Science Festival<br>Matt King – CEO, Trustlinks  |
| Education and skills providers - for example higher education institutions and further education colleges, adult learning providers                                | Denise Brown – Principal, South Essex College<br>Sean McGinn – Employment & Training Manager (East Region)<br>Clarion Futures  |
| Nature, environmental or associated representatives  | Natural England – Robert Bishop, Senior Adviser Natural England  |
| Police and crime representatives   | Dan McHugh T/Chief Inspector 71472 / District Commander Basildon – Essex Police  |

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|---|--|
| Local businesses and investors  | Carey Jacobs – Director, Palmers Law<br>Andy Mead – Managing Director, The Finishing Line<br>David Barnes – Basildon Business Group (and Founder of Bitsolve)  |
| Local partnership boards and strategic bodies where relevant (for example, Local Enterprise Partnerships or Local Skills Improvement Partnerships in England) | Louise Aitken – Skills Lead SELEP/ Skills Growth, Essex County Council   |
| Prominent local community & faith organisations   | Felix Achonu – Basildon Side By Side   |
| Paris Council Representatives   | Cllr. Jim Devlin – Billericay Town Council<br>Cllr. Bernard Foster - Bowers Gifford & North Benfleet Parish Council  |
| Employment experts and providers - for example Jobcentre Plus representatives and employment related service providers  | Sarah Hernandez – Group Partnership Manager, DWP   |
| Public health representatives   | Chris French – Head of Wellbeing and Public Health, Clinical, Lifestyles and Trading Standards, Essex County Council<br>Kevin Garrod, Local Value Lead – Anchor Programme Manager - Mid and South Essex NHS Foundation Trust |
| County Council representatives  | Russell Dalton – Localities Lead – Essex County Council<br>Cllr. Tony Ball – Essex County Council  |

In addition to the above representatives, the three MPs that cover Basildon Borough (John Baron MP, Stephen Metcalf MP and Mark Francois MP) have also been invited to join the panel, although we have also put in place plans to engage with them individually over the lifetime of the process of developing the Investment Plan.

The number of representatives per sector can vary by area but must be a balanced representation and in line with the guidance set out in the UKSPF Prospectus.

Members need to be clear about who they are representing and how. All partners selected should be representative of their sector and/or relevant stakeholders and able to demonstrate accountability to their constituencies.

The Membership recruitment process will be led by the Basildon Council in consultation with key local agencies. The process should encourage the nomination of a diversity of representatives reflective of the cultural, ethnic, age and gender mix of the local population.

Membership of the UKSPF Investment Panel will likely initially be for a three year term. Where members leave before that time, representatives will be sought again from the sector/organisation they are representing. Membership will also be refreshed as needed to reflect any changes in relevant regulations and policies.

By agreement with the Chair it is possible to invite expert guidance to specific meetings to assist consideration of a specialist proposal.

## 6. Roles within the UKSPF Investment Panel

Successful delivery of funds within the UKSPF Programme will depend on close working between the Basildon Council, other Lead Local Authorities that we chose to collaborate with and wider partners.

The Chair will be selected from amongst members of the UKSPF Investment Panel. Basildon Council will provide the secretariat to organise and administer the work of the UKSPF Investment Panel. In the absence of a candidate or in the absence of a consensus decision being reached the Lead Local Authority will undertake the role of Chair until such a consensus is reached at which time the consensus candidate will take office and the Lead Local Authority representative will stand down.

All Members of the UK Investment Panel should:

- Be empowered to speak on behalf of their sector and its constituencies, providing the agreed position in relation to issues discussed at meetings;
- Have an understanding of the economic context in Basildon
- Understand local investment priorities and have knowledge of the local conditions, needs and opportunities to encourage projects to be brought forward that meet the strategy and objectives set out in the Basildon Borough UK Investment Plan;
- Be familiar with the objectives of the UKSPF Programmes and the interventions, outputs and results sought;
- Work collectively to identify solutions or innovative ways to deliver the UKSPF Investment Plan;
- Understand the strategic context for investment decisions taken and be able to take part in discussions around project investment;
- Offer analytical input to the issues / investments under discussion; and
- Access a wider network for advice on specific issues.

## 7. Principles of Engagement

The Chair of the Basildon Borough UKSPF Investment Panel will ensure members are aware of their obligations relating to data protection, confidentiality and conflict of interest.

Members will be required to complete a register of relevant interests (including pecuniary and non-pecuniary, personal or other interests, and declaring any gifts or hospitality received in their capacity as Member). Members will also be required to declare an interest in any agenda items where a decision is required and the decision may cause a direct material impact, financial or otherwise, either personally or to the organisation or institution they are representing.

In such circumstances it will be a matter for the Chair to decide if the member can attend and/or contribute to the discussion, but Members may also choose to absent themselves for the duration of that discussion to avoid actual or any appearance of undue influence.

Conflicts of interest should be identified to the Chair and minuted. At least once in every 12-month period, all Members must review the information relating to him or her contained in the register of interests and declare that the information is correct or make a further declaration if necessary.

Members must also report any suspicions of fraud or malpractice to the Basildon Borough UKSPF Investment Committee, so that this can be escalated to the Lead Local Authority or central government, as appropriate.

The Basildon Borough UKSPF Investment Committee will objectively review proposals for their ability to deliver the aims of the Basildon Borough UKSPF Investment Plan and value for money, and their alignment with relevant national policies.

The Lead Local Authority cannot agree to the selection of projects that do not fit the Basildon Borough UKSPF Investment Plan and/or are non-compliant with the regulations governing the Programme. The Lead Local Authority are obliged to overturn advice from the Basildon Borough UKSPF Investment Panel, to invest where a proposal that cannot demonstrate compliance with the UKSPF national framework, guidance and the local Basildon Borough UKSPF Investment Plan.

The Lead Local Authority will not approve any projects that have not been agreed by the Basildon Borough UKSPF Investment Panel.

Collaboration is key to driving economic growth regardless of administrative boundaries, so the Basildon Borough UKSPF Investment Panel will commit to investigating opportunities for delivering activity in collaboration with other areas in England where sensible and appropriate. Decisions will be taken by consensus; by exception dissent from a majority decision will be recorded in the minutes.

All meetings and decisions will be minuted. Minutes will normally be circulated no later than 10 working days after a meeting for approval by members (with a nil response taken as endorsement). Minutes will be agreed by the Basildon Borough UKSPF Investment Panel as confirmation of a true record of a meeting.

Members must be able to attend regularly and be able to devote necessary time to any preparatory work. Members missing more than 30% of meetings in a twelve month period or three meetings in a row may be asked to step down by the secretariat of the UKSPF Panel after consultation with the Chair.

Recommendations of the Basildon Borough UKSPF Investment Panel in relation to individual investments remain confidential until such time as the Lead Local Authority informs members that a formal decision has been made.

## 8. Meeting Arrangements

During the initial process of developing the Basildon Borough UKSPF Investment Plan, three virtual meetings are envisaged, each of a maximum of two hours duration. At the time of writing, these are planned to take place on the following dates:

| Activity  | Date                             | Core Purpose of the Meeting  |
|---|----------------------------------|--|
| <b>MAY 2022</b>   |                                  |  |
| First Investment Panel Meeting (Virtual, via Microsoft Teams) | Friday 27 May 2022, 9.00-11.00am | Agree Investment Panel TOR.<br>Discuss and agree the core challenges the Plan is seeking to address<br>Discuss and agree the interventions, outputs & outcomes we want to prioritise to address the identified challenges<br>Report back on the preliminary discussions with other local authorities about possible collaboration opportunities<br>Identify the need/aspiration to develop any bespoke interventions |
| <b>JUNE 2022</b>  |                                  |  |

|  |   |  |
|--|---|--|
| Second Investment Panel Meeting (Virtual, via Microsoft Teams)                             | Wednesday 29 <sup>th</sup> June 2022, 3.00-5.00pm | <p>Identify any existing, pre-identified projects which we would like to prioritise</p> <p>Processes we propose for commissioning and selecting projects</p> <p>Working with other areas to jointly commission projects</p> <p>Ensuring compliance with the Public Sector Equality Duty</p> <p>Review and Agree the Risk Register</p> <p>Agree our proposals to support the ongoing delivery of UKSPF, Administration and Overhead Costs</p> <p>Review initial UKSPF Expenditure Profile and UKSPF Indicative Deliverables</p> |
| <b>JULY 2022</b>   |   |  |
| Third Investment Panel Meeting for Investment Plan sign-off (Virtual, via Microsoft Teams) | Tuesday 19th July 2022, 9.00-11.00am              | <p>Walk through draft Investment Plan, with the aim of securing Panel Approval</p> <p>Discussion</p> <p>Investment Plan Sign Off Process</p>   |

There may also be a requirement for some 'Task and Finish' Groups between now and the submission deadline, if we want to explore the potential of developing some bespoke interventions (i.e., not included in the framework we have been given by government), but we will likely be seeking volunteers to support this process.

Following the submission of the Basildon Borough UKSPF Plan it is envisaged that meetings will likely take place bi-monthly, moving to quarterly, but may be required more frequently. Meeting dates for each calendar year will be provided in advance.

Basildon Council will provide the secretariat for the UKSPF Investment Panel, managing dates, venues, minute taking, recording decisions and collating and circulating papers, working closely with the Panel and the Chair.

Agendas will be agreed between the Chair and the Lead Local Authority. Members may propose agenda items via the secretariat.

Papers will be electronically circulated a minimum of five clear working days in advance of a meeting. Any paper not so circulated will not be considered without a majority of the Panel agreeing to do so on a case by case basis.

The Lead Local Authority will provide and present:

- Appraisal reports and recommendations;
- UKSPF performance and progress reports, identifying any issues for consideration;
- Messages from central government and relevant government departments;
- Minutes of last meeting for approval; and
- Other items as agreed in advance with the Chair.

The secretariat may, in consultation with the Chair as necessary, circulate papers or proposals to members for agreement by written procedures, with one week allowed for comment, unless exceptional circumstances dictate otherwise. Nil responses will be taken as endorsement.

Members unable to attend are not permitted to send a substitute unless the substitute has been agreed in advance by the Chair; it is suggested that all members should nominate a deputy for this purpose. Members who cannot attend may either write to the Chair through the secretariat prior to the meeting expressing views to be taken into account or mandate their deputy to give views on their behalf.

Meetings of the UKSPF Investment Panel may proceed without a quorum of members present. It is for the Chair to be satisfied that the representatives at any meetings constitute a sufficient cross-section of member interests.

## 9. Dispute Resolution

Where the Panel is unable to reach a consensus or is not acting in accordance with these Terms of Reference, members can escalate this to the Lead Local Authority, for them to resolve such disputes.