

RECORD OF EXECUTIVE DECISION TAKEN BY AN EXECUTIVE MEMBER

This form **MUST** be used to record any decision taken by the Elected Mayor or an individual Executive Member (Portfolio Holder).
 The form must be completed and passed to the Chief Officer Legal and Democratic Services no later than NOON on the second working day after the day on which the decision is taken. No action may be taken to implement the decision(s) recorded on this form until 7 days have passed and the Chief Officer Legal and Democratic Services has confirmed the decision has not been called in.

1. Description of decision

To agree the acceptance of an Active Travel Fund grant for development funding for contraflow cycling improvements and pedestrian crossing improvements in Dame Alice Street – value £263,130 of a project costing £703,130

2. Date of decision

14 June 2023

3. Reasons for decision

To receive funding for use in improvements in junction layout and the cycle lane quality in Dame Alice Street, leading to increased user safety

4. Alternatives considered and rejected

None

5. How decision is to be funded

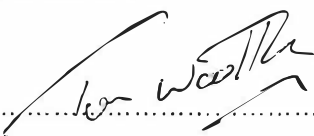
From Active Travel England funding

6. Conflicts of interest

Name of all Executive members who were consulted AND declared a conflict of interest.	Nature of interest	Did Standards Committee give a dispensation for that conflict of interest? (If yes, give details and date of dispensation)	Did the Chief Executive give a dispensation for that conflict of interest? (If yes, give details and the date of the dispensation).

The Mayor has been consulted on this decision

Not Applicable

Signed 

Date 14 June 2023

Name of Decision Taker Tom Wootton

This is a public document. A copy of it must be given to the Chief Officer Legal, Performance and Democratic Services as soon as it is completed.

Date decision published:15 June 2023.....

Date decision can be implemented if not called in:26 June 2023.....

(Decision to be made exempt from call in.....NO.....)

Bedford Borough Council – Report to the Mayor

Report by: Chief Officer – Planning, Infrastructure & Economic Growth

Subject: Active Travel Fund (ATF4): Acceptance of Grant Funding for Dame Alice Street.

1. EXECUTIVE SUMMARY

- 1.1 The report seeks approval for Bedford Borough Council to accept Active Travel England’s “Active Travel Fund” grant-aid of £263,130 for improvements in safety from redesigns of the contraflow cycleway in Dame Alice Street.
- 1.2 This would be a contribution to a wider package of works worth £703,130 for the area, comprising:
 - £190,000 from Structural Maintenance Programme
 - £250,000 from the Town Deal, and
 - £263,130 from Active Travel Fund
- 1.3 The new design creates new pedestrian crossing facilities and a cycle-priority crossing without need to cross traffic, providing an up-kerb protected lane, greatly improving cyclists’ safety.

2. RECOMMENDATION

- 2.1 **That the Mayor considers and, if satisfied, approves the acceptance of ATF4 Grant of £263,130.**

3. REASON FOR RECOMMENDATION

- 3.1 To allow for works to take place in Dame Alice Street that would improve the safety of cyclists of a key connecting route within Bedford.

4. IMPLICATIONS

Legal Issues

- 4.1 Active Travel England ATF4 award of £263,130 would be paid as a grant under Section 31 of the Local Government Act 2003, under the Grant Conditions set out in Annex B of the Active Travel Fund Grant award letter (2022/23): No 31/6595 (dated 22 March 2023), with the expectation that all funding must be committed by the end of 2023/24 financial year end.
- 4.2 Annex B of the Active Travel Grant award letter (2022/23): No 31/6595 states the grant conditions. These are:
1. Complying with the UK's international obligations on subsidy control. You should ensure that you are familiar with the latest guidance on subsidies for public authorities. Further guidance is available at: <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>
 2. We expect each local authority to use this funding as proposed in their completed pro forma and as agreed with Active Travel England.
 3. You should have robust monitoring and evaluation plans in place. Funding will be conditional on demonstrating that bids represent value for money and evidence of suitable evaluation plans.
 4. Grants paid to a local authority under this determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.
 5. The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to the team leader of the Investments Team (contact@activetravelengland.gov.uk) of Active Travel England a declaration, to be received no later than six months after the completion of the project in relation to which the grant is spent, in the following terms:
"To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to the Active Travel Fund Grant Determination 2022-23 No 31/6595 have been complied with."
 6. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister of State may:
 - a. reduce, suspend or withhold grant; or
 - b. by notification in writing to the authority, require the repayment of the whole or any part of the grant.
 7. Any sum notified by the Minister of State under paragraph 3(b) shall immediately become repayable to the Minister.
- 4.3 The Active Travel Grant award letter is available in **Appendix A**.

Policy Issues

- 4.3 The project contributes towards:
- Local Plan 2030 Policy 2S "Healthy Communities"
 - Local Plan 2030 Policy 86S "Delivering Infrastructure" (active travel) of the Local Plan 2030
 - Corporate Plan 2022-26: Climate Change Emergency Cross-cutting theme (Cycling Infrastructure)

- The emerging LCWIP looks likely to include a focus on east-west movement across the town, which this project would enable.

Resource Implications

- 4.4 The core project is already in the Engineering Services Delivery Programme for capital schemes. No additional resources will be required.

Risk Implications

- 4.5 There is a risk that, should the Council fail to comply with conditions and requirements of the Grant Conditions, the Minister of State may:
- a. reduce, suspend or withhold grant; or
 - b. by notification in writing to the authority, require the repayment of the whole or any part of the grant.

Environmental Implications and contribution to achieving a net zero carbon Council by 2030

- 4.6 In accepting the grant and delivering the work, there is the potential to improve the uptake of cycling, thus reducing car journeys, and contributing to the “Cycling Infrastructure” measure under the Climate Change Emergency Cross-cutting theme in the Corporate Plan 2022-2026.

Equalities Impact

- 4.7 There are not considered to be any equality and diversity implications in taking this decision.

5. DETAILS

- 5.1 The proposal increases cycling on the contraflow in Dame Alice Street beyond normal expectations. The current contraflow is perceived as dangerous, tending to only be used by the more confident cyclists. The current lane’s width is <1.0m, double-yellow lines inside, resulting in a very narrow area. Accessing this current contraflow, the cyclist must cross a lane of traffic to position themselves in front of the cyclist traffic lights. The scheme is funded by Active Travel England - a delivery arm of the DfT. The Council has previously received:

- £32,350 (Emergency) Active Travel Fund 1 (High Street Bedford)
- £280,000 ATF 2 (Goldington Road)

- £66,508 Capability & Ambition Fund.

6. **ALTERNATIVES CONSIDERED AND REJECTED**

- 6.1 As there were only two weeks between the release of the application documents and the deadline for submission, there was little time to explore other options. However, Dame Alice Street was already scheduled on the structural maintenance plan, so the Council can take advantage of a “shovel ready” project. This route is also likely to feature in the forthcoming Local Walking and Cycling Improvement Plan because of its east-west connectivity.

7. **SUMMARY OF CONSULTATIONS AND OUTCOME**

- 7.1 The following Council Units or Officers and / or other organisations have been consulted in preparing this report:

Town Deal Board
Chief Officer for Transport, Highways & Engineering
Chief Officer for Finance

No adverse comments have been received.

8. **WARD COUNCILLOR VIEWS**

Ward councillors received copies of the proposal for comment. These comments have been received and will be forwarded to the scheme designers.

Report Contact Officer: Haydn Rees

File Reference: n/a

Previous Relevant Minutes: None

Background Papers: None

*Appendix: A – Active Travel Grant
award letter (2022/23): No 31/6595*



22 March 2023

To: Bedford Unitary Authority

Active Travel Fund Grant award letter (2022/23): No 31/6595

Thank you for your bid for funding from the Active Travel Fund. I am pleased to confirm that the scheme(s) listed at the Appendix have been successful for funding under ATF4 and/or ATF3 change control. Your funding will be paid as a grant under Section 31 of the Local Government Act 2003. The Section 31 grant determination and conditions are set out in Annexes A, B and C. **You are required to return the attached grant agreement slip at Annex E by 24 March.** Funding principles are set out in a memorandum of understanding at Annex F.

All ATF4 scheme proposals have been assessed by Active Travel England (ATE) for eligibility with core scheme criteria, for compliance with relevant safety and design requirements, and for value for money. While this letter confirms that the scheme(s) at Annex A have been determined as eligible for funding, ATE will continue to work with you to ensure high quality designs are delivered.

Where schemes within your prioritised bid (indicative allocation) have not been funded, ATE identified one or more issues which did not meet minimum thresholds for funding and would require further evidence to be successful in a future funding round. Common issues identified were:

- One or more 'critical issues' identified at design review that were unlikely to be rectifiable within the stated scheme costs
- Poor value for money, as projected through AMAT or cost benchmarking
- Low levels of design detail provided
- Low levels of evidence provided to substantiate value for money
- Lack of protection at junctions or side roads for cycling schemes
- Area-based schemes without suitable assessment of mitigating actions for potential traffic displacement
- Accessibility concerns (e.g., unsuitable surface treatments or inadequate lighting)

Many of these issues also applied to bids outside indicative allocations that have not been funded and/or assessment scores were not high enough to attract funding from the competitive element of funding. ATE will run online feedback sessions on 13 and 20 April and provide feedback on request to any authority that submitted a bid for funding to explain the assessment outcomes and to help you develop the schemes further for future funding opportunities.

Your grant is awarded on the understanding that your authority will deliver the funded schemes in conjunction with ATE, that scheme designs are appropriately reviewed and inspected by ATE, and that your officers will work with ATE to resolve to ATE's satisfaction any scheme design shortcomings that they identify. Failure to rectify identified design shortcomings with ATE could lead to a downgrade in your capability level which may reduce future funding payments.

We appreciate that, during implementation, opportunities or challenges may arise that require a change to your project in order for outcomes to be realised to their full potential. Any substantive changes to scheme scope or timeframes should be reported to ATE by email to contact@activetravelengland.gov.uk if necessary, via a formal change control request. Change control guidance can be provided on request. Should your ability to deliver the objectives for which funding was awarded be significantly compromised, ATE will work with you to identify appropriate alternative schemes that remain consistent with the objectives of the original bid and ATE's strategic objectives for the Fund. If no suitable alternative proposals can be found, or if schemes are prematurely removed or weakened without providing sufficient evidence and/or change control information, ATE reserves the right to amend future funding provision as appropriate.

ATF4 schemes should be delivered to the timelines set out in your bid. Funding must be committed by the end of the 2023/24 financial year, and schemes delivered as soon as reasonably possible thereafter. A commitment could consist of a contract for design and construction, or a business case approving delivery of a scheme agreed with Council executives. While timeliness of scheme construction may be considered when assessing authority capacity and capability, we expect construction for all schemes to be completed by March 2025. Authorities should discuss options with ATE if scheme timelines begin to slip.

All authorities will be expected to participate in monitoring and evaluation activities for ATF. Monitoring data will be collected via 'pulse surveys' (to track progress and spend). All authorities should be prepared to participate in the national evaluation and work with the national evaluator if your schemes are selected. Monitoring and evaluation guidance has been provided separately.

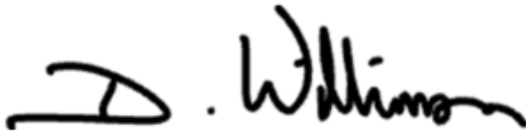
Our grants may be audited by the Department for Transport or external auditors, and if this is the case, the Department will notify your authority in writing. Authorities are expected to comply with any such arrangements. You should familiarise yourselves with the Fraud Act 2006 and the Bribery Act 2010 when making claims, and in provision of funding to partner organisations. Personal information collected for grant purposes may be used by ATE for administering the fund. We may share information for the purposes of countering fraud or otherwise as required or permitted by law.

The Department will observe its obligations under the Data Protection Act 1998 in responding to requests made under the Freedom of Information Act 2000. Where a request includes personal information that you have provided, we may consult you before deciding whether such information should be disclosed.

Please sign and date the grant acceptance slip at Annex E and return it to contact@activetravelengland.gov.uk **by close on 24 March**. The grant will be paid in a one-off payment in full on receipt of your signed acceptance slip and other documentation.

In order to support delivery of existing schemes and development of pipelines for future funding, we are exploring opportunities for providing further funding as early as possible in the 23/24 financial year.

Yours sincerely,



Danny Williams
CEO, Active Travel England

Appendix to Active Travel Fund Grant award letter (2022/23)

Schemes funded under ATF4

Scheme number	Scheme name	Funding amount (£)
1	Dame Alice Street - Bedford	263,130

Note: ATF4 funding will be provided as 95.5% CDEL and 4.5% RDEL

Annex A

CAPITAL grant determination (non-ringfenced)

ACTIVE TRAVEL FUND GRANT DETERMINATION (2022-23): No 31/6595

The Minister of State for Transport (“the Minister of State”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the Active Travel Fund Determination (2022-23) No 31/6595.

Purpose of the grant

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

Determination

3) The Minister of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex D.

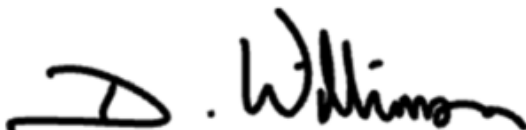
Grant conditions

4) Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Minister of State determines that the grant will be paid subject to the conditions in Annex B.

Treasury consent

5) Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed by authority of the Minister of State for Transport

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

Danny Williams
CEO, Active Travel England

22 March 2023

Annex B

Grant Conditions

1. Complying with the UK's international obligations on subsidy control. You should ensure that you are familiar with the latest guidance on subsidies for public authorities. Further guidance is available at: <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>
2. We expect each local authority to use this funding as proposed in their completed pro forma and as agreed with Active Travel England.
3. You should have robust monitoring and evaluation plans in place. Funding will be conditional on demonstrating that bids represent value for money and evidence of suitable evaluation plans.
4. Grants paid to a local authority under this determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.
5. The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to the team leader of the Investments Team (contact@activetravelengland.gov.uk) of Active Travel England a declaration, to be received no later than six months after the completion of the project in relation to which the grant is spent, in the following terms:

“To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to the Active Travel Fund Grant Determination 2022-23 No 31/6595 have been complied with.”
6. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister of State may:
 - a. reduce, suspend or withhold grant; or
 - b. by notification in writing to the authority, require the repayment of the whole or any part of the grant.
7. Any sum notified by the Minister of State under paragraph 3(b) shall immediately become repayable to the Minister.

Annex C

REVENUE grant determination (non-ringfenced)

ACTIVE TRAVEL FUND GRANT DETERMINATION (2022-23): No 31/6595

The Minister of State for Transport (“the Minister of State”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the Active Travel Fund Determination (2022-23) No 31/6595.

Purpose of the grant

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

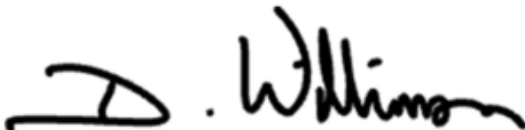
Determination

3) The Minister of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex D.

Treasury consent

4) Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed by authority of the Minister of State for Transport

A handwritten signature in black ink that reads "D. Williams". The signature is written in a cursive style with a large, stylized initial 'D'.

Danny Williams
CEO, Active Travel England

22 March 2023

Annex D

List of funding

Authorities to which grant is to be paid	Amount of grant to be paid (capital) (£)	Amount of grant to be paid (revenue) (£)	Amount of grant to be paid (total) (£)*
Bedford Unitary Authority	251,233	11,897	263,130
Blackburn with Darwen Unitary Authority	150,159	7,111	157,270
Bournemouth, Christchurch & Poole Unitary Authority	3,609,090	170,910	3,780,000
Bracknell Forest Unitary Authority	28,644	1,356	30,000
Brighton & Hove Unitary Authority	2,994,357	135,643	3,130,000
Buckinghamshire Unitary Authority	455,623	21,576	477,199
Cambridgeshire & Peterborough Combined Authority	3,720,408	176,182	3,896,590
Central Bedfordshire Unitary Authority	241,184	11,421	252,605
Cheshire East Unitary Authority	1,239,199	58,683	1,297,882
Cheshire West & Chester Unitary Authority	261,707	12,393	274,100
Cornwall Unitary Authority	477,393	22,607	500,000
Cumbria County Council	1,880,909	72,450	1,953,359
Derby Unitary Authority	133,670	6,330	140,000
Derbyshire County Council	2,869,131	135,869	3,005,000
Devon County Council	2,027,484	82,516	2,110,000
Dorset Unitary Authority	1,888,566	89,434	1,978,000
East Riding of Yorkshire Unitary Authority	816,533	38,667	855,200
East Sussex County Council	1,168,492	55,334	1,223,826
Essex County Council	5,031,720	238,280	5,270,000
Gloucestershire County Council	8,022,425	242,575	8,265,000
Greater Manchester Combined Authority	24,126,039	1,072,461	25,198,500
Hampshire County Council	2,126,799	100,716	2,227,515
Herefordshire Unitary Authority	292,164	13,836	306,000
Hertfordshire County Council	4,551,876	208,927	4,760,803
Isle of Wight Unitary Authority	668,350	31,650	700,000

Annex D

Isles of Scilly	10,503	497	11,000
Kent County Council	1,498,059	70,941	1,569,000
Kingston upon Hull Unitary Authority	8,740,632	16,368	8,757,000
Lancashire County Council	5,279,957	250,035	5,529,992
Leicester Unitary Authority	1,718,614	81,386	1,800,000
Liverpool City Region Combined Authority	15,374,414	651,086	16,025,500
Medway Unitary Authority	464,425	21,993	486,418
Milton Keynes Unitary Authority	1,129,049	53,467	1,182,516
Norfolk County Council	2,877,720	101,280	2,979,000
North East Joint Transport Committee	17,077,523	325,688	17,403,211
North Somerset Unitary Authority	398,757	18,883	417,640
Nottingham Unitary Authority	1,682,607	79,681	1,762,288
Nottinghamshire County Council	1,032,850	48,911	1,081,761
Oxfordshire County Council	130,000	0	130,000
Plymouth Unitary Authority	2,367,868	112,132	2,480,000
Portsmouth Unitary Authority	624,029	29,551	653,580
Reading Unitary Authority	1,071,609	3,391	1,075,000
Shropshire Unitary Authority	585,093	27,707	612,800
Slough Unitary Authority	394,326	18,674	413,000
Somerset County Council	1,511,733	71,589	1,583,322
Southampton Unitary Authority	1,222,639	36,825	1,259,464
South Yorkshire Combined Authority	2,321,030	109,913	2,430,943
Staffordshire County Council	638,835	30,252	669,087
Stoke-on-Trent Unitary Authority	486,291	23,029	509,320
Suffolk County Council	7,574,521	358,695	7,933,216
Surrey County Council	3,888,226	45,117	3,933,343
Swindon Unitary Authority	364,251	17,249	381,500
Tees Valley Combined Authority	943,192	19,952	963,144
Telford and Wrekin Unitary Authority	1,810,056	85,716	1,895,772
Thurrock Unitary Authority	291,210	13,790	305,000
Torbay Unitary Authority	226,634	10,732	237,366
Warrington Unitary Authority	1,054,536	32,914	1,087,450
Warwickshire County Council	4,545,735	215,265	4,761,000

Annex D

West Berkshire Unitary Authority	262,566	12,434	275,000
West Midlands Combined Authority	12,038,130	570,071	12,608,201
West Northamptonshire Unitary Authority	642,871	30,443	673,314
West of England Combined Authority	3,477,141	164,662	3,641,803
West Yorkshire Combined Authority	22,332,552	788,116	23,120,668
Wiltshire Unitary Authority	933,780	44,220	978,000
Windsor and Maidenhead Unitary Authority	250,249	11,851	262,100
Wokingham Unitary Authority	578,805	27,410	606,215
York Unitary Authority	1,053,219	49,876	1,103,095

*ATF4 funding will be provided as 95.5% CDEL and 4.5% RDEL

Annex E

Grant Acceptance Slip

I acknowledge receipt of the Active Travel Fund Award letter under Grant Determination No. 31/6595. I accept the grant offer on behalf of the authority subject to the conditions set out in this letter. I confirm that I am lawfully authorised to do so.

Signed

Please print name of officer:

Position at authority:

Please return by email to: contact@activetravelengland.gov.uk

MEMORANDUM OF UNDERSTANDING

Between

Active Travel England

-and-

Local authorities in receipt of active travel funding 2022/2023

1. Purpose

1.1. This Memorandum of Understanding ('MOU') sets out the terms, principles and practices that will apply to the working relationship between Active Travel England ('ATE') and the funded local authority ('the Council')(collectively 'the Parties') regarding the administration and delivery of Active Travel Funding.

2. Background

2.1. This MOU covers the funding commitments from ATE and the delivery, financial expenditure, agreed milestones, reporting and evaluation, communication and branding expectations between the Parties.

3. Purpose of Funding

3.1. ATE considered the application submitted by the Council for the Active Travel Funding 2022/2023. The allocation for 2022/2023 is set out in attached grant acceptance letter.

3.2. The funding is provided to form part of the necessary revenue and capital investment required for delivery of your approved schemes as set out in the grant acceptance letter. ATE expects the Council to use the funding provided for the purposes outlined in the application approved by DfT, and that evidence will be provided to demonstrate this. Assurance on scheme progress shall be borne out through the formal monitoring and assurance process set out in Clause 8 and 9 of this MOU.

4. Financial Arrangements

4.1. The Council agrees to use Active Travel Fund grant payments issued by ATE for appropriate revenue and capital expenditure only.

4.2. Payments to the Council will be made in March 2023. Release of the payment will be dependent on submission of the signed Grant Acceptance Slip which is at Annex E of the accompanying Grant Acceptance Letter.

4.3. Requests by the Council to amend schemes and expenditure will be considered by ATE, but approval will be subject to the availability of resources. There are no guarantees that such requests will be accommodated.

Annex F

- 4.4. In accordance with the declaration by the Council's Section 151 Officer as part of the Bid Application, the Council accepts responsibility for meeting any costs over and above ATE's contribution set out in Clause 3.1, including potential cost overruns and the underwriting of any funding contributions expected from third parties.
- 4.5. The Council must commit to spend all grant funding by the end of the funding period, 31 March 2024.
- 4.6. If the Council fails to comply with any of the expectations set out in this MOU, the Secretary of State may:
- 4.6.1. reduce, suspend or withhold future ATE grant payment;
 - 4.6.2. by notification in writing to the Council, require the repayment of the whole or any part of the grant.
- 4.7. The Council will ensure that its use of the funding complies with all relevant laws and the UK's international obligations. ATE will not be liable for the council's failure to comply with relevant laws and obligations including, but not limited to, procurement and subsidy control legislation.

5. Duration and Review Point

- 5.1. This MOU will come into effect upon acceptance of the grant terms and conditions via ATE receipt of a signed Grant Acceptance Slip which is at Annex E of the accompanying Grant Acceptance Letter. It will remain in effect until it is terminated by either Party in accordance with the terms in Clause 10 of this MOU. It may be extended by the written agreement of the Parties.

6. Engagement,

- 6.1. The Council must ensure that proper and thorough public engagement has taken place on the design of the scheme, consistent with the advice in the Department's statutory Network Management Duty guidance.

7. Monitoring and Evaluation

- 7.1. The Council has been provided with Active Travel Fund Monitoring and Evaluation Guidance. M&E requirements are set out in the accompanying Grant Acceptance Letter.

8. Assurance

- 8.1. The Council is expected to have the necessary governance and assurance arrangements in place and that all legal and other statutory obligations and consents will be adhered to, which may include, but not solely, state aid / subsidy control, equalities duties, procurement, health and safety and fraud. Annex B of the Grant Acceptance Letter refers.
- 8.2. The Council will ensure data can be shared for the prevention and detection of fraud by including the following clause in all agreements with companies or external entities:

Annex F

“Data may be shared with other enforcement agencies for the prevention and detection of crime.”

8.3. The Council will fully comply with all obligations set out in Fraud Risk Assessment guidance. This guidance will ensure the safe administration of grants and that appropriate measures are put in place to mitigate against the risk of both fraud and payment error.

9. Design reviews and changes to approved Application

9.1. The Council will submit scheme designs for appropriate ATE design review and post-construction completion inspections. Council officers will work with ATE to resolve to ATE’s satisfaction any scheme design shortcomings that are identified. In the event the scheme is not constructed to agreed standards and specifications, ATE reserves the right to pause any future ATE grant payments.

9.2 The Council will notify ATE of any proposed changes to the approved project(s) by submitting a change control request. These notifications should be provided and agreed in advance of changes. Councils which have prematurely removed or weakened active travel schemes without providing sufficient evidence and/or change control information should expect to receive a reduction in future ATE grant payments.

9.3. The Council will require approval by ATE for any alterations to the project, in line with ATF change control guidance.

9.4. A wide range of project changes, including but not limited to changes to scheme designs, spending profiles, delivery timelines, funded activities, outputs and outcomes may be requested through the change control process.

9.5 If agreed schemes do not proceed to construction, the Council will identify and agree with ATE alternative active travel schemes that are in line with ATF4 guidance. If no alternative is agreed, the full amount of ATF funding for that scheme, less a cost not exceeding 10 per cent for outline design, will be repayable or will be deducted from future ATE grant payments.

10. Compliance with the MOU

10.1. The Parties to this MOU are responsible for ensuring that they have the necessary systems and appropriate resources in place within their respective organisations to comply fully with the requirements of this MOU.

11. Changes to the MOU

11.1. The arrangements under this MOU will be kept under review. Amendments to this MOU may only be made upon written agreement between the Parties.

12. Resolution of Disputes

12.1. Any dispute that may arise as to the interpretation or application of this MOU will be settled by consultation between the Parties.

Annex F

13. Legal Enforcement

13.1. This MOU is not legally enforceable. It describes the understanding between both parties for the use of funding specified in Clause 3 of this agreement.