

**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**

1. That the grant of £1,010,000 from the Local Electric Vehicle Infrastructure (LEVI) Capital Fund, managed by the Energy Saving Trust (EST) on behalf of the Department for Transport, be accepted.
2. That the grant of £346,000 from the Local Electric Vehicle Infrastructure (LEVI) Capability Funding be accepted and applied in accordance with the grant conditions. The Council has already received £204,140 received in two instalments and is due to receive a further £141,860 later this year.

**2. Date of decision**

7 March 2024

**3. Reasons for decision**

To enable a programme of works to be delivered which will increase the number of electric vehicle (EV) charging points installed across the Borough, in line with the emerging Electric Vehicle Charging Strategy which is currently going through the Council's approval process.

**4. Alternatives considered and rejected**

All local authorities were encouraged to apply for the bid. There is no alternative source of funding available.

**5. How decision is to be funded**

Funded from the Government's LEVI capital and capability funds.

**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: 7 March 2024

Name of Decision Taker: Tom Wootton

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

Date decision published: .....7March2024.....

Date decision can be implemented if not called in: .....19March2024.....

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

**Bedford Borough Council – Report to the Mayor**

**Date of Decision: 7 March 2024**

**Report by: Chief Officer: Planning, Infrastructure and Economic Growth**

**Subject: Acceptance of Local Electric Vehicle Infrastructure (LEVI) funding**

**1. EXECUTIVE SUMMARY**

1.1 The purpose of this report is to seek Mayoral approval to accept funding from the Energy Saving Trust (EST) administering the LEVI fund on behalf of the Department for Transport (DfT). This fund includes both capability (revenue) and capital funding.

**2. RECOMMENDATIONS**

2.1 **To approve receipt of £1,010,000 of LEVI capital funding.**

2.2 **To approve receipt and application of £346,000 for LEVI capability funding. The Council has already received £204,140 received in two instalments and is due to receive a further £141,860 later this year.**

**3. REASONS FOR RECOMMENDATIONS**

3.1 To enable a programme of works to be delivered which will increase the number of electric vehicle (EV) charging points installed across the Borough. This will enable the Borough to support national policy to transition to greater use of EVs as part of efforts to reach the UK's net zero target. It will also be crucial to delivering the Electric Vehicle Charging Strategy which will form a supporting document to the emerging Local Transport Plan. The strategy is currently going through the Council's approval processes in order to be released for public consultation later this year.

#### **4. THE CURRENT POSITION**

The Council has facilitated the installation of 117 publicly available charging bays across the Borough, and with further charge-points on private land (supermarkets, employment areas, etc) there are 177 places to recharge an EV across the Borough.

The Council was notified in March 2023 that the Government would use EST to act as its agents in running this grant funding scheme, and the Council were made aware of the maximum amount of capital funding which would be made available to bid for. This was set at £1,010,000 and has been fully awarded after a successful application process which closed in November 2023. It should be noted that Bedford is one of the first authorities to receive notification of successful bidding, and EST has commented on the high quality of the submitted bid document.

In addition, officers bid for a total of £346,000 capability (revenue) funding to support the capital programme of works. This funding has been received in full and is held by the Council. Capability payments were made at the end of financial year 2022/2023 and during the summer of 2023/24. A Memorandum of Understanding (MoU) sets out the conditions for each element of the capability funding (attached as Annexes A and B).

The Council is now in a position to contract a new team to manage, deliver and monitor the installation of the new charging points, and to develop the EVS in preparation for future funding releases and investment. The new team, expected to consist of one project manager and two senior project officers will report to the Manager for Transport Policy and the Manager for Transport Operations who will be jointly overseeing delivery of the project.

#### **5. DETAILS**

- 5.1 The Government's preferred strategy for electric vehicle charging is for most people to charge at home overnight. This is set out in its Transport Decarbonisation Plan, Taking charge: the Electric Vehicle Infrastructure Strategy, and other supporting documents. In recognition that not everyone has access to convenient off-street parking, Local Authorities are asked to help all vehicle users to be able to switch to electric vehicles, and this will require a step change in the provision of EV charge-points.
- 5.2 The Council's capital bid to EST conforms to the LEVI objectives and will aim to ensure as many households as possible without off-road parking are within five minutes' walk of charging infrastructure. In the urban area, we will focus on non-traditional residential areas where allocated parking is not necessarily close to individual residential units, for example,
- Housing estate layouts where there is communal or non-allocated parking away from individual entrances
  - Apartment complexes / blocks flats (post war and modern)
  - Communal areas, such as that are centred on Local resident hubs (and within 5 minutes' walk of residence)

The Council will also make provision for areas of older houses, such as Victorian / Edwardian terraces, that are not already served by existing provision.

Other areas of focus will include:

- Villages, either at communal facilities such as Village Halls and sports amenities, in central areas adjacent to shops and facilities, and / or in residential areas where there is no off street parking

- 5.3 A requirement of the funding bid was that the Council had to have an Electric Vehicle Charging Strategy either in development or adopted. A draft strategy has been developed and will be presented to Executive in March 2024 and then move to a public consultation phase. The strategy reflects the LEVI objectives and also allows the Council to consider other EV infrastructure installations which may come forward through development and other funding streams.
- 5.4 Current thinking is that the strategy will be delivered in three-year time periods as this will enable the Council to keep up with changes associated with battery and storage technology, and also to take full advantage of how future funding is likely to be allocated. There is enough resource to fund a full team for two years, but there is no restriction on the length of time taken to install the full amount of charge-points. This will be something for the team to manage.
- 5.5 The Energy Saving Trust has set out expectations on procurement, contract management and monitoring and evaluation, and will continue to provide support until the new team is established later in the Spring.

## **6. ALTERNATIVES CONSIDERED AND REJECTED**

- 6.1 To not accept the funding. This is not recommended as there are no other sources of funding available to deliver additional charge-points on the scale of this programme.

## 7. KEY IMPLICATIONS

<b>7.1 Legal Issues</b>	The terms of under which this funding has been provided are set out in a Memorandums of Understanding between Bedford Borough Council and EST (Appendix A and B).
<b>7.2 Policy Issues</b>	The project contributes towards <ul style="list-style-type: none"> <li>• Local Plan 2030 Policy 89 “Electric Vehicle Infrastructure”</li> <li>• Local Plan 2040 Policy DS1(S) “Resources &amp; Climate change” (Minimising carbon emissions)</li> <li>• Corporate Plan 2022-26: Climate Change Emergency Cross-cutting theme (DP2 “Develop a more sustainable transport &amp; infrastructure network”)</li> <li>• The emerging council EV strategy</li> </ul>
<b>7.3 Resource Issues</b>	Other than officer time required to set up the new team, no additional Council funding is required. The capability funding is sufficient to provide equipment and materials for the project to be delivered.
<b>7.4 Risks</b>	There is a risk that if this funding is not accepted, the Council will not be able to deliver the number of chargepoints required for future levels of EV ownership, or that charge-points will not be located in places where they are most required. There is also a risk that the Council would find it difficult to bid for future rounds of funding if current funding is offered and not accepted.
<b>7.5 Environmental Implications</b>	In accepting the grant funding, and delivering the work, there is the potential to improve the uptake of electric vehicles. This will contribute to the “DP2 – Develop a more sustainable transport & infrastructure network” measure under the Climate Change Emergency cross - cutting theme in the Corporate Plan 2022-26.
<b>7.6 Equalities Impact</b>	There are not considered to be any equality and diversity implications in taking this decision to accept funding. The EV Charging Strategy has its own Equalities Impact Assessment.
<b>7.7 Impact on Families</b>	Acceptance of the grant is not expected to impact on families. Impact on families will be considered through the consultation on and delivery of the EVS
<b>7.8 Community Safety and Resilience</b>	Community safety and resilience was considered while applying for the grant funding in terms of the proposed location of charge-points, and the safety and accessibility for users. Installation of charge-points will take account of guidance on siting to avoid known areas of flooding. Acceptance of the grant itself does not impact on community safety of resilience.
<b>7.9 Impact on Health and Wellbeing</b>	Acceptance of the grant is not expected to impact on health and well being

## 8. SUMMARY OF CONSULTATIONS AND OUTCOME

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

Director for Environment  
Chief Officer Highways, Transport and Engineering  
Assistant Chief Executive (Finance) & CFO  
Head of Legal Services (interim)  
Energy & Water Technical Officer  
Cllr. Jim Weir, Environment Portfolio Holder

8.2 No adverse comments have been received.

## 9. WARD COUNCILLOR VIEWS

9.1 Not applicable

## 10. CONTACTS AND REFERENCES

Report Contact Officer	Melanie McGuinness Manager – Transport Policy, Infrastructure and Highways Development Control <a href="mailto:melanie.mcguinness@bedford.gov.uk">melanie.mcguinness@bedford.gov.uk</a>
File Reference	N/A
Previous Relevant Minutes	None
Background Papers	None
Appendices	<i>Appendix A – MOU Capability - 1<sup>st</sup> instalment</i> <i>Appendix B – MOU Capability – 2<sup>nd</sup> and 3<sup>rd</sup> instalments</i>

# MEMORANDUM OF UNDERSTANDING

*Between*

**Department for Transport**

*-and-*

**Bedford Borough Council**

## 1. Purpose

1.1. This Memorandum of Understanding ('MoU') sets out the terms, principles and practices that will apply to the working relationship between the Department for Transport ("the Department") and Bedford Borough Council ('the Authority') (collectively 'the Parties') regarding the administration and delivery of the Local Electric Vehicle Infrastructure (LEVI) Capability Fund.

## 2. Background

- 2.1. On 21 February 2023, the Department confirmed funding for the Authority as part of LEVI Capability Fund.
- 2.2. The Fund has been provided to support capacity and capability in local authorities to create local EV infrastructure strategies and for the planning and delivery of local EV infrastructure.
- 2.3. This MoU covers the funding commitments from the Department and the financial expenditure, agreed milestones and use of funding, monitoring and evaluation between the Parties.

## 3. Funding allocation

3.1. The Department agrees to provide funding up to £62,280 for FY22/23. The allocation is set out in the following table:

<b>Financial Year</b>	<b>Total (£m)</b>
22/23	£62,280
<b>Total</b>	<b>£62,280</b>

## 4. Objectives of the Grant

- 4.1. The LEVI Capability Fund has been provided to achieve the following objectives:
  - i. To increase the capacity and effectiveness of local authorities to produce and deliver on a chargepoint strategy for their areas.
  - ii. To ensure local authorities are equipped to access and deliver value for money for public capital funding, and maximise private sector funding - delivering business models and technologies that meet the changing needs of local residents.
  - iii. To help establish a lasting legacy of capacity and effectiveness within local authorities across England, to ensure local charging

needs are considered and met in the context of the 2030 phase out of petrol and diesel cars and vans, and wider net zero needs.

## 5. Use of Grant

- 5.1. The Fund is available to Tier 1 local authorities in England only.
- 5.2. Where applicable, county councils should work with their district and boroughs for a coordinated approach to EV infrastructure, and this has been reflected in the amount awarded.
- 5.3. It is recommended that authorities seek opportunities for regional collaboration with other local authorities and bodies such as Sub-national Transport Bodies.
- 5.4. The Authority should use the funding allocated for the purposes outlined in the proposal once agreed by the Department.
- 5.5. Authorities should utilise the funding for the following purposes:
  - i. Salary and overheads of staff working to support the planning and delivery of local EV charging.
    - a. This could include a specific dedicated full-time role(s) or where the resource is spread across the duties of different roles.
    - b. The recruitment of roles to ensure additional staff are available to undertake preparatory work.
    - c. The training of new and existing staff could be funded to boost their capabilities on EV infrastructure planning and delivery.
    - d. The Department will provide job specification templates to aid local authorities in recruiting for the right skills and will provide training to local authorities to help upskill successful candidates who require specialist knowledge.
    - e. The LEVI Support Body (a consortium of the Energy Saving Trust, CENEX and PA Consulting) will provide training and workshops for local authorities to support the required skillsets.
  - ii. Project planning for strategy and delivery workstreams
    - a. To support development of an EV infrastructure strategy.
  - iii. Internal and external engagement and coordination
    - a. This could include stakeholder engagement and public consultation activities. To develop best practice, we recommend engagement with neighbouring and adjacent local authorities.
  - iv. Funding external consultants for discrete pieces of work
    - a. The Department encourages the use of the Fund to support the Authority to develop their longer-term in-house capabilities. Use of consultants may only be funded in exceptional circumstances, and will be considered on a case-by-case basis.
    - b. The expectation is that in these instances is that the Authority already has sufficient internal resource, and can justify how the use of an external consultant would result in a step change in chargepoint rollout.
    - c. If the Authority requires the work of consultants, we would expect some element of knowledge transfer as part of the consultancy process.

- v. Commissioning other work to build the evidence base for priority locations for EV infrastructure deployment
  - a. In cases where the Authority is satisfied with their internal resource, they can provide evidence that the funding should be used on wider capability to support EV infrastructure in their area. This should be indicated on the proposal and approved by the Department prior to any activity commencing.
- 5.6. It is recommended that the Authority delivers on the activities which they have outlined in their returned proposals and in the agreed timescales.
- 5.7. Authorities are responsible for managing their own carbon footprint and should be mindful of their carbon impact as a result of following EV strategies and resource being used to install EV infrastructure projects. Guidance is available from the Energy Saving Trust and the Carbon Trust.

## **6. Outcomes from Grant**

- 6.1. We anticipate the following activities to be enabled through the Grant:
  - i. Producing a chargepoint strategy, and chargepoint delivery plan
  - ii. Reporting on chargepoint delivery, and demonstrating an appropriate increase
  - iii. Engaging with the LEVI capital scheme
  - iv. Establishing internal and external governance networks (e.g. with internal teams, but also across other LAs, communities, businesses and DNOs)
  - v. Engaging with the chargepoint market, and maximising private sector funding
  - vi. Putting in place a monitoring/reporting framework to be shared with OZEV.

## **7. Financial Arrangements**

- 7.1. The agreed funds will be issued to the Authority as non-ringfenced grant payments under Section 31 of the Local Government Act 2003, for resource expenditure.
- 7.2. The Authority accepts responsibility for meeting any costs over and above the Department's contribution set out in Clause 3.1, including potential cost overruns and the underwriting of any funding contributions expected from third parties.

## **8. Monitoring and Evaluation**

- 8.1. The Department will provide the Authority with Monitoring and Evaluation Guidance.
- 8.2. The Authority will provide reports to the Department, in such a format that the Department will provide, demonstrating that outputs and outcomes are being met, in line with the approved proposal. This may include sharing of the following information:
  - i. Current funding that has been spent
  - ii. Planned expenditures
  - iii. Updates on key project milestones and risks
  - iv. Stakeholder engagement

- 8.3. The Department may contact the Authority to collect information to support the Department's understanding on the effective use of the grant. This will be evaluated by the Department and reported back to Ministers to inform the allocation of any future capability funding.
- 8.4. The Department will provide workshops and webinars to support local authorities in ensuring there is confidence in what monitoring and evaluation is required.
- 8.5. The Department reserves the right to publish relevant data and use it to inform public statements.

## **9. Adherence to national guidance**

- 9.1. The Authority is expected to follow relevant national guidance in the course of scheme development and implementation.
- 9.2. This also includes the Government's Infrastructure Strategy (published in March 2022) which provides the vision, roles and responsibilities for different types of local authorities.

## **10. Changes to approved project/programme**

- 10.1. The Authority should comply with the terms of the proposal as approved in accordance with this MoU.
- 10.2. If the Authority recognises that there may be a deviation from these terms then the Department should be alerted, in addition to the outputs and outcomes illustrated in the monitoring and evaluation.

## **11. Compliance**

- 11.1. The Authority will have the responsibility to comply with all applicable procurement laws when procuring goods and services in connection with the Project and the Department shall not be liable for the Authority's failure to comply with its obligations under any applicable procurement laws.
- 11.2. The Authority should ensure that its use of the funding complies with State Aid laws, the UK's international obligations in relation to subsidy control and any UK subsidy control legislation.
- 11.3. The Authority should maintain appropriate records of compliance with the relevant subsidy control regime and will take all reasonable steps to assist the Department to comply with the same and respond to any proceedings or investigation(s) into the use of the funding by any relevant court or tribunal of relevant jurisdiction or regulatory body.
- 11.4. The Authority acknowledges and represents that the funding is being awarded on the basis that the use of the grant will not affect trade in goods and electricity between Northern Ireland and the European Union and shall ensure that the funding is not used in way that affects any such trade.
- 11.5. The Secretary of State may require repayment of any of the grant already paid, together with interest from the date of payment, if the Secretary of State is required to do so as a result of a decision of a court, tribunal or independent body or authority of competent jurisdiction.
- 11.6. The Authority should ensure they comply with the 2010 Equality Act and the Public Sector Equality Duty. This includes considering impacts of the

project on protected characteristic groups during the scheme design process and in the monitoring and evaluation stage.

## 12. Compliance with the MoU

12.1. 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.

## 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.

### Signed on Behalf of the Authority:



Jon Shortland, Chief Officer – Planning, Infrastructure & Economic Growth,  
Bedford Borough Council

### Signed on Behalf of the Department (Deputy Director)



Nick Shaw, Deputy Director and Joint Head, Office for Zero Emission Vehicles

# MEMORANDUM OF UNDERSTANDING

*Between*

**Department for Transport**

*-and-*

**Bedford Borough Council**

## 1. Purpose

1.1. This Memorandum of Understanding ('MoU') sets out the terms, principles and practices that will apply to the working relationship between the Department for Transport ("the Department") and **Bedford Borough Council** ('the Authority') (collectively 'the Parties') regarding the administration and delivery of the Local Electric Vehicle Infrastructure (LEVI) Capability Fund.

## 2. Background

- 2.1. On 30 March 2023, the Department confirmed funding for the Authority as part of LEVI Capability Fund.
- 2.2. The Fund has been provided to support capacity and capability in local authorities to create local EV infrastructure strategies and for the planning and delivery of local EV infrastructure.
- 2.3. This MoU covers the funding commitments from the Department and the financial expenditure, agreed milestones and use of funding, and monitoring and evaluation between the Parties.
- 2.4. The Authority entered into an MoU with the Department for FY22/23 funding. This subsequent MoU is for the FY23/24 and FY24/25 funding.

## 3. Funding allocation

3.1. The Department agrees to provide funding up to £283,720 across FY23/24 and FY24/25. The allocation for each year is set out in the following table:

<b>Financial Year</b>	<b>Total</b>
23/24	£141,860
24/25	£141,860
<b>Total</b>	<b>£283,720</b>

## 4. Objectives of the Grant

- 4.1. The LEVI Capability Fund has been provided to achieve the following objectives:
  - i. To increase the capacity and effectiveness of local authorities to produce and deliver on a chargepoint strategy for their areas.
  - ii. To ensure local authorities are equipped to access and deliver value for money for public capital funding, and maximise private sector

funding - delivering business models and technologies that meet the changing needs of local residents.

- iii. To help establish a lasting legacy of capacity and effectiveness within local authorities across England, to ensure local charging needs are considered and met in the context of the 2030 phase out of petrol and diesel cars and vans, and wider net-zero needs.

## 5. Use of Grant

- 5.1. The Fund is available to Tier 1 local authorities in England only.
- 5.2. Where applicable, county councils should work with their district and boroughs for a coordinated approach to EV infrastructure, and this has been reflected in the amount awarded.
- 5.3. It is recommended that authorities seek opportunities for regional collaboration with other local authorities and bodies such as Sub-national Transport Bodies.
- 5.4. The Fund is being issued in three annual instalments for FY22/23 to FY24/25. The allocation amounts for eligible Authorities are published on gov.uk.
- 5.5. The Authority should use the funding allocated for the purposes outlined in the proposal approved by the Department.
- 5.6. The Department recognises that the Authority may have adapted their proposal submitted for FY22/23 to reflect the future years of funding. However, the Authority should be aware that this MoU covers the period of FY23/24 and FY24/25.
- 5.7. Authorities should utilise the funding for the following purposes:
  - i. Salary and overheads of staff working to support the planning and delivery of local EV charging.
    - a. This could include a specific dedicated full-time role(s) or where the resource is spread across the duties of different roles.
    - b. The recruitment of roles to ensure additional staff are available to undertake preparatory work.
    - c. The training of new and existing staff could be funded to boost their capabilities on EV infrastructure planning and delivery.
    - d. The Department will provide job specification templates to aid local authorities in recruiting for the right skills and will provide training to local authorities to help upskill successful candidates who require specialist knowledge.
    - e. The LEVI Support Body (a consortium of the Energy Saving Trust, CENEX and PA Consulting) will provide training and workshops for local authorities to support the required skillsets.
  - ii. Project planning for strategy and delivery workstreams
    - a. To support development of an EV infrastructure strategy.
  - iii. Internal and external engagement and coordination
    - a. This could include stakeholder engagement and public consultation activities. To develop best practice, we recommend engagement with neighbouring and adjacent local authorities.
  - iv. Funding external consultants for discrete pieces of work

- a. The Department encourages the use of the Fund to support the Authority to develop their longer-term in-house capabilities. Use of consultants may only be funded in exceptional circumstances, and will be considered on a case-by-case basis.
  - b. The expectation is that in these instances the Authority already has sufficient internal resource, and can justify how the use of an external consultant would result in a step change in chargepoint rollout.
  - c. If the Authority requires the work of consultants we would expect some element of knowledge transfer as part of the consultancy process.
  - v. Commissioning other work to build the evidence base for priority locations for EV infrastructure deployment
    - a. In cases where the Authority is satisfied with their internal resource, they can provide evidence that the funding should be used on wider capability to support EV infrastructure in their area. This should be indicated on the proposal and approved by the Department prior to any activity commencing.
- 5.8. The Authority is expected to deliver on the activities which it has outlined in its returned proposals and in the agreed timescales.
- 5.9. Authorities are responsible for managing their own carbon footprint and should be mindful of their carbon impact as a result of following EV strategies and resource being used to install EV infrastructure projects. Guidance is available from the Energy Saving Trust and the Carbon Trust.

## 6. Outcomes from Grant

- 6.1. We anticipate the following activities to be enabled through the Grant:
- i. Producing a chargepoint strategy, and chargepoint delivery plan
  - ii. Reporting on chargepoint delivery, and demonstrating an appropriate increase
  - iii. Engaging with the LEVI capital scheme
  - iv. Establishing internal and external governance networks (e.g. with internal teams, but also across other LAs, communities, businesses and DNOs)
  - v. Engaging with the chargepoint market, and maximising private sector funding
  - vi. Putting in place a monitoring/reporting framework to be shared with OZEV.

## 7. Financial Arrangements

- 7.1. The agreed funds will be issued to the Authority as non-ringfenced grant payments under Section 31 of the Local Government Act 2003, for resource expenditure.
- 7.2. The Authority accepts responsibility for meeting any costs over and above the Department's contribution set out in Clause 3.1, including potential cost overruns and the underwriting of any funding contributions expected from third parties.

- 7.3. The Authority will be asked to provide the Department with a full breakdown of how the funding was used or has otherwise been allocated for future use.
- 7.4. Following the payment made in FY22/23, an annual payment will be made in FY23/24 following a refreshed proposal for FY23/24 and FY24/25.
- 7.5. FY24/25 grant payments will be made in summer 2024. The Department may withhold this payment should satisfactory progress not be made against objectives and planned utilisation of resource, as agreed through the proposal submitted in May 2023.
- 7.6. The Department recognises that deviation from agreed plans may occur, but requests that the Authority notifies and agrees changes with the Department ahead of time to ensure FY24/25 payments can occur promptly. Deviating from the agreed plans without notifying the Department could mean FY24/25 grant payments are withheld.

## **8. Monitoring and Evaluation**

- 8.1. The Department will provide the Authority with Monitoring and Evaluation Guidance.
- 8.2. The Authority will provide reports to the Department, in such a format that the Department will provide, demonstrating that outputs and outcomes are being met, in line with the approved proposal. This will be asked for annually in advance of the next tranche of funding for the following financial year. This may include sharing of the following information:
  - i. Current funding that has been spent
  - ii. Planned expenditures
  - iii. Updates on key project milestones and risks
  - iv. Stakeholder engagement
- 8.3. The Department may contact the Authority to collect information to support the Department's understanding on the effective use of the grant. This will be evaluated by the Department and reported back to Ministers to inform the allocation of any future capability funding.
- 8.4. The Department will ask for quarterly reporting and will provide an evaluation template for the Authority to monitor their progress against.
- 8.5. The Department will also ask for a more detailed annual evaluation to monitor progress ahead of the Authority receiving their next allocation of funding.
- 8.6. The Department will provide support to the Authority to ensure there is confidence in what monitoring and evaluation is required.
- 8.7. The Department reserves the right to publish relevant data and use it to inform public statements.

## **9. Adherence to national guidance**

- 9.1. The Authority is expected to follow relevant national guidance in the course of scheme development and implementation.
- 9.2. This also includes the Government's Infrastructure Strategy (published in March 2022) which provides the vision, roles and responsibilities for different types of local authorities.

**10. Changes to approved project/programme**

- 10.1. The Authority should comply with the terms of the proposal as approved in accordance with this MoU.
- 10.2. The Department is aware that the Authority may want to change their proposal that was submitted for FY22/23. Changes should have been conveyed through the new proposal form for FY23/24 and FY24/25 which was submitted by 26 May 2023.
- 10.3. Following the Department's approval of the proposal, if the Authority recognises that there may be a deviation from these terms then the Department should be alerted, in addition to the outputs and outcomes illustrated in the monitoring and evaluation.

**11. Compliance**

- 11.1. The Authority will have the responsibility to comply with all applicable procurement laws when procuring goods and services in connection with the Project and the Department shall not be liable for the Authority's failure to comply with its obligations under any applicable procurement laws.
- 11.2. The Authority will ensure that its use of the funding complies with the UK's international obligations in relation to subsidy control and compliance with requirements under the Subsidy Control Act 2022.
- 11.3. The Authority should maintain appropriate records of compliance with the relevant subsidy control regime and will take all reasonable steps to assist the Department to comply with the same and respond to any proceedings or investigation(s) into the use of the funding by any relevant court or tribunal of relevant jurisdiction or regulatory body.
- 11.4. The Secretary of State may require repayment of any of the grant already paid, together with interest from the date of payment, if the Secretary of State is required to do so as a result of a decision of a court, tribunal or independent body or authority of competent jurisdiction.
- 11.5. The Authority should ensure they comply with the Public Sector Equality Duty under the 2010 Equality Act. This includes considering impacts of the project on protected characteristic groups during the scheme design process and in the monitoring and evaluation stage.

**12. Compliance with the MoU**

- 12.1. 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.

**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.

**Signed on Behalf of the Authority:**



Name: Jon Shortland

**Signed on Behalf of the Department (Deputy Director)**

Name: Nick Shaw

A handwritten signature in blue ink, appearing to read "N. Shaw". The signature is written in a cursive style with a large initial "N" and a stylized "S" that loops back.