
Summary of decisions taken at a meeting of the SELEP Accountability Board, held in Dove Suite, Mercure Dartford Brands Hatch Hotel & Spa, Longfield, DA3 8PE on Friday, 23 September 2022

Published on Friday 23rd September 2022. Provided a decision has not been called in by close of business on Wednesday 28th September 2022 it can then be implemented.

Please note that this is a summary of decisions taken at the meeting only. A full account of proceedings will appear in the minutes of the meeting which will be published on the Council's website by Tuesday 11th October 2022.

Enquiries to Lisa Siggins, 033301 34594, lisa.siggins@essex.gov.uk

Present:

Sarah Dance	Chair
Cllr Lesley Wagland	Essex County Council
Cllr Roger Gough	Kent County Council
Cllr Alan Jarrett	Medway Council
Cllr Keith Glazier	East Sussex County Council
Cllr Stephen George	Southend-on-Sea City Council
Cllr Mark Coxshall	Thurrock Council
Rosemary Nunn (virtual attendance)	Higher Education representative
Simon Cook	Further Education/Skills representative

1 Welcome and Apologies for Absence

- Cllr Rodney Chambers substituted by Cllr Alan Jarrett
- Cllr Kevin Bentley substituted by Cllr Lesley Wagland

2 Minutes 15.07.22

The minutes of the meeting held on Friday 15th July 2022 were agreed as an accurate record.

3 Declarations of Interest

None

4 Questions from the public

The questions and responses were read to the Board by Adam Bryan, Chief Executive Officer SELEP.

Question 1 – Bernard Brown

On the North Bexhill Access Road project it is acknowledged that the work required to meet the Planning Conditions has not yet been undertaken. Additional funding was provided for this work by SELEP. As the work has not been completed who holds the money? Is it East Sussex County Council or has the money been paid to Sea Change Sussex? What legally binding assurances does SELEP have that these funds are securely held and are ring fenced solely for the purposes for which they were released by Essex County Council to East Sussex County Council? Will SELEP publish such documentation with the minutes of this meeting?

Response:

The Local Growth Fund funding awarded to the North Bexhill Access Road project has been spent in full supporting delivery of the new road.

The Service Level Agreement in place between Essex County Council (as Accountable Body for SELEP), South East LEP Limited and each Upper Tier Local Authority within the SELEP area is a legal document and includes the following obligations:

- The Council (i.e. East Sussex County Council) accepts responsibility for ensuring delivery of the Project and the outputs and outcomes agreed in the respective Business Cases.
- The Project Allocation (i.e. LGF funding award) is a capped contribution per Project. The Council is responsible for all additional costs, for example overspends, arising from the implementation of the Project.

The standard terms of the Service Level Agreement can be found in the Appendices Pack for the [2 October 2020 SELEP Strategic Board](#) meeting

Question 2 – Steve Turner

SELEP and East Sussex County Council keep reporting that the original 2015 business case for the Queensway Gateway Road was £15m.

But they also keep neglecting to report that Sea Change Sussex officially stated to SELEP, the Independent Technical Evaluator and the Public in November 2015 that they could deliver the Queensway Gateway Road for £6m.

Sea Change and East Sussex CC stated outright in public grant documents this was possible due to [alternative engineering options](#), a redesign and large quantities of earth being available from other projects – [page 31](#).

As a result, SELEP declared to Central Government and the Public that the £9m reduction in the Queensway Gateway Road project funding was a SAVING and not slippage – [page 40](#), pages [63 & 69](#).

As a direct result of this stated claim about the Queensway Gateway Road SAVING, Sea Change also received an ADDITIONAL £9 million public money for their proposed North Bexhill Access Road project.

But by February 2018, Sea Change came back to SELEP stating the Queensway Gateway Road would now cost ANOTHER £6m to complete. I.E., a 100% increase in budget.

Sea Change stated they would contribute £2m of their own funds to complete the project if SELEP provided another £4m of public money, by taking funding away from other projects in East Sussex.

This was approved by SELEP.

And 4.5 years later, it is now reported that the £10m public money is all spent by Sea Change, the Queensway Gateway Road is still NOT complete with no clear completion timeframe, and SELEP has serious concerns that Sea Change is reporting that its £2m contribution to the project is 'temporary'.

Why is SELEP reporting only partial information to the Accountability Board and Public that conceals the true history of the Queensway Gateway Road funding?

And why is SELEP not transparently holding Sea Change and East Sussex CC to account for the possibly dishonest false statements they made in public grant documents that has led to this turn of events?

Response:

Every decision with regard to the Queensway Gateway Road Local Growth Fund funding allocation has been taken during a public meeting. An agenda pack is prepared and published for each SELEP Strategic Board and Accountability Board meeting and these packs are available to the public on the SELEP website, as are the minutes of the meetings.

The Accountability Board provides the accountability structure for decision-making and approval of funding within the overarching vision of the SELEP Strategic Board. As the Queensway Gateway Road project is flagged as being High Risk, there is a requirement for East Sussex County Council to provide an update on delivery of the project at each Accountability Board meeting.

Question 3 – Mark Jones

On [25 June 2014](#), [06 August 2014](#) and [04 September 2014](#) the East Sussex County Council 'Lead Member for Strategic Management and Economic Development' (Councillor Keith Glazier) approved unsecured, 'at risk' loans from East Sussex Council monies to SeaChange Sussex for £4 million, £2.6 million and £4.6 million respectively, in order for the regeneration company to complete its SELEP Growing Places Fund Projects.

The SELEP GPF Projects were in jeopardy as SeaChange Sussex did not have the ability to pay its third-party building contract liabilities.

In [paragraph 2.6](#) on 06 August 2014, East Sussex County Council reported that SeaChange Sussex itself had stated that it was not a 'going concern' without public front-funding, in advance of expenditure.

Despite this identified risk as to the financial viability of SeaChange Sussex as a government grant recipient, concurrently and thereafter the company was promoted by East Sussex County Council for six (6) more SELEP awards equating to more than £43.9 million in public LGF grant funding.

At no time when attending SELEP Boards has Councillor Glazier declared these 'at risk' East Sussex County Council loans made to SeaChange Sussex as a potential Conflict of Interest with East Sussex County Council discharging its devolved duties of SELEP Audit and Assurance, to ensure the full compliance of SeaChange Sussex with all SELEP public funding conditions and regulations.

East Sussex declarations of compliance were accepted by SELEP on trust and good faith without audit, in order for SELEP to approve the release of government monies to East Sussex County Council, thereby enabling East Sussex County Council to recoup the value of these 'at risk' loans.

Nor has Councillor Glazier recused himself from any SELEP funding decisions relating to SeaChange Sussex at any time, despite East Sussex County Council (as a major creditor to SeaChange Sussex) having a vested interest in future SELEP financial awards to the company, to ensure its ongoing solvency.

East Sussex County Council has now confirmed that it has not performed the prescribed local audits of SeaChange Sussex required under the SELEP Framework Agreement.

Instead, without the approval of SELEP, East Sussex County Council has substituted its own 'alternative monitoring arrangements' of SeaChange Sussex. These arrangements have not been assessed or approved by the SELEP Accountable Body Section 151 Officer as sufficient to meet CIPFA Principles or public financial rules.

The SELEP Accountability Board has received an Agenda Pack that sets out collectively, that under these 'alternative monitoring arrangements':

1. The Queensway Gateway Road Project is 6-years late. The full £10 million LGF public grant allocation has been spent.

This includes c.£1 million additional LGF public grant allocation approved by SELEP in February 2018 to facilitate the relocation of the car showroom, required to create the roundabout connection with the A21.

The SeaChange Sussex proposed alternative Signalised solution negates the need for the car showroom to relocate, but there is no accompanying proposal for SeaChange Sussex to return this proportion of the LGF public grant funding to SELEP.

2. The North Bexhill Access Road Project was declared as complete in April 2019, but only as a result of public challenge is now conceded as not complete.

The full £18.6 million LGF public grant allocation has been spent.

This includes an additional £2 million LGF public grant allocation approved by SELEP in February 2018 for extensive landscape planting works to ensure ecology and biodiversity protections.

The extensive landscape planting works have not been delivered. Natural England are investigating potential breaches to protected species licences.

3. The East Sussex Strategic Growth Project was reported as complete in March 2021, but only as a result of public challenge is now conceded as not complete.

The full £8.2 million LGF public grant allocation has been spent

4. The Bexhill Enterprise Park North Project has been reported as complete in July 2022.

The full £1.94 million LGF public grant allocation has been spent.

The approved Business Case requires a substantial SeaChange Sussex Developer Contribution to deliver the evaluated Value for Money benefits and outcomes.

There are no current completion forecasts for any of these projects from SeaChange Sussex.

There is SELEP Accountable Body urgent concern about the availability of the SeaChange Sussex £2 million Developer Contribution or any additional funding required to complete the Queensway Gateway Road Project.

This serious concern must therefore be extended to the completion of the other three (3) incomplete but fully spent SELEP LGF Projects.

For its GPF Projects, SeaChange Sussex and East Sussex County Council also misrepresented to SELEP the 'potential number of workers' that could be accommodated by new office space as actual new jobs created.

IN THE PUBLIC INTEREST, considering the undeclared Conflicts of Interest and obvious failings of devolved due diligence, local audit and assurance duties within East Sussex, will the SELEP Accountability Board now invoke the provisions of the SELEP Framework Agreement and instruct an independent external audit of ALL SeaChange Sussex Projects?

Response:

A Deep Dive focussed on a number of the Sea Change Sussex Local Growth Fund projects is currently being undertaken by the Department for Levelling Up, Housing and Communities. In addition, SELEP intend to undertake an audit of projects which have received funding through the SELEP Capital Programme. This audit will extend across all SELEP capital funding streams and will involve all local partner authorities.

If the Deep Dive and/or the audit identify any areas of concern, the SELEP Accountability Board will be asked to agree the actions that should be taken to address the points raised.

Question 4 – East Sussex Energy Infrastructure and Development Limited (trading as Sea Change Sussex)

1. In regard to the Queensway Gateway Road - could the SELEP Accountability Board please advise where the funding of £5 million for a £15 million scheme has gone and why the scheme was not funded through to completion.
2. In regard to the Queensway Gateway Road – could the SELEP Accountability Board please advise what procedure is in place to correct material inaccuracies of reporting to SELEP on unsupported advice that the Queensway Gateway Road scheme had an “alternative design” and “new building costs” when no such new design and no such new costs existed within the knowledge freely shared by the scheme promoter, Sea Change Sussex with the federated body.
3. With regard to the Queensway Gateway Road - could the SELEP Accountability Board please advise what procedures are in place to ensure factually correct representations are made on behalf of Sea Change Sussex, the scheme promotor and that the scheme promotor is made fully aware of the Project Change Request (PCR) system and its implications for the Queensway Gateway Road project for which Sea Change Sussex is the scheme promotor.
4. In regard to the Queensway Gateway Road, can SELEP please advise why opportunities were missed to restore the £5 million balance of the £15 million funding to allow the scheme to be completed, when such funds remained available.

Response:

Question 1:

In March 2015, the SELEP Strategic Board agreed the award of £15m of Local Growth Fund funding to the Queensway Gateway Road project. Subsequently in November 2015, following an update from East Sussex County Council, the Accountability Board were advised that the Queensway Gateway Road project could be delivered for £6m, rather than £15m. The initial reallocation and re-profiling of funding was addressed at the Team East Sussex meeting held on 2 November 2015 and was then considered at the East Sussex County Council

Lead Member meeting held on 3 November 2015, where the changes were agreed subject to approval from the SELEP Accountability Board. As a result, the Accountability Board papers for the meeting on 12 February 2016 made reference to the updated funding allocation of £6m for the Queensway Gateway Road project across the 2015/16 and 2016/17 financial years. As a consequence, £9m was removed from the Queensway Gateway Road project and reallocated to support the delivery of the North Bexhill Access Road project. This increased the Local Growth Fund allocation awarded to the North Bexhill Access Road project from £7.6m to £16.6m.

In February 2018, following receipt of a Project Change Request from East Sussex County Council, the Accountability Board agreed the reallocation of £4m of Local Growth Fund funding from the A22/A27 Junction Improvements project (£1m) and the Hastings and Bexhill Movement and Access Package (£3m) to the Queensway Gateway Road project, bringing the total Local Growth Fund allocation to £10m.

Combined Question 2 and 3 response:

There is a Service Level Agreement in place between Essex County Council (as Accountable Body for SELEP), South East LEP Limited and each Upper Tier Local Authority within the SELEP area. This agreement sets out the obligations of the Council, i.e. East Sussex County Council, with regard to the Reporting and Monitoring and Evaluation requirements for all projects and the management of Changes to Projects in the Local Growth Fund programme. The process for managing changes to projects is further explained in the SELEP Assurance Framework.

The Assurance Framework indicates that the project change should be agreed by the local delivery partners processes prior to submission to SELEP. This includes a review of the change request by finance officers and a Senior Responsible Officer within the Partner Authority (i.e. East Sussex County Council).

The Service Level Agreement places a responsibility on the Council to provide regular reports to the Accountable Body and SELEP Secretariat in the timescales and format specified by the SELEP Secretariat to enable quarterly reporting to the Accountability Board and Government. The Service Level Agreement requires that a back-to-back agreement is put in place between the Council and any third party delivery organisations. This back-to-back agreement must set out the relevant rights and obligations imposed on the Council under the Service Level Agreement.

Under the terms of the Service Level Agreement, East Sussex County Council is responsible for delivery of the Local Growth Fund projects in East Sussex and is required to comply with the terms of the agreement and the SELEP Assurance Framework.

There is an expectation that the contents of the reporting, including update reports for the Accountability Board, and any Project Change Requests

submitted by the Council will have been considered by any third party delivery organisations prior to submission to SELEP.

Question 4:

Open calls for projects seeking Local Growth Fund funding were issued in 2016 and 2018. In both cases, the first stage of the process was undertaken by the four SELEP Federated Boards, including Team East Sussex, and involved local prioritisation of the funding applications received. Applications prioritised by Federated Boards progressed through the process and were ultimately considered by the SELEP Investment Panel or Strategic Board.

It is noted that an Expression of Interest in relation to the Queensway Gateway Road project was submitted in 2018, seeking further Local Growth Fund investment of £3m. This £3m was in part to replace the £2m Sea Change Sussex commitment to the overall £12m project budget, with an additional £1m to provide contingency to deliver the project for a total cost of £13m. The Expression of Interest was considered alongside all other applications for funding to support projects in East Sussex but was not prioritised sufficiently highly by the Team East Sussex Board to progress to the SELEP managed stage of the process.

5 Getting Building Fund programme update

The Accountability Board (the Board) received a report from Helen Dyer, SELEP Capital Programme Manager, the purpose of which was for the Board consider the overall position of the Getting Building Fund (GBF) capital programme. The report included an update on those projects which have received approval for retention of GBF funding beyond March 2022 and provided an update on GBF spend to date, including confirmation of the 2021/22 year end position.

Resolved:

1. **To Note** the total spend on project delivery in 2021/22 of £50.666m GBF, as set out in Table 1 of the report.
2. **To Note** the current reported spend across the GBF programme for the 2022/23 financial year of £20.784m, as set out in Table 2 of the report.
3. **To Agree** the removal of the Laindon Place project from the GBF programme. The £790,000 GBF issued to Essex County Council should be returned to the Accountable Body for SELEP, within 4 weeks of this Board meeting for reallocation to alternative projects.
4. **To Note** that sufficient assurance has been provided by Southend-on-Sea City Council that the Better Queensway project will proceed as planned following the Regulator for Social Housing's decision to downgrade Swan Housing's viability and governance grades and Swan's proposed partnership with Orbit. Should the project not proceed as planned and in accordance with the approved Business Case, the GBF funding will need to be repaid by Southend-on-Sea

City Council in accordance with the terms of the Service Level Agreement (SLA) in place between SELEP Ltd, Essex County Council (as Accountable Body for SELEP) and Southend-on-Sea City Council.

5. **To Note** the deliverability and risk assessment, as set out in Appendix C of the report.

6 **GBF – Retention of funding beyond September 2022**

The Board received a report from Helen Dyer, the purpose of which was for the Board to consider whether the eight projects outlined in the report could retain their Getting Building Fund (GBF) funding allocations beyond September 2022. Seven of the projects have previously been granted extensions to GBF spend beyond March 2022 to the end of September 2022. A request to retain GBF funding beyond March 2022 against the final project (Food Street) had not previously been considered by the Board.

Resolved:

In respect of: UTC Maritime and Sustainable Technology Hub, Tendring Bikes and Cycle Infrastructure, Swan Modular Housing Factory, Jaywick Market and Commercial Space, Romney Marsh Employment Hub, Better Queensway and No Use Empty South Essex

1. **To Agree** that the project meets the requirements previously agreed by the Board for all projects retaining their respective GBF funding allocations beyond 31 March 2022; and

2. **To Agree** that the GBF funding allocation can be retained against the project for a further maximum period of 6 months (to 31 March 2023), subject to Strategic Board endorsement in October 2022.

In relation to the Food Street project:

1. **To Agree** that the project meets the requirements previously agreed by the Board for all projects retaining their respective GBF funding allocations beyond 31 March 2022; and

2. **To Agree** that the GBF funding allocation can be retained against the project for a maximum period of 12 months (to 31 March 2023) subject to Strategic Board endorsement in October 2022.

7 **Local Growth Fund programme update**

The Board received a report from Helen Dyer, the purpose of which was for the Board to consider the overall position of the Local Growth Fund (LGF) capital programme, as part of SELEP's Growth Deal with Government.

Resolved:

1. **To Note** the total spend on project delivery in 2021/22 of £42.35m LGF excluding Department for Transport (DfT) retained schemes and

£45.24m including DfT retained schemes, as set out in Table 1 of the report.

2. **To Agree** the updated total planned LGF spend on project delivery in 2022/23 of £24.368m excluding DfT retained schemes and increasing to £24.692m including DfT retained schemes, as set out in Table 3 and Appendix A of the report.
3. **To Agree** the reported LGF spend on project delivery in Q1 2022/23 of £4.767m, as set out in Table 2 and Appendix A of the report.
4. **To Note** the deliverability and risk assessment, as set out in Appendix D of the report.
5. **To Agree** the spend of LGF beyond 30 September 2021 and the revised completion date for the i3 Innovation Investment Loan Scheme (formerly referred to as Kent and Medway Growth Hub) project as set out in Section 7 of the report, subject to Strategic Board endorsement in October 2022.

8 London Gateway/Stanford-le-Hope LGF project update

The Board received a report from Howard Davies, SELEP Capital Programme Officer, the purpose of which was for the Board to receive an update on the delivery of the London Gateway/Stanford le Hope Local Growth Fund (LGF) project (the Project), which has been identified as High risk.

The report also provided an update on the revised Business Case submitted in relation to the Project and sets out the outcome of the Independent Technical Evaluator (ITE) review.

Resolved:

1. **To Agree** that, despite the submitted Business Case not providing the required assurances on deliverability and value for money, the £7.5m LGF funding can be retained against the Project, in accordance with Section V3.4 of the SELEP Assurance Framework, to:

- 1.1. To allow time for further work to be undertaken on the Business Case and to allow for a further review to be completed by the Independent Technical Evaluator.;
- 1.2. Allow time for Thurrock Council to address and mitigate the risks to delivery of the Project outlined in this report; and
- 1.3. Allow time for Thurrock Council to develop their plans for Phase 2 of the Project enabling them to confirm that a full funding package is in place to deliver the full scope of the Project as set out in the Business Case

Noting that if these points are not adequately addressed in advance of the first Board meeting of 2023/24, the LGF funding will be removed from the Project and will need to be returned to Essex County Council (as Accountable Body for SELEP) within 4 weeks by Thurrock Council for reallocation to alternative projects.

2. **To Agree** that retention of the LGF funding against the Project is subject to Thurrock Council paying for all further work completed by the Independent Technical Evaluator in relation to the review of the Project and its' Business Case.

3. **To Note** the update on delivery of the Project as detailed in this report.

4. **To Note** that the required extension to the completion date for the Project will be brought forward for Board consideration once the programme for delivery of Phase 2 of the Project has been developed.

9 **Queensway Gateway Road LGF project update**

The Board received a report from Richard Dawson, Head of Service - Economic Development, Skills and Infrastructure, East Sussex County Council and Helen Dyer, the purpose of which was the Board to receive a further progress update on the delivery of the Queensway Gateway Road Local Growth Fund (LGF) project (the Project), which has been identified as High risk.

Resolved:

1. **To Note** the latest update position on the delivery of the Project;
2. **To Note** the identified risk in relation to the total project budget;
3. **To Agree** that the Board will be provided with a further update on the Project, which updates the project delivery plan and associated milestones and provides greater clarity on the total project budget, at its meeting on 25 November 2022.

10 **LGF High Risk Project Update**

The Board received a report from Howard Davies, the purpose of which was for the Board to receive an update on the delivery of the following Local Growth Fund (LGF) projects which are currently ranked as high risk: A13 Widening and Grays South.

Resolved:

A13 Widening

1. **To Note** the update on the project
2. **To Note** that a further update will be brought to the November 2022 Board meeting which must provide confirmation of total spend to date and an updated forecast total project cost.

Grays South

1. **To Note** the update on the project

2. **To Note** that a further update will be brought to the November 2022 Board meeting

11 Growing Places Fund programme update

The Board received a report from Helen Dyer, the purpose of which was to update the Board on the latest position of the Growing Places Fund (GPF) Capital Programme.

Resolved:

1. **To Note** the updated position on the GPF programme.

2. **To Note** that the expected revised repayment schedule proposal for the Eastbourne Fisherman's Quayside and Infrastructure Development project will now not be forthcoming until the November 2022 Accountability Board meeting as additional time is needed for East Sussex County Council to undertake all required due diligence on the proposed revised repayment mechanism and schedule.

12 Finance Update

The Board received a report from Lorna Norris, Senior Finance Business Partner, the purpose of which was for the Board to consider the update to the 2022/23 budget including specific grants.

Resolved:

1. **To Approve** the updated 2022/23 SELEP revenue forecast budget set out in Table 1 in report, including the specific funds summarised in Table 3 in the report;

2. **To Note** the on-going uncertainty from Government regarding the future funding position for SELEP beyond 2022/23.

13 SELEP Operations Update

The Board received a report from Amy Ferraro, SELEP Governance Officer which was presented by Adam Bryan, Chief Executive Officer SELEP, the purpose of which was for the Board to be updated on the operational activities carried out by the Secretariat to support both this Board and the Strategic Board. The report included an update on the Annual Performance Review, risk management, compliance with the Assurance Framework and performance against governance KPIs.

Resolved:

1. **To Note** the update on Assurance Framework compliance monitoring and Governance KPIs at Appendices B and C of the report; and
2. **To Note** the changes to the Risk Register at Appendix D of the report.

14 Date of Next Meeting

The Board noted that the next meeting will take place on Friday 25th November 2022, venue to be confirmed.

15 Urgent Business

None