



Meeting	Full Council
Date	10 January 2024
Report Title	Memorandum of Understanding between the Environment Agency, the Town Council and Wiltshire Council (River Improvement Project)
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## **1.0 PURPOSE OF REPORT**

1.1 To consider a request from the Environment Agency to sign the Memorandum of Understanding which formalises the working arrangements that are currently taking place between the Environment Agency, the Town Council and Wiltshire Council in relation to the river improvement project in Chippenham.

## **2.0 INTRODUCTION AND BACKGROUND INFORMATION**

2.1 In relation to the ongoing work of partners on the River Improvement Project, a Memorandum of Understanding has been drafted for parties to be better able to work together and more clearly understand each other's roles and levels of interaction.

## **3.0 MEMORANDUM OF UNDERSTANDING**

3.1 Council are asked to consider whether to support the signing of the Memorandum of Understanding, a draft is attached at **APPENDIX A**.

3.2 The signing of the Memorandum of Understanding will support the ongoing collaborative work between partners.

## **4.0 CONTRIBUTION TO CORPORATE PLAN PRIORITIES**

4.1 The signing of the Memorandum of Understanding will contribute to the following corporate priorities;

- Play an active role in the future development of the town through collaboration with partners, stakeholders, and our community.
- Maintain effective and efficient governance and management of resources.

## **5.0 STAFFING IMPLICATIONS**

5.1 There are no staffing implications.

## **6.0 FINANCIAL IMPLICATIONS**

6.1 There are no financial implications.

## **7.0 CLIMATE AND ECOLOGICAL IMPLICATIONS**

7.1 This report is administrative and does not have any known direct Climate and Ecological impact.

## **8.0 LEGAL IMPLICATIONS**

8.1 A Memorandum of Understanding is a document which records the various parties' current intentions but is not legally binding. Therefore, should either of the parties be unable to reach an agreement none can threaten legal action for broken promises or breach of contract. The following wording is included in the draft to this effect:

*“Nothing in this MOU will be construed as creating a partnership or joint venture. No one Party shall represent itself as being the agent of the other Party and nor is any Party authorised to commit the other party to any arrangement with a third party.*

*This MoU is agreed in good faith by the Parties on the basis that it is a fair and honest statement of intentions. The Parties confirm that they do not intend by signing this MoU to enter into a legally binding relationship and in particular it has no validity as a binding contract under any law or legal system.”*

## **9.0 RECOMMENDATIONS**

9.1 That Councillors decide whether to agree to the Chief Executive signing the Memorandum of Understanding on behalf of the Town Council, or not.