

# Council Report



Listening Learning Leading

Report of Head of Legal and Democratic Services

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To: COUNCIL

DATE: 26 April 2012

**Agenda item no 7**

## Amendments to the council's constitution

### Recommendations

That Council:

1. approves the revised Community Investment Fund Grant Policy and Procedure Rules attached to the report of the head of legal and democratic services to Council on 26 April 2012 for inclusion in the constitution;
2. agrees to amend delegation 4.1 to the chief finance officer to include authority to offer business rate discounts;
3. authorises the head of legal and democratic services to make the necessary changes to the council's constitution to reflect the allocation of skin piercing, animal welfare and scrap metal and motor salvage operations to the head of health and housing and the allocation of street trading to the head of legal and democratic services;
4. agrees to amend delegation 1.2(d) of the head of economy, leisure and property as set out in paragraph nine of this report;
5. authorises the head of legal and democratic services to make any minor or consequential amendments to the constitution required for clarification, consistency and compliance with the council's style guide.

### Purpose of report

1. To consider proposed amendments to the constitution.

### Strategic objectives

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

## **Background**

3. At its meeting in December 2011 Council agreed a number of amendments to the constitution and a revised constitution for implementation from 1 January 2012. Officers intend to undertake a further review of the constitution during the summer with the specific aim of condensing and simplifying the content of the constitution further. This report sets out a number of proposed amendments that require a decision prior to this review.

## **Community Investment Fund Rules**

4. At its meeting on 13 February 2012 Cabinet considered the report of the head of corporate strategy on proposed amendments and additions to the community investment fund grant policy and procedures. The scrutiny committee considered these at its meeting on 15 November 2011.
5. Cabinet agreed the revised Community Investment Fund Grant Policy and Procedure Rules attached at appendix 1. Council is recommended to agree the revised policy and rules for inclusion in the constitution.

## **Localism Act 2011 – amendments to Local Government Finance Act 1988**

6. From 1 April 2012 section 69 of The Localism Act 2011 amends section 47 of the Local Government Finance Act 1988 to allow authorities to grant business rate discounts, in addition to the existing rate relief provisions, to assist authorities to attract firms, investment and jobs.
7. The current scheme of delegation authorises the chief finance (section 151) officer to grant relief to non-domestic ratepayers (delegation 4.1 on page 85 of the constitution refers). Officers recommend that Council extend this authorisation to include the granting of business rate discounts.

## **Management restructure - amendment to the council's constitution**

8. Officers have undertaken a review to rationalise the split of duties between environmental health and legal and democratic services to allocate skin piercing, animal welfare and scrap metal and motor salvage operations to the head of health and housing and street trading to the head of legal and democratic services. Council is recommended to authorise the head of legal and democratic services to make any necessary changes to the constitution.

## **Amendment to property delegations**

9. Clarification is required to the head of economy, leisure and property's delegation 1.2(d). The delegation should simply read, "to grant new leases and tenancies up to an annual rental value limit of £50,000". Consultation with the cabinet member /head of legal and democratic services is required where the annual rental value exceeds £10,000.

## **Revised constitution**

10. Council is requested to approve the changes set out in this report for implementation from 1 May 2012.

## **Financial Implications**

11. The democratic services budget for printing will meet the costs of producing copies of the amended constitution.

## **Legal Implications**

12. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

## **Conclusion**

13. This report sets out a number of proposals to amend the constitution prior to the full review over the summer. Officers recommend that Council support these proposals, and authorise the head of legal and democratic services to make these changes and any further minor or consequential amendments to the constitution.

**Background paper:** None

# **Community Investment Fund Grant Policy and Procedures Rules**

## **Introduction**

The council has a corporate objective to support local communities and their representative bodies to create opportunities to localise service delivery. It aims to offer grants to voluntary and community organisations who are delivering projects and services that support its own objectives or of those in need.

The Community Investment Fund grant scheme is funded on an annual basis from interest earned on investments. The council considers the amount to be made available to the grant scheme at its annual budget setting meeting based on investment income earned in the previous financial year.

The scheme is split into two parts; one for awards of over £15,000 and one for smaller awards of under £15,000.

The scoring criteria and policy and procedure rules will be determined from time to time by the cabinet. Details of the application procedure will be included in the application forms held by the head of corporate strategy.

## **What type of project will the scheme fund?**

The council seeks to support a variety of community initiatives. Applications for funding towards a wide variety of different community projects can be made. Only capital expenditure, such as spending on buildings, extensions or equipment will be considered under this scheme. Repairs and maintenance work does not fall within capital expenditure. Applications for revenue funding to cover such things as salary costs, heating or rent will not be considered under this scheme. Retrospective projects will not be considered unless exceptional circumstances can be shown.

## **Who can apply to the scheme?**

Any constituted community-based organisation, including parish and town councils, may apply. The council will not fund public sector bodies, such as Oxfordshire County Council or Primary Care Trusts. Because education is a function of Oxfordshire County Council, we will not accept applications from schools. Businesses and individuals are not eligible to apply for a grant.

The council is committed to promoting equality and diversity and welcomes applications from all sectors of the community, regardless of race, gender, disability, sexual orientation, age, status, religion or belief.

## **What is the maximum award from the scheme?**

### **Community Investment Fund – over £15,000 scheme**

The maximum award from the over £15,000 scheme is **£100,000** (or 60 per cent of the total project cost). All grants awarded will be based on a percentage of the total project cost.

### **Community Investment Fund – under £15,000 scheme**

The maximum award from the under £15,000 scheme is **£14,999** (or 60 per cent of the total project cost). The total project cost must be less than £50,000 (excluding VAT). All grants awarded will be based on a percentage of the total project cost.

## **Scheme eligibility criteria**

Applications will only be considered if organisations/projects meet the following eligibility criteria:

- are a properly constituted charitable or non profit making organisation
- has secured all appropriate planning and listed building consents
- provides two years audited accounts (six months of bank statements for new organisations)
- provides a minimum of two quotations for all work, equipment and fees relating to the project
- provides an access audit (if the request for a grant award is towards building work to enhance an existing facility)
- the project has not commenced
- the organisation has not received a CIF grant in the previous two years
- the organisation either owns or has a lease on the land or property for a minimum of 10 years at the date the application is made (where relevant)

## **Decision making**

### **Under £15,000 scheme**

The relevant cabinet member will make decisions on awards for grants from the Community Investment Fund of between £5,000 and £15,000. These decisions will be published as individual cabinet member decisions.

The head of corporate strategy will make decisions on awards for grants from the Community Investment Fund of between £1 and up to a maximum of £4,999 in consultation with the relevant cabinet member. These decisions will be published to all councillors.

If any officer of the council has a pecuniary interest in any application being determined under this scheme the decision will be referred to a strategic director or the chief executive.

## **Over £15,000 scheme**

The relevant cabinet member will make decisions on applications for grants from the Community Investment Fund in consultation with the Community Investment Fund Panel (CIFP), as delegated to them by cabinet on 14 February 2011. If, for any reason, the cabinet member does not agree with the CIFP then the decision will be referred to full cabinet for consideration.

### **Community Investment Fund Grants Panel (CIFP)**

The council will appoint a CIFP of a maximum of twelve councillors, (accommodating up to three vacancies) and in accordance with the political balance of the Council to consider the applications received. No member of the cabinet shall be a member of the CIFP. CIFP members must attend all meetings to be eligible to vote on any application in order to make recommendations from the CIFP to the relevant cabinet member.

The CIFP will visit each site that is subject of an application to the scheme.

The CIFP will consider a detailed evaluation report and receive a presentation from officers including a recommendation on the scores, based on the approved scoring criteria (appendix 1) for each application to the scheme.

CIFP members will not be able to vote on applications within their own ward, but will be able to make representation on applications in their own ward.

The CIFP will determine the final score for each application using the approved scoring criteria attached at appendix 1.

The CIFP will decide a 'cut off' score and any applications scoring less than the 'cut off' score will receive no award.

The CIFP will determine the award amounts to those applications scoring above the 'cut off' score appropriate to the budget available.

The CIFP will consider its advice to the relevant cabinet member in relation to the applications that have been submitted, including whether an application should not receive an award for any of the following reasons:

- there is serious concern as to the managerial capability of the applicant;
- the applicant has sufficient reserves to fund the project themselves
- there is serious concern as to the financial viability of a proposed project;
- there is uncertainty as to whether the proposed project complies with the grant awarding criteria

The relevant cabinet member will determine the applications in the light of the above advice.

Applications will normally be considered in June each year (unless an election has taken place when it will be September).

### **Procedure at meetings of the CIFP**

Meetings of the CIFP will be conducted in accordance with the Rules of Procedure set out in Parts 4 and 5 of the Council's Constitution.

#### **Declaration of interests**

Declarations of interests by councillors and officers will be conducted in accordance with the Rules of Procedure set out in Parts 4 and 5 of the Council's Constitution.

If any officer of the council has a pecuniary interest in any application being determined under this scheme they will take no part in the CIFP process and register their interest as required by the employee's code of conduct policy.

#### **Standard conditions of all grant awards**

- grants will not be payable towards any costs incurred before the grant award decision date
- projects must commence within one year of the date of the grant being awarded
- evidence that all funding is in place to complete the project must be provided to the grants team prior to commencement of work and the release of any part of the grant award
- council staff must be allowed to enter and inspect the work being carried out, by arrangement, subject to them abiding to any necessary health and safety requirements
- requests for information to assist us in monitoring the success of your project must be supplied to the grants team as required
- A plaque, supplied by the council, must be displayed in a prominent position to acknowledge grant awards of over £5,000

## Scoring criteria

**Assessment methodology for capital grant applications**

The council has a corporate objective to support local communities and their representative bodies to create opportunities to localise service delivery. It aims to offer grants to voluntary and community organisations who are delivering projects and services that support our own objectives or of those identified as being in need. All applications will be assessed using the scoring system shown below.

**Local issues up to 80 points**

Scores of up to 20 points are available for each of the four categories shown below:

<b>Broadening the range</b>	<p>Is this more of the same or will the project enable new activities to take place?</p> <p>This will involve an assessment of the added value that the proposal brings. To score points a project must include evidence to show that a wider range of people will use the facility.</p>
<b>Community participation</b>	<p>To what extent has the relevant community been consulted and participated in putting the proposal together? Is the project identified in a local parish plan?</p> <p>A community need does not have to be geographically based and participation is not a headcount – the relevant community will vary in size dependent upon the project being proposed.</p>
<b>Meeting a local need</b>	<p>How well is this evidenced/detailed?</p> <p>Need and demand are different - this is about a proven lack of something that the project provides.</p>
<b>Community benefit</b>	<p>Who will benefit? This will go beyond a simple number count, to take account of the imbalance in size between different communities.</p> <p>Community benefit also includes wider social, economic and environmental benefits that contribute to the achievement of sustainable development and energy saving in the district.</p>



**Viability of project****up to 60 points**

Scores of up to 60 points are available dependent on the viability of the project.

<b>Viability</b>	<p>Is the project reasonable and appropriate for the area?          Does the project deliver best value for money?          Is the project likely to secure full funding and progress within 12 months?          Will the organisation be able to manage the project now and in the future?</p>
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**Finance****up to 15 points**

Scores of up to 15 points are available dependent on the percentage of the project costs requested:

Up to 20 per cent of the project costs	15 points
21 – 40 per cent of the project costs	10 points
41 – 60 per cent of the project costs	5 points

**Summary of scoring system**

The maximum score is 155 made up as follows:

<b>Assessment factor</b>	<b>Maximum points available</b>
Local issues	80
Viability	60
Finance	15
<b>Total</b>	<b>155</b>

**Summary of scoring system for under £15,000 capital grant scheme**

Applications to the under £15,000 capital grant scheme will be determined as detailed in the Community Investment Fund Policy and Procedure Rules and scored as follows:

<b>Total points score</b>	<b>Award (subject to budget availability)</b>
120 - 155	100 per cent of requested amount
91 - 119	80 per cent of requested amount
90 or less	No award