

Mayor & Cabinet		
<b>Report Title</b>	Greening Fund	
<b>Key Decision</b>		Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Customer Services. Executive Director for Resources. Head of Law.	
<b>Class</b>	Part 1	Date 10 October 2018

## 1 Summary

- 1.1 This report seeks delegated authority to establish a ring fenced Greening Fund to support the work of local community groups in protecting and enhancing the borough's green spaces and proposes how the new fund will be administered.

## 2 Policy Context

- 2.1 Shaping our future – the Council's Sustainable Community Strategy includes the following priority outcomes

- **Empowered and responsible** - where people are actively involved in their local area and contribute to supportive communities

Empower citizens to be involved in their local area and responsive to the needs of those who live there.

Promote volunteering and the activity of voluntary and community organisations.

Champion diversity and the contribution everyone makes to the borough's quality of life.

- **Clean, green and liveable** – where people live in high quality housing and can care for and enjoy their environment

Protect and enhance our parks, open spaces and local biodiversity.

- **Healthy, active and enjoyable** – where people can actively participate in maintaining and improving their health and well-being

Improve the well-being of our citizens by increasing participation in healthy and active lifestyles

- 2.2 The Council has outlined ten corporate priorities which enables the delivery of the Sustainable Community Strategy.

- Priority number 1: **Community leadership and empowerment** - where people can be actively involved in their local area and are enabled to influence the Council and their localities.
- Priority number 3: **Clean, green and liveable** - improving environmental management. The council is committed to protect and manage the environment and to aspire to a sustainable environment where people have access to green spaces and take responsibility for their impact on the environment.
- Priority number 9: **Active, healthy citizens** - where people can actively participate in maintaining and improving their health and well-being, through culture, sport and leisure.

### 3 Recommendations

- 3.1 To establish a new annual Greening Fund of up to £250,000 for the duration of the current administration which will be used to undertake environmental improvements in the borough's parks and open spaces.
- 3.2 Delegate authority to the Executive Directors for Customer Services and the Executive Director Resources the responsibility to design an administrative process to ensure the fund is distributed effectively in line with the legal requirements set out in para 5.

Approve the service led administrative and governance arrangements as set out in the report.

### 4 Background

- 4.1 One of the Council's priorities commits to the establishment of a new ring fenced "Greening Fund" to support the work of local community groups in protecting enhancing the borough's green spaces.
- 4.2 The establishment of the fund will give local community groups and schools access to ring fenced funding.

### 5 Establishing the Fund

- 5.1 The funding arrangements related to the Greening Fund are currently yet to be finalised, however the Council may draw on S106 amounts and or CIL receipts as the basis for this programme. Given the restrictions placed on S106 funds by virtue of planning legislation, the Community Infrastructure Levy (CIL) Regulations (2010)(as amended), and through the individual S106 legal agreement with developers, the Council will need to evaluate in detail both the available S106 amounts, and any proposed allocations. At this stage therefore, it is not possible to establish an open fund from S106, and each allocation will need to be evaluate individually.
- 5.2 Any allocation towards the Greening Fund from S106 will need to ensure that each individual project seeking an allocation from S106 meets the legal requirements attached to each individual covenant within an identified S106 agreement.

Consideration for funding purposes will need to be given to the S106 amounts secured which are generally covenanted to spend on capital projects. The Council will also need to consider the pooling restrictions applied to S106 obligations by law, and ensure that the proposed projects comply with these legal restrictions.

## **6 Eligibility**

- 6.1 Groups eligible to submit funding proposals include park user and friends groups, nature conservation groups, allotment groups and Schools. Community groups must be formally constituted and, if necessary, be prepared to undertake local consultation with wider stakeholder groups prior to submitting a project proposal.
- 6.2 Whether the project proposed is eligible to receive funding from S106 funds will depend upon it meeting the legal requirements set out in paragraph 5.2 of this report. It should be clearly set out in any application process that the proposals submitted by eligible groups will also have to meet those requirements. Similarly any proposals to be funded by CIL receipts will need to be spent in accordance with the Council Regulations 123 Infrastructure List.

## **7 Administration/Governance**

- 7.1 It is proposed that the funding for projects is managed by a dedicated Green Space Improvement Officer post that will be established within the current parks management team. The post holder will be responsible for providing guidance and support to community groups, overseeing the delivery of agreed projects and ensuring monitoring, evaluation and reporting achieve agreed standards.
- 7.2 The Project Officer will also produce a Greening Fund toolkit that will contain information on the following:
  - Information on the Council's key policy objectives and strategic priorities
  - Parks and Open Space and neighbourhood themes and priorities
  - Information on the funding available, funding rounds, submission dates and decision dates
  - Approval criteria with information on the type of projects eligible for funding and examples of those that are not
  - Case studies detailing successful projects that have already been delivered
  - A catalogue of indicative project costs
  - A project proposal form
  - Information on anticipated monitoring, evaluation and reporting
- 7.3 It is also proposed that each year, proposals for specific projects might be themed to reflect ongoing initiatives such as those that help improve air quality, reduce the use of single use plastic bottles or help tackle obesity.

## **8 Approval and project delivery**

- 8.1 To be successful a project proposal will need to clearly demonstrate how it assists the Council in delivering its key policy objectives and reflects local priorities expressed by communities and neighbourhoods. If approved officers will work

closely with the successful community group or school to ensure that the projects are delivered to the expected standards and within agreed timescales.

## **9 Financial implications**

- 9.1 The establishment of a Greening Fund will provide access to funding for environmental improvements within parks and open spaces, for local community groups of up to. £250,000 per annum, for the duration of the council's current administration, will be made available for the Greening Fund, through developer contributions (S106 or CIL monies).
- 9.2 Staffing resources will be required for the administration, project management and monitoring functions required for the operation of the Greening Fund. It is anticipated that resources for this post can be contained within existing staffing budgets.
- 9.3 Successful Greening Fund projects will be delivered by the council's Green Scene service, meaning funding for projects will not be passed directly to community groups, but will be retained by the council.

## **10 Legal Implications**

- 10.1 By law a planning obligation may only constitute a reason for granting planning permission for development if the obligation is—
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

The Section 106 obligation that secures such funds, legally requires that they are only used by the Council for the purposes for which they were received and are directly linked to the development for which they were sort. Therefore, as paragraph 5 of this report emphasises, before any improvements proposed by an eligible group can be carried out, an assessment would need to be undertaken to ensure that it meets the legal requirements attached to the particular S106 obligation in question. If it does not the Council will not be able to legally apply the money for the proposed purpose.

- 10.2 The Council as a Charging Authority for the purposes of the Community Infrastructure Levy (CIL) has published a list which can be reviewed and updated regularly, (Regulation 123 List), of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL. This list currently includes publicly accessible open space, allotments and biodiversity.

## **11 Crime and Disorder Implications**

- 11.1 There are no crime and disorder implications arising directly from this report.

**12 Equalities Implications**

12.1 There are no equalities implications arising directly from this report.

**13 Background documents and originator**

<b>Short Title of Document</b>	<b>Date</b>	<b>Location</b>	<b>Contact</b>
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