

Dalkeith Common Good Fund

Report by Director, Corporate Resources

1 Purpose of Report

The purpose of this report is to enable the Committee to consider requests for disbursements from the Dalkeith Common Good Fund.

2 Background

The Midlothian Volunteer Centre (copy letter attached as **Appendix 1A**) that consideration be given to the award of funding in the amount of £3,000 towards the cost providing resources for a Midlothian Growing Together Project aimed at giving an opportunity to volunteers to participate in a gardening project at Dalkeith Country Park. Additional information was requested and is shown in **Appendix 1B**. Funding has been committed by Scottish National Heritage and the Greenspace Trust in respect of the appointment of a coordinator and protective clothing, respectively and Buccleuch Estates will provide the site, free of charge for two / three years. Applications for additional funding have been made.

The Council's Community Learning and Development Section of the Education and Children's Services Division seek funding in the amount of £400 towards the cost of providing lunches for the families from Woodburn who will be participating in the summer holiday project "Play in the Park" in Dalkeith (**See Appendix 2**). (The client base may lend itself to consideration to be given for financial support from the Dalkeith bequests for the Poor as discussed in a separate report.)

4 Awards from Dalkeith Common Good Fund

The award of benefit from the Dalkeith Common Good Fund may only be provided where it can be shown that it has been made unequivocally for the benefit of the inhabitants of the former Burghal area of Dalkeith.

Taking into account commitments, there is about £16,000 in the Fund.

5 Resource Implications

The specific resource implications of this report must impact wholly on the Common Good Fund (or, in the case of the latter, the relative Bequest).

5.1 Risk implications

The risk implications are that if the request is refused, the project may not be as successful as planned. Potential outline conditions which could be applied are shown in **Appendix 3**.

5.2 Policy Implications

Strategy and Consultation

The requests in this report do not relate to a strategy. No consultation has been undertaken.

5.3 Equalities and Sustainability

An equalities impact assessment has not been carried out. There are no sustainability implications.

6 Conclusion

Requests for disbursements have been made.

It is possible that the projects may have wider implications.

7 Recommendation

It is recommended that the Committee consider the requests.

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Background Papers:	File: (Requests attached)	

APPENDIX 3

COMMON GOOD FUND - AWARD OF DISBURSEMENTS POTENTIAL CONDITIONS

- 1) The organisation must have a bank account in the name of that organisation. There must be at least two authorised signatories to this account who are members of the Committee or other governing body of the organisation. The two signatories must not be related and all cheques must be signed by both.
- 2) The organisation must be prepared to submit, if required, a written constitution and must notify the Council of any changes in the constitution or officers. Applicants should state if they have a Council Member or Official on any committee of their organisation
- 3) The organisation must make provision for the proper maintenance of financial records and accounts, which must be certified annually by an independent accountant or an independent person. Accounts must show the contribution to the organisation.
- 4) The organisation must be open to inspection by official representatives on request. The organisation will provide such financial or other information as the Council may request including where appropriate, three written quotations for the supply of goods or services that are the subject of this application. All requests for information, accounts, inspection and others should be dealt promptly by the organisation and in any event no later than 28 days of the date of request.
- 5) The grant must be used only for the purpose for which it was approved by the Council, in respect of equipment purchased with grant assistance; and organisations will be required to provide information on storage facilities and insurance arrangements.
- 6) The grant must not be used to publish such information which, in whole or in part, appears to be designed to affect support for a political party nor material which appears to discriminate by reason of birth, race, sex, religion, disability or any other condition or circumstance personal or social. In particular, the organisation should ensure that they are open to all who could benefit or wish to take part and have an equality of approach throughout project delivery.
- 7) All children's and youth organisations should ensure that, in carrying out their activities, they meet the requirements of the Health and Safety at Work Act 1974 and the Children's (Scotland) Act 1995; and in particular, a child protection policy and procedures are in place, with all staff and volunteers having criminal records checks carried out by Disclosure Scotland.
- 8) Payment of any grant from the Fund will be made only on the production of satisfactory evidence that (a) the expenditure has been incurring or committed, as approved, e.g. copy invoice, receipt or order; and (b) a complete funding package has been secured in relation to the project as a whole. The Council reserve the right to pay suppliers direct in appropriate circumstances.
- 9) The project shall be properly managed by a qualified technical consultant etc.
- 10) The Organisation may be required to complete monitoring forms to assess the benefits of the activity for which the grant was awarded.
- 11) The Council shall consider in awarding grants whether the long term Maintenance / revenue consequences of the project have been addressed.
- 12) The Council shall be empowered to waive or vary all or any of these conditions in appropriate circumstances.
- 13) In the event of any breach of these conditions and /or the organisation ceasing to exist, the Council shall be entitled to immediate repayment of any grant monies

and /or to take over ownership of any equipment bought with the grant.

14) The Trustees would expect organisations in receipt of grant aid to develop best practice in equal opportunities and fully comply with the spirit of all appropriate legislation.

15) All necessary planning permissions, building warrants and other permissions should be obtained prior to the commencement of works. Where a project involves improvement of premises or requires possession of land, the applicant will require to be the owner or tenant (on a lease for 5 years or more) of the premises or land before a grant will be released. Applicants will require to ensure that they meet all other statutory requirements.

16) Applicants should ensure as appropriate that all necessary discussions and consultations with other agencies/organisations have taken place, e.g. Local Enterprise Companies, Health Boards, local landowners, etc. Evidence of these discussions having taken place will be required.

17) If the project is one which involves and is dependent on contributions from a number of bodies, the Trustees will require to be satisfied that such contributions are forthcoming before payment of grant will be made. The applicant will require to satisfy the Trustees that they have the means to meet the total costs of the project.

18) The Trustees encourage applicants to explore the potential of securing other sources of finance in addition to any grant the Trustees may award and will provide advice and support in this respect.

19) Projects which have commenced prior to application for grant being made will not normally be funded.

20) Funding will not normally be available for projects in respect of functions for which the Trustees or any other authority has a statutory responsibility.

21) Arrangements for payment of grant will be made by the Director and will be dependent on the submission of all appropriate documentation ie copy invoices and certificates confirming that the project has been completed satisfactorily.

22) It will be a condition of all grants that the contribution by the Council to the organisation is fully credited on all publicity material. This condition must be met to the satisfaction of the Council.

23) All financial records, in connection with any project which receives grant aid from the Fund, must be available for inspection if required, by the Council.

24) It shall be a condition of grant that monies must be expended within a period (not normally exceeding 18 months) from the date of approval, unless the nature of the project or other circumstances warrant payment over a longer period. Where it is considered that these circumstances warrant payment over a longer period, applicants should specifically request extension of the period at the stage of accepting the conditions of grant and should indicate the reasons for that request. No guarantee can be given that any request for extension of the period will be granted.

25) If the costs actually incurred in any project are less than the amount approved, the remainder of the grant must be returned to the Council unless otherwise agreed.

26) Only the Council's proportion of total actual expenditure incurred will be paid, even although this may be less than the amount of grant originally approved. If actual expenditure exceeds the amount of grant, only the amount approved will be paid. The applicant may choose either to meet the balance or make a supplementary application for grant. There is however, no guarantee that any supplementary application will be approved.

27) If a body which has received a grant is disbanded, then any goods, equipment or facilities purchased from that grant, will revert to the Council or if the goods, equipment or facilities have been lost, stolen or damaged and not replaced, all monies obtained from their insurance will revert to the Council.

28) Any equipment should be in the charge of a named person at a given address in secure premises, and must be adequately insured and regularly maintained.

29) In exceptional circumstances, the Trustees may agree to grant assistance in kind rather than cash. In any case in which this is desired, the specific advice of Officers should be sought.

30) Any applicant receiving the grant will be expected to participate in such publicity as the Council may require.

31) The Council may consider, following advice that specific projects merit consideration notwithstanding that they fall outwith any of the criteria in the foregoing conditions. However, all awards will only be awarded to projects consistent with the trust purposes.

PROTOCOL TO ALLOW RELEASE OF FUNDS

In assessing claims for payment from funds held on Trust, the Council must ensure that monies will be applied for the proper purpose and that best value is obtained by the claimant when it contracts for works and services.

Services/Works Contracts: Unless good reason exists, tenders/quotes for professional services/works contracts should be invited from at least three reputable service providers/contractors. The Council will require sight of documentation to show that this has been done. Prior to the release of any funds appropriate Council officers should confirm quotes and terms as reasonable.

Funding sources: It is imperative that where a project is being part funded that the claimant demonstrates that full funding sources have been secured and are sufficient to complete the whole project.

Authorised Contractors/ Service providers : The claimant must provide details of who it has entered into a contract with and who is responsible within its organisation for confirming/certifying that invoices received are for appropriate services/works. The Council expects that at least two persons within the organisation will be responsible for certifying invoices as due for payment.

Submission of Invoices: Certified invoices, as detailed above, must be submitted to the Head of Finance and Human Resources, Midlothian House, Buccleuch Street, Dalkeith (Specify contact persons details).

Release of Funds: Funds can only be released to the beneficiary on submission of a Contractors/Service providers invoice which is certified by at least two persons within the organisation to the effect that the works/services have been undertaken and that the invoice is due for payment. These in turn will be checked and processed for payment for inclusion in the next available run. The Council reserves the right to check the quality of any works which have been certified as completed.

Monitoring of Funds: The Council shall monitor the availability of funds to ensure that only the appropriate contribution is released to allow payment of invoices.

Open Book Accounting: The Council expects that the claimant will follow acceptable standards of accounting practice in relation to accounting for the Project funds, and that its accounts will be made available to the Council on request, if and when required.

