

Harborough District Council



Report to Cabinet Meeting of September 2023

Title:	Terms of Reference for Cabinet Sub Committee – Grants
Status:	Public
Key Decision:	NO
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Portfolio Holder:	Culture, Leisure, Economy and Tourism, Cllr Geraldine Whitmore
Appendices:	A. Terms of Reference (current version) B. Terms of Reference (updated version for approval)

Summary

- i. To nominate councillors to the Cabinet Sub Committee, Grants to enable to allocation and spend of Section 106 grants and other community grants as required.
- ii. Agree revised terms of reference for the Cabinet Sub Committee, Grants.

Recommendations

That Cabinet:

1. Create a sub-committee of Cabinet to determine applications for grants from the Council, in-line with the Council's Constitution;
2. Appoint a maximum of three Cabinet members to the newly formed Grants Cabinet Sub-Committee;
3. Approve the Terms of Reference for the Grants Cabinet Sub Committee as set out at Appendix B of this report.

Reasons for Recommendations

- i. With the commencement of a new administration, the leadership of the Council, and therefore the membership of Cabinet, has changed.

- ii. Cabinet can determine what sub-committees to set up, and the applicable terms of reference. It considers that a sub-committee of Cabinet to administer grants sought from the Council is appropriate. The proposed terms of reference can be found at Appendix B of the report.
- iii. To aid the Council to efficiently and democratically administer the awarding of grants within, and for the benefit of, the district.

1. Purpose of Report

- 1.1. To create and appoint a Cabinet Sub Committee for the approval of grant applications, including the adoption of appropriate terms of reference.

2. Background

- 2.1. On 11 January 2016 Cabinet agreed revised governance arrangements for the management of grants and funding for Community Facilities and Off-Site Recreation. The creation of Cabinet Committees is provided for within the Council's constitution at Article 6 (paragraphs 6.07 – 6.08).
- 2.2. Under section 106 of the Town and Country Planning Act 1990 ('Section 106' or 'S.106'), the Council can, as part of the planning application process, seek contributions from developers towards the cost of providing community and social infrastructure. This might include affordable housing, open spaces or community facilities and is commonly known as Section 106 money.
- 2.3. S.106 money can only be spent on capital projects for which the new development has, at least in part, created a demand. It cannot be used to make up for existing deficiencies in facilities.
- 2.4. Cabinet in the previous administration delegated authority to allocate S.106 funding for community facilities and off-site recreation to a Cabinet Sub Committee. Most recently, this has been referred to as the 'Cabinet Sub Committee, Grants', which replaced the 'Member Grants Panel' originally established by Cabinet. The sub-committee was given authority to determine requests for funding from the Council. It was to comprise three Cabinet Members (quorum 2) and be supported by three non-executive Members who would not have voting rights. It was to meet at least twice a year and ensure effective Member engagement at local Ward Member level. The terms of reference are attached at Appendix A to this report.
- 2.5. Article 6.07 of the Council's constitution provides that any Cabinet Committee ceases to have effect following the first meeting of the Cabinet following the next Annual Meeting of the Council after appointment.

3. Details

- 3.1. A Cabinet Committee has continued to meet since 2016 for the purposes of approving applications for the release of S.106 grant funding to support community initiatives at local ward level. The membership of the sub-committee prior to the election was:

- 3.1.1 Three executive Members with Voting Rights:
 - Cllr Bateman, Cllr Hallam and Cllr Whelband (Chair)
- 3.1.2 Three non-executive members without voting rights (2 from administration and 1 from the opposition):
 - Cllr Critchley, Cllr Mahal, Cllr Galton
- 3.2. Following the election of a new administration, Cabinet is invited to :
 - 3.1.3 determine whether to create a Committee to administer the awarding of grant funding;
 - 3.1.4 determine the membership and terms of reference of the committee in accordance with the provisions of the constitution;
 - 3.1.5 appoint cabinet members to the Committee.
- 3.3. Given the Council's constitutional restrictions on the Council, Cabinet cannot appoint voting non-executive members to an executive Committee. However, all members are entitled to access reports to, and attend, Cabinet Committees.
- 3.4. It is proposed that the Cabinet appoint a Cabinet Grants Sub Committee of three executive members with the terms of reference set out at Appendix B of this report.

4. Implications of Decisions

Corporate Priorities

- 4.1. Community leadership to create a sense of pride in our place – to provide an adequate supply of housing to meet local needs across all tenures and price ranges and reducing the potential for homelessness. Work with our communities, the voluntary and charitable sector so they are more engaged and actively managing their own localities and shaping their own places. Through S106 grants communities can address local needs and promotes healthier life choices.
- 4.2. Promoting health and wellbeing and encouraging healthy life choices – S106 grants can help support physical and mental health needs at a local level with an aim to prevent crisis and support those that are the most vulnerable in our communities.
- 4.3. Creating a sustainable environment to protect future generations – Protecting and enhancing the natural environment with improved access to green open spaces.

Consultation

- 4.4. Consultation is not required for the decisions within this report.
- 4.5. Part of the role of the Cabinet Sub Committee Grants, is to facilitate effective Ward Member engagement.

Financial

- 4.6. The sums of S.106 money which are available to the Council to administer are heavily dependent upon the number of developments which are proposed in the district. In recent years, the Sub-Committee has awarded grants over £1.7million.
- 4.7. The cost of administering the grant scheme is circa £60k for two full-time officers. There is also a UK Social Prosperity grant funded community development role (fixed term) which is being delivered by the Leicestershire Rural Community Council. The council already has provision for the S.106 grant officers therefore there is no additional financial burden upon the Council as a consequence of creating the proposed committee.
- 4.8. The Council has also awarded grants funded other than through S.106 money, setting aside suitable funds for the purpose in accordance with its financial rules.

Legal

- 4.9. The Council is accountable for S.106 funding. It is responsible for ensuring this is collected, administered and awarded on behalf of the communities of the district. It has a legal obligation, as a signatory on the S.106 agreement, to ensure that appropriate financial contributions are sought, collected and distributed in a transparent and accountable manner.
- 4.10. Developers can request evidence of S.106 allocation, the justification of the allocation and evidence of project delivery.
- 4.11. The Council also administers other grants for specific purposes, such as Queen Elizabeth's Platinum Jubilee and to benefit the environment.

Environmental Implications

- 4.12. There are no direct environmental impacts relating to the recommendation of this report however the Council will administer any grants in an efficient and eco-friendly manner, such as by utilising electronic committee agenda distribution.

Risk Management

- 4.13. Failing to make provision for the efficient administration of applications for the release of S.106 funding may result in substantial sums of S.106 funding being lost to the district or remaining unspent. The formation of a Cabinet Grant Sub Committee will ensure that the Council has a robust and transparent process for administering the funding for the benefit of the community.

Equalities Impact

- 4.14. There are no direct Equality impact relating to the recommendation of this report for the Council however grant applications include mandatory questions in respect of the anticipated equalities impact of the project for which funding is requested. Prompts are included to elicit what positive impact the project will deliver, such as provision of improved access to premises, which user groups will benefit etc.

Data Protection

- 4.15. There are no direct Data Protection impacts relating to the recommendation of this report.
- 4.16. [Council's Data Protection policy](#) is followed when administering grants, in particular by ensuring that the amount of personal data collected is the minimum required to

administer the grant application, and data is retained in accordance with the Council's data retention policy.

5. Alternative Options Considered

- 5.1. In the event that Cabinet does not wish to appoint a sub-committee to administer grants, it will need to either determine all grant applications or delegate authority to determine grant applications to either a Cabinet member acting alone or an officer in accordance with the provisions of the Constitution.

6. Recommendation

- 6.1 It is recommended that Cabinet consider the recommendations set out at the start of this report and determine which, if any, to adopt.

7. Background papers

- 7.1 Executive meeting of 11 January 2016 - Review of S106 governance for Community Facilities and Off-site Recreation

[11 Jan 2016 - cabinet report forming the grants panel.pdf](#)

[Document.ashx \(harborough.gov.uk\)](#) 10 May 2021 – Cabinet – Grant Application Process