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Argyll and Bute Council Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry



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1 September 2015

NOTICE OF MEETING

A meeting of the **HELENSBURGH & LOMOND AREA COMMITTEE** will be held in the **PILLAR HALL, VICTORIA HALLS, HELENSBURGH** on **TUESDAY, 8 SEPTEMBER 2015** at **9:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **THIRD SECTOR GRANTS - SECOND TRANCHE** (Pages 1 - 4)
Report by Executive Director – Community Services
- E1 4. FORMER MARINERS SITE, HELENSBURGH PIERHEAD** (Pages 5 - 12)
Report by Executive Director – Development and Infrastructure Services

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an “E” on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraphs of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraphs are:-

- | | |
|-----------------------|--|
| E1 Paragraph 8 | The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services. |
| E1 Paragraph 9 | Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services. |

Helensburgh & Lomond Area Committee

Councillor Maurice Corry
Councillor Vivien Dance
Councillor George Freeman (Vice-Chair)
Councillor David Kinniburgh
Councillor Robert Graham MacIntyre
Councillor Aileen Morton
Councillor Ellen Morton
Councillor Gary Mulvaney (Chair)
Councillor James Robb
Councillor Richard Trail

Shona Barton – Area Committee Manager

Contact: Theresa McLetchie Tel: 01436 657621

ARGYLL AND BUTE COUNCIL**HELENSBURGH AND LOMOND
AREA COMMITTEE****COMMUNITY SERVICES****8 September 2015**

THIRD SECTOR GRANTS 2015/16 – Highland Games

1.0 SUMMARY

- 1.1 Grants of £4,000 were awarded to both Helensburgh Highland Games committee and Rosneath Highland Games committee in the first round of funding in April 2015. Both Games were cancelled at late notice due to inclement weather and the Area Committee is asked to consider recommendations regarding the grant funding provided by the Council for the events.

2.0 RECOMMENDATIONS

- 1.2 That the Area Committee note the conditions detailed in the Council's contract for Third Sector Grants that funds unspent for the purpose stated in application form are returned to the Council.
- 2.2 That the Area Committee note that at present the ability to carry forward money, retained by the council, from the previous years Grant Fund is a total of 10% of the amount available to that area, equating to £3,500. The total grant funding provided to the Highland Games Committees is greater than this. Further to this, in this instance, the funds are proposed to be retained by the grant recipients and not the council.
- 2.3 That the Area Committee note the opportunity to increase the amount carried over from the previous year is a matter for their agreement at this special meeting on 8 September. Should the Area Committee agree the exceptional circumstances such as experienced by both Helensburgh Highland Games and Rosneath Highland Games should allow for carrying forward of funds by the community organisations to the following year, that:

2.3.1 The grant recipients provide evidence to the council of costs incurred due to losses and the total amount being carried forward.

2.3.2 The Area Committee makes a recommendation to the Policy and Resources Committee to allow the agreed process for carry forward of 10% of the grants to be adjusted to include exceptional circumstances such as these.

3.0 COUNCILS POSITION WITH GRANTING OF THIRD SECTOR GRANT FUNDING

- 3.1 The grant contract issued to community groups in receipt of third sector grant funding includes a section on 'breach, termination and variation of contract' which states 'the Council shall have the right to demand immediate repayment by the organisation of the whole grant or any part thereof if there is a failure to, firstly, comply with the terms and conditions specified in the agreement and, also, in the event of any default on the part of the Grantee'.
- 3.2 For reasons pertinent to the auditing and administration of the Third Sector Grants, the grant contract states that 'The Grantee shall ensure all funds are spent in the current financial period and unspent funds returned....'
- 3.3 Advice has been sought from the Council's Governance and Law service on this issue and they have advised that the Area Committee would have the discretion to agree a variation to the contract, subject to the normal grant conditions. This means that if the Area Committee was minded to allow the Helensburgh Highland Games and Rosneath Highland Games committees to retain the funding from this year's grants, 2015/16, for the following year 2016/17, this would need the approval of the Policy and Resources Committee.
- 3.4 It is recommended that in agreeing to the exception to carry forward funding granted that the organisation evidence the amount of grant being carried forward. This clarity allows the council to fulfil its obligation to account for all spending of public money. Further to this it is essential to inform the Area Committee in its decision to award funding requests from either Helensburgh Highland Games and Rosneath Highland Games in 2016/17. As the grant process funds up to a maximum of £4,000 where this is 50% of eligible costs, an applicant carrying forward funds will have those funds deducted from the total eligible in 2016/17.

4.0 CONSIDERATION OF OPERATING LOSSES INCURRED AND INSURANCE

- 4.1 The council was informed prior to the Area Committee meeting on 11 August 2015 that the operating loss to the Helensburgh Highland Games committee of organising and cancelling the 2015 Games is was estimated at between £7,000 - £10,000 and the average cost of running the Games each year is approximately £30,000.
- 4.2 The operating loss to the Rosneath Highland Games committee of organising and cancelling the 2015 Games, and then reorganising the dancing and piping competitions is, as yet, unknown.

- 4.3. In the report to the meeting of the Area Committee on 11 August 2015, it was recommended that the grant recipients return, as per the conditions of the grant, funds to the council in proportion to the loss incurred. Therefore allowing the grant recipients to retain a portion of the funding to assist with covering the losses.
- 4.4 For Helensburgh Highland Games it was recommended that the amount returned be £1000 less than the £4000 awarded in order to assist with loss incurred. The recommendations adhered to the conditions of the contract and would allow the applicants to apply for up to the maximum Third Sector Grant award of £4,000 again in 2016-17.
- 4.5 The same rationale was recommended for Rosneath Highland Games.
- 4.6 Neither of the grant applications had insurance covering cancellation due to weather.

4.0 CONCLUSION

- 4.1 The council has a responsibility to be clear and accountable for the spending of public money. The Third Sector Grant contract requires any money unspent by a grant recipient for its purpose as set out in the application to be returned to the council.
- 4.2 Legal advice to the Area Committee states that as this is a case where there is a request for the Area Committee to alter the terms of a decision for reasons that can be said to be beyond the control of the applicants the Area Committee would have to request that the agreed process for carry forward of 10% of the grants is adjusted to include exceptional circumstances such as these. This request would require to be considered by the Council's Policy and Resources Committee, given the current grant conditions.
- 4.2 It is essential that in any event of carrying forward funding that the amount being retained by the grant recipients is evidenced to the council's distributor of the grants. In the case of Helensburgh and Lomond this should be evidenced to the Community Development Officer.

5.0 IMPLICATIONS

- 5.1 Policy: None
- 5.2 Financial: The Council would have to assess the risk of allowing a community organisation to retain funds for next years event.
- 5.3 Legal: None
- 5.4 HR: None
- 5.5 Equalities Consistent with the Equal Opportunities policy of Argyll and Bute Council.

5.6 Risk: Monitoring of the process will minimise any risk to the Council, however the proposed approach would not be in accordance with normal practice.

5.7 Customer Service: None

Rona Gold
Community Planning Manager
Community Planning and Community Development

For further information contact: Audrey Baird, Community Development Officer for Helensburgh and Lomond, Tel No: 01436 658735.

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