

MUNICIPAL YEAR 2011/2012 REPORT NO. 213

MEETING TITLE AND DATE:

Cabinet 21st March 2012
Council – 28 March 2012

REPORT OF:

Chief Executive

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Agenda – Part: 1

Item: 12

Subject:

Enfield Residents Priority Fund – update of guidance and criteria for 2012 - 13

Wards: All

Cabinet Member consulted:

Cllr. Christine Hamilton

1. EXECUTIVE SUMMARY

- 1.1 Council approved the overarching Enfield Residents Priority Fund Framework on March 6th 2011, and the final version of the guidance and toolkit on April 6th. This guidance has been used to deliver the Enfield Residents Priority Fund (ERPF) during 2011-12.
- 1.2 The Localism Act 2011 makes provision for councils to have a general power of competence, superseding the wellbeing power in the Local Government Act 2000. This gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited. As the wellbeing power was central to the implementation of the Enfield Residents Priority Fund, the guidance has been amended to reflect the new power.
- 1.3 The ERPF Cabinet Sub-Committee has considered in excess of 200 applications since its first meeting in July 2011, and it has become clear that the guidance and criteria need amending to ensure that the core purpose of the fund is upheld that residents are consulted sufficiently and appropriately and that the criteria and governance arrangements are robust.

2. RECOMMENDATIONS

- 2.1 That Cabinet consider the report, comment on the recommendations and submit the report to the Council for approval.
- 2.2 Council is recommended to approve the revised Enfield Residents Priority Fund guidance (Appendix A).

3. BACKGROUND

- 3.1 Council approved the overarching Enfield Residents Priority Framework at their meeting on March 6th 2011, and the final version of the guidance and toolkit at their meeting on April 6th. This guidance has been used to deliver the Enfield Residents Priority Fund (ERPF) during 2011-12.
- 3.2 One of the main considerations that have informed the ERPF Cabinet Sub-Committees decisions has been the contribution a project will make to improving the social, economic or environmental wellbeing of the area, as set out in the Local Government Act 2000.
- 3.3 This wellbeing power has been superseded by a measure in the Localism Act, which received royal assent in December 2011. The 'general power of competence' gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited. The ERPF guidance has, been amended to reflect this change in the law.
- 3.4 The ERPF Cabinet Sub-Committee has considered in excess of 200 applications since its first meeting in July 2011, and it has become clear that the guidance and criteria need amending to ensure that the core purpose of the fund is upheld and that residents are consulted sufficiently and appropriately.
- 3.5 The Sub-Committee has agreed that the guidance be amended to include the following changes :
 - a. The guidance on consultation with local residents has been strengthened to encourage members to engage more widely with their residents; and that groups consult with the wider ward population as well as their members / clients. Evidence of effective consultation will need to be attached to each application, before submission to the ERPF Cabinet Sub-Committee.
 - b. Applicants submitting proposals that cover more than one ward must submit a separate form for each ward, breaking down the cost and listing the benefits for each ward. This enables ward councillors to make a considered decision, based on defined benefits for their ward. If agreement from more than one ward is required to make a project viable, this should be clearly stated on each application form.
 - c. Where applications are submitted by organisations or individuals not based in Enfield, they should demonstrate a clear connection to the ward or wards in which they plan to deliver their project, or evidence of support for their work from local people.
 - d. The Cabinet Sub-Committee have been concerned about applications for public bodies, such as the police. For 2012/13

onwards, funding will be given to public bodies only for projects that go over and above the services that they are required to provide. The project bid must show this clearly and indicate how it links to existing service provision.

- e. In addition to providing information on other funding being used to support the proposed budget, applicants will be required to provide details of all funding they are receiving, both from the Council and external bodies. This is intended to avoid 'double funding'.
- f. Applications relating to services for children and young people must will be required to comply with an additional criterion relating to adherence to child protection policies.
- g. It will be clearly stated that funding will not be released to any organisation that has failed to comply with the terms of funding agreements with the Council or a body commissioned by the Council to administer distribution of funding. Funding will also not be released to any organisation that owes money to the Council or if there are serious doubts about the financial stability of the organisation.
- h. Members and residents have found the application form complicated to complete, so guidance and prompts for each question have been added to the guidance.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative would be to retain the guidance in its current form. This would mean that the Council would not be able to take advantage of the greater flexibility that the general power of competence offers. It would also fail to take account of the learning from the first year of the Fund's operation and the changes that will improve the effectiveness of the Fund.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The ERPF guidance needs updating to reflect the new general power of competence that replaces the wellbeing power, one of the key criteria of the Enfield Residents Priority Fund. The updated guidance will also reflect the learning from the first year of the Fund, ensuring that the Fund is best able to deliver real improvements for residents and their local areas.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

The scheme will run over three years with a total value of £6.3m including £2.1m revenue. Funding is included in the medium term

financial plan based on the 2:1 capital/revenue split and therefore assumes £700k of revenue and £1.4m Capital in 2012/13.

Spending in 2012/13 will be closely monitored throughout the year and the amount committed on both revenue and capital will be reported on a monthly basis to the ERPF sub committee. Financial Updates on the ERPF fund will also be included in the Council's monthly revenue monitoring reports to cabinet

6.2 Legal Implications

The Council used its powers under Section 2 of the Local Government Act 2000 (LGA 2000) to set up the fund and to approve each individual project.

- 6.2.2 The Localism Act 2011 (Commencement No. 3) Order 2012 (SI 2012/411) brought the general power of competence into force for principal local authorities. The introduction of the general power of competence means that the well-being power no longer applies to English Local Authorities and as such the general power of competence will provide the Council with the power to approve each individual project under the ERPF.
- 6.2.3 The general power of competence is set out in s. 1.1 of the Localism Act 2011 and states that "A local authority has power to do anything that individuals generally may do. Ss (2) states that Subsection (1) applies to things that an individual may do even though they are in nature, extent or otherwise— (a) unlike anything the authority may do apart from subsection (1), or (b) unlike anything that other public bodies may do." Where the authority can do something under the power, the starting point is that there are to be no limits as to how the power can be exercised. For example, the power does not need to be exercised for the benefit of any particular place or group, and can be exercised anywhere and in any way. Section 2 sets out the boundaries of the general power, requiring local authorities to act in accordance with statutory limitations or restrictions
- 6.2.4 As the fund is still to be allocated in accordance with the level of deprivation (based on the national indices of deprivation) in each ward, the changes to the guidance are necessary to ensure that the fund is administered to meet the core purpose of the fund and to ensure there is adequate resident consultation.
- 6.2.5 The sub-committee will not however have to consider in relation to each project whether the well-being objective has been met.

6.3 Property Implications

None

7. KEY RISKS

- 7.1 Where risks exist to project delivery they are closely managed through robust performance management systems.
- 7.2 Risk is significantly reduced where projects are managed and/or delivered by the Council. It will be essential to have clear exit strategies and to communicate these effectively to relevant partners and communities.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The funding programme is designed to help reduce inequalities by targeting funds at ward level in accordance with levels of need as identified through the IMD.

8.2 Growth and Sustainability

The fund will help to create stronger communities by securing greater involvement from local people within their communities and heightening engagement with the Council. It will also help refine and increase the effectiveness of services provided by the local authority.

8.3 Strong Communities

By empowering local communities and making the council more accountable to them, it is anticipated that the Enfield Residents Priority Fund will serve as a flagship programme for improving the resilience of our local communities and reconnecting them to the Council.

9. EQUALITIES IMPACT IMPLICATIONS

A Predictive Equality Impact Assessment has been completed which includes an action plan which is held by Communities, Communications, Policy and Performance Division. This will be reviewed in the light of the changes proposed in this report.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

A comprehensive performance management framework has been put in place, which ensures that applications are quality assured prior to approval; that the funds granted are spent on delivering the project and are appropriately accounted for; and that the projects deliver the specified outcomes

Background Papers

None.