

# Loppington Parish Council

## Community Benefit Fund

Applicant: Loppington PCC

Committee Date: 8<sup>th</sup> August 2023

In accordance with s139 Local Government Act 1972 Loppington Parish Council (the Council) is in receipt of funding to be applied to Community Projects for the benefit of the communities of the Parish and which has been approved by a meeting of the Parish Councillors prior to the allocation of any payment (the Approved Projects).

### **Recommendation**

That the Council consider the application received, and in accordance with the Council's Grants Policy, Financial Regulations and Standing Orders award funding to the Applicant and the Project(s) provided that members consider it to be a commensurate benefit to the residents of the Parish

#### **1. Small Grants – up to £250**

In accordance with the Council's Grants Policy the Council may allocate Community Benefit Fund annually to small projects or single community events.

#### **Intermediary Grants – up to £1,000**

In accordance with the Council's Grants Policy the Council may allocate Community Benefit Fund annually to clearly defined or ongoing Community Projects

#### **Major Grants (over £1,000)**

In accordance with the Council's Grants Policy the Council may award grants to charities, clubs or societies to help with the cost of clearly defined or ongoing Community Projects.

#### **2. To allow the Parish Council to consider this request:**

a) In accordance with the Parish Council's Grants Policy, the application to be supported by 3 quotes/estimates and a copy of the PCC most recent audited accounts and full details of the project including any match funding.

b) Provide bank account details to which any award can lawfully be made.

#### **4. Financial**

a) The Council is not in receipt of a copy of the PCC audited accounts, and no other application for funding has been made to any other organisation (see application & summary at Appendix A).

b) The presumption is the request from the Applicant is for £7,450 being the initial cost of the Project. See letter submitted 30<sup>th</sup> July 2023.

c) The Council currently has £26,424 available in the Community Benefit Fund (subject to receipt of bank statements for July)

## **5. Legal Position in respect of Council/Community Benefit Fund spending**

As the money received under section 139 (1) (b) for the benefit of the residents is administered by the Parish Council under that section in terms of the quasi trust created by the donation, the normal rules prohibiting spending on church property do not apply. Therefore, if the Parish Council concludes that repairs to the church clock are a benefit to the residents and it complies with clause 3.1 of the 2016 agreement, the Community Benefit Fund could be used to help fund repairs to the church clock.

The Parish Council may approve and make a grant of a fixed sum to the PCC which would not be subject to procurement under the Council's Financial Regulations and Contract Finder. The Council would not be responsible for any additional or unexpected costs beyond the fixed sum awarded but will reserve the right to monitor the project to ensure that the grant is used in accordance with the application.

## **6. The Application**

- a) The Application refers to invoicing and VAT reclaim by the Parish Council. The quote submitted with the Application indicates that the potential contractor is not registered for VAT. NB If the Council contracted themselves for the works (i.e. order and pay directly) VAT would be fully reclaimable, however the Council would be leaving itself open to responsibility for any costing over-runs for the work.
- b) The quote submitted indicates, in carrying out the work to the clock, assistance will be provided by the volunteers responsible for winding the clock. It is assumed that the PCC will have carried out a risk assessment and insured the specific risks associated with volunteers operating in the church tower.
- c) The Council cannot either contract for work on or insure property it does not own, or carry out assessments and insure risk on church property.

## **7. Decision Required:**

- a) Whether or not the Parish Council supports the Project, and
- b) With reference to the Council's Financial Statement and funding available, establish the amount financial support, and
- c) Conditions to be applied to any award

Clerk  
Loppington Parish Council  
31<sup>st</sup> July 2023

Applicant :	Loppington PCC	Ref:
Project Title:	Repairs to Church Tower Clock	
Project Cost:	£	
Total Project Cost	£	
Project Summary:	<p>Maintenance and Refurbishment of Loppington Church Clock</p> <p>Advice has been sought from a professional clock expert who advises that the clock requires a service which will probably reveal the need for the replacement of parts by a professional clock maker. The gear wheels and pinions are showing signs of severe wear and it is a priority that these components are addressed as soon as possible because the wear will get worse, resulting in total failure of the clock within the next 5 to 10 years.</p>	
Background Papers	<p>Grant Application Form received 8<sup>th</sup> May 2023</p> <p>Initial request letter dated 14<sup>th</sup> March 2023</p> <p>X 1 estimate from specialist horologist circulated to members 30.7.23</p>	
Amount Requested:	£	
Legal Authority:	<p>S139 Local Government Act 1972 Acceptance of gifts of property.</p> <p>(1) Subject to the provisions of this section a local authority may accept, hold and administer—</p> <p style="padding-left: 40px;">(a) for the purpose of discharging any of their functions, gifts of property, whether real or personal, made for that purpose; or</p> <p style="padding-left: 40px;">(b) for the benefit of the inhabitants of their area or of some part of it, gifts made for that purpose; and may execute any work (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.</p> <p>(2) Where any such work is executed in connection with a gift made for the benefit of the inhabitants of the area of a local authority or of some part of that area, the cost of executing the work shall be added to any expenditure under section 137 above in computing the limit imposed on that expenditure by subsection (4) of that section.</p> <p>(3) This section shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for a charity for the relief of poverty.</p> <p>(4) Nothing in this section shall affect any powers exercisable by a local authority under or by virtue of [F1the Education Act 1996].</p>	