

Advancing Community Assets Fund – Standard Terms and Conditions

1.0 Background

- 1.1 Establishment of the Advancing Community Assets Fund (ACAF) was approved by Leadership Panel in January 2020 to provide financial support to community-controlled bodies that aspire to take on a Council-owned asset (land and property) through ownership, lease or other rights.
- 1.2 The ACAF may award grants to a community-controlled body, towards the costs of capital works, relevant to the condition of the asset being requested. Cabinet will determine any ACAF capital grant requests in conjunction with its consideration of the Stage 2 CAT application. The General Conditions for grants awarded through the ACAF are included below at section 2.
- 1.3 ACAF Guidance for Applicants states: ‘The Council expects that requests for capital costs (through ACAF) would not exceed £100,000; however the Leadership Panel will consider grant requests in excess of £100,000 on a case by case basis.

2.0 ACAF General Conditions

- 2.1 The grant is allocated for the approved activities only and no guarantee can be given that further funds will be available. No changes may be made to the approved activities without the prior written permission of the Council.
- 2.2 The grant must be used only for the approved activities.
- 2.3 The Grantee must keep proper up-to-date accounts and records. The Grantee must, at any time if requested provide progress reports and financial or other information or copies of financial records as may be required by an authorised officer of the Council and make items purchased or projects developed available for inspection.
- 2.4 Monies must be spent and the approved activities completed by the Completion Date specified in the Schedule and the Grantee will submit evidence to the reasonable satisfaction of the Council that the purpose for which the grant was awarded was achieved. No extension to the Completion Date will be permitted unless with prior agreement from South Ayrshire Council.
- 2.5 The grant must not be used to pay for any spending commitments the Grantee has made before the date of approval of the grant award.

- 2.6 In the event that the Grantee spends less than the amount specified in the grant application the Grantee must repay the unspent amount to the Council within 28 days of the Completion Date.
- 2.7 The Council is a local authority subject to procurement regulations and all goods and services purchased with a Council grant must be procured in a competitive and transparent way.
- 2.8 All approved activities will be carried out under the complete control of the Grantee.
- 2.9 The Grantee will keep records and receipts of how the grant was spent and produce these figures in a project/activity final report as detailed in the Schedule.
- 2.10 The accounting arrangements/transactions will be subject to audit scrutiny by the Council.
- 2.11 The Grantee must acknowledge the support of the Council in all publicity material. A copy of publicity material must be forwarded to the Council. Photographs of the completed project must be copyright free and available for use as publicity on the Council Website or elsewhere.
- 2.12 The Grantee will ensure that policies and practices minimise any detrimental effects to the environment and complement the Council's commitment to protecting and improving the environment of South Ayrshire.
- 2.13 No aspect of the approved activities shall be party political in intention, use or presentation.
- 2.14 The approved activities must be carried out in line with current best practice and the Grantee must comply with all applicable laws and regulations when carrying out the approved activities. The Grantee must ensure that it holds all necessary consents, licences, permits, insurances and authorisations required for proper completion of the approved activities.
- 2.15 The Grantee is responsible for considering whether it requires to obtain management, business, financial, accounting, tax, legal, insurance or any other types of professional advice, and for obtaining such advice.
- 2.16 The Council will only pay the grant to the Grantee. The Grantee must inform the Council, in writing, of any change in its name or constitutional status immediately. The grant cannot be transferred to another organisation.
- 2.17 The Grantee when holding public events must have appropriate insurance cover.
- 2.18 Section 2 of the Local Government Act 1986 prohibits the Council from publishing any material which appears to be designed to affect public support

for a political party. The same section also prohibits the Council from funding organisations to do this. The Grantee shall comply with this requirement.

- 2.19 Any Grantee receiving funding from the Council which is used for working with children and young people must satisfy itself that all staff and volunteers meet appropriate Disclosure Scotland – PVG scheme or the equivalent monitoring bodies.
- 2.20 The Grantee will avoid discrimination in recruitment and conditions of employment and make efforts to be an equal opportunities employer. In both service provision and employment matters the policies and practices of the Grantee should at all times conform to the following Acts and any amendments to them:
 - Equality Act 2010; and
 - Health and Safety at Work etc. Act 1974
- 2.21 The Grantee should seek to provide an activity that is based upon best practice and which makes the most effective and efficient use of available resources.
- 2.22 The Grantee is expected to demonstrate that they will incorporate equal opportunities principles and legislation into their policy and practices.
- 2.23 The Grantee is required to meet all reporting requirements required by the Council including a final report on completion of the activity which shall confirm whether the project has been successfully and properly completed.
- 2.24 The Council reserves the right to suspend the grant, or order that the Grantee must repay the grant in full to the Council, if the Council reasonably believes:
 - the Grantee is unable to demonstrate within **60 days** of the Commencement Date that the approved activities supported by the funding will be completed in accordance with the timescale stated in the application;
 - the Grantee does not use the funding for the approved activities or changes the approved activities without the prior written permission of the Council;
 - the Grantee fails to comply with any of the conditions of grant;
 - the Grantee changes its status, closes down or goes into receivership or administration;
 - the Grantee has provided fraudulent, inaccurate or misleading information;
 - the Grantee or any of its members or representatives has acted negligently or fraudulently in relation to the approved activities;
 - the Grantee or any of its members or representatives is under investigation by the Council or another body and the Council considers public funds are at risk.
 - the Grantee is not or will no longer be able to deliver the project or comply with this Agreement

- 2.25 On suspension of grant - if South Ayrshire Council suspends any grant payment, the Grantee must assist with all reasonable investigations. The Council reserves all its rights during any suspension, including the right to suspend any further grant payments and to impose additional reasonable terms and conditions as a condition of resuming grant payments. Whilst the grant is suspended, the Grantee must not use any unspent grant money without the prior written approval of the Council.
- 2.26 On termination of grant - If the Council terminates the grant, the Grantee must return all unspent grant monies to the Council within 28 days of the date of termination and complete an end of grant report. The Council reserves the right to take action to recover grant payments already paid to the grant holder.
- 2.27 Repayment of grant - To the extent that the Grantee is unable to demonstrate to the reasonable satisfaction of the Council that any part of the grant has been used in accordance with this Agreement, the Grantee agrees to repay such sums to the Council within 28 days whether or not the Grantee has spent that part of the grant.

4. The organisation must keep proper up-to-date accounts and records. The organisation must, at any time if requested, provide progress reports and financial or other information or copies of financial records as may be required by an authorised officer of the Council and make items purchased or projects developed available for inspection.

5. Monies must be spent and the approved activities completed within 12 months of receiving the grant award and the organisation will submit evidence to the reasonable satisfaction of the Council that the purpose for which the grant was awarded was achieved. No extension to the said 12 month period will be permitted unless with prior agreement with the Director - Housing, Operations & Development.

6. The Council shall be entitled to withdraw an offer of funding if applicants are unable to demonstrate within 6 months of receiving notification of an award of funding, that the approved activities supported by the funding will be completed in accordance with the timescale stated in the application.

7. The grant must not be used to pay for any spending commitments the organisation has made before the date of approval of the grant award.

8. If the organisation spends less than the amount specified in the grant application the organisation must repay the unspent amount to the Council immediately.

9. The Council is a local authority currently subject to European Union procurement regulations and accordingly, all goods and services purchased with a Council grant must be procured in a competitive and transparent way.

10. All approved activities will be carried out under the complete control of the organisation awarded grant funding.

11. The organisation will keep records and receipts of how the grant was spent and produce these figures in a project/activity final report.

12. The accounting arrangements/transactions will be subject to audit scrutiny by South Ayrshire Council.

13. Any organisation receiving grant aid must acknowledge the support of South Ayrshire Council in all publicity material. A copy of publicity material must be forwarded to the Council.

14. The organisation will ensure that policies and practices minimise any detrimental effects to the environment and complement the Council's commitment to protecting and improving the environment of South Ayrshire.

15. No aspect of the approved activities shall be party political in intention, use or presentation.

16. The approved activities must be carried out in line with current best practice and the organisation must comply with all applicable laws and regulations when carrying out the approved activities. The organisation must ensure that it holds all necessary consents, licences, permits, insurances and authorisations required for proper completion of the approved activities.

17. The organisation is responsible for considering whether it requires to obtain management, business, financial, accounting, tax, legal, insurance or any other types of professional advice, and for obtaining such advice.

18. The Council will only pay the grant to the organisation which has applied for it. The organisation must inform the Council in writing about anything that affects this before any changes are made. An organisation must inform the Council, in writing, of any change in its name or constitutional status immediately. The grant cannot be transferred to another organisation.

19. Organisations holding public events must have appropriate insurance cover.

20. Section 2 of the Local Government Act 1986 prohibits the Council from publishing any material which appears to be designed to affect public support for a political party. The same section also prohibits the Council from funding organisations to do this. The organisation shall comply with this requirement.

21. Any organisation receiving funding from the Council which is used for working with children and young people must satisfy itself that all staff and volunteers meet appropriate Disclosure Scotland – PVG scheme or the equivalent monitoring bodies.

22. The organisation will avoid discrimination in recruitment and conditions of employment and make efforts to be an equal opportunities employer. In both service provision and employment matters the policies and practices of your

organisation should at all times conform to the following Acts and any amendments to them:

- Equality Act 2010; and
- Health and Safety at Work etc. Act 1974

23. Community-controlled bodies should seek to provide an activity that is based upon best practice and which makes the most effective and efficient use of available resources.

24. Community-controlled bodies funded by the Council are expected to demonstrate that they will incorporate equal opportunities principles and legislation into their policy and practices.

25. Community-controlled bodies are required to meet all reporting requirements required by the Council.

26. The Council will state clearly its criteria for making the award or resource available and its financial relationship with that organisation.

27. The Council reserves the right to include any relevant additional conditions to any award of financial support. Any such conditions will be included in any offer of grant.

28. The organisation must repay the grant in full to the Council if:

- the organisation does not use the funding for the approved activities or changes the approved activities without the prior written permission of the Council;
- the organisation fails to comply with any of the conditions of grant;
- the organisation changes its status, closes down or goes into receivership or administration;
- the organisation has provided fraudulent, inaccurate or misleading information;
- the organisation or any of its members or representatives has acted negligently or fraudulently in relation to the approved activities;
- the organisation or any of its members or representatives is under investigation by the Council or another body and the Council considers public funds are at risk.