



CABINET

Subject Heading:

To seek authority to submit funding applications to Veolia Havering Riverside Maintenance Trust

Cabinet Member:

Councillor Osman Dervish

SLT Lead:

Steve Moore, Director of Neighbourhoods

Report Author and contact details:

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Policy context:

London Plan
Havering Local Development Framework
All London Green Grid Supplementary Planning Document 2012
Wildspace Business Plan Study May 2011
Havering Green Infrastructure Strategy 2016
Havering Local Plan

Financial summary:

Funding applications that meet the objectives of the Veolia Havering Riverside Maintenance Trust (the "Trust"), and the objectives of the Council will be submitted for various individual capital projects. These projects will either already be in the Council's capital programme, or will be developed and proposed for inclusion in the 2019/20 capital programme.

Is this a Key Decision?

Indicate grounds for decision being Key:

- (a) Expenditure or saving (including anticipated income) of £500,000 or more
- (c) Significant effect on two or more Wards

When should this matter be reviewed? August 2019

Reviewing OSC: Towns and Communities OSC

The subject matter of this report deals with the following Council Objectives

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

- 1.1 The purpose of this report is to amend prior resolutions agreed by Cabinet dated 10th May 2017 in respect of funding arrangements from the Veolia Havering Riverside Maintenance Trust (a local Landfill Communities Fund Trust) (the “Trust”) that previously resulted from the regeneration programme (Rainham Wildspace) of which the Veolia landfill site, operated by Veolia UK, forms part.
- 1.2 The 10th May 2017 cabinet resolutions are set out fully below at paragraph 3.2 of this report and in summary Members resolved that;
 - i) Council prepares and submits funding applications to the Veolia Havering Riverside Maintenance Trust (the “Trust”) ; and
 - ii) Consider the various options, to facilitate funding for the annual maintenance of and public access to the restored landfill site; and
 - iii) Delegate authority to develop options and implement a solution to secure the management and maintenance of the completed landfill site including the facilitation of required funding streams.
- 1.3 Previously, the Veolia Havering Riverside Maintenance Trust (a local Landfill Communities Fund Trust) (the “Trust”) had been seeking to secure sufficient funding from the Landfill Communities Fund as an endowment to enable management and maintenance of the restored Veolia landfill in perpetuity. The Trust had approximately £5million of funds set aside to assist with this purpose. Due to legislative changes, it was identified that this money should be spent much earlier than planned, with a deadline of the end of 2020. This does not result in the Council having any liability for future maintenance and management of the site.
- 1.4 The option to facilitate funding for the annual maintenance of and public access to the restored landfill site (resolution 2 noted above) is no longer required in order for the Council to apply to the Trust for the funding.
- 1.5 In the 2018/19 financial year, Trustees of the Veolia Havering Riverside Maintenance Trust have approached the Council inviting it to apply to use Trust funds to deliver projects that meet the objects of the Trust, and have also opened up applications to relevant capital projects based in Havering generally.
- 1.6 It is noted that, in the majority of circumstances, The Trust will require a percentage of funding from the Council in order for a bid to be successful. The amount of Council funding will vary according to each project, and the total funding requested from the Trust. Any project requiring match funding

will need to have this amount identified and secured prior to application to the Trust.

RECOMMENDATIONS

That Members:

- 2.1 Agree that the Council prepare and submit funding applications to the Veolia Havering Riverside Maintenance Trust (the "Trust") that meet the objectives of the Trust and the Council.
- 2.2 Delegate authority to the Director of Neighbourhoods, after consultation with the Leader, to identify projects which meet the required objectives and authorise submission of applications.

REPORT DETAIL

- 3.1 The purpose of this report is to review the previous recommendations from the original cabinet report of 10th May 17 due to the fact that the facilitation of funding for future maintenance and management is now no longer necessary, and to agree new resolutions which allow for the continued use of funding from The Trust.
- 3.2 The 10th May 2017 cabinet resolutions are;

That Members:

- 1 Agree that the Council prepares and submits funding applications to the Veolia Havering Riverside Maintenance Trust (the "Trust") that meet the Trust objects and that the Chief Executive after consultation with the Leader shall have delegated authority to identify those projects and make the applications.
- 2 Agree that the Council consider the various options, to facilitate funding for the annual maintenance of and public access to the restored landfill site. Options to consider include the provision of financial support directly, via a trust or through a third party.
- 3 Delegate authority to the Chief Executive after consultation with Director of Legal and Governance and the section 151 officer, to develop options and implement a solution to secure the management and maintenance of the completed landfill site including the facilitation of required funding streams. These options may include the Council taking responsibility for its management

and upkeep and/or making financial provision with a third party (e.g. RSPB or Land Trust).

Veolia Havering Riverside Maintenance Trust Background

- 3.1 The Trust was originally established in 2003 as the Cleanaway Havering Riverside Maintenance Trust, and was then renamed. The Trust has a number of objectives specified in the articles of association, centred around the protection and preservation of the environment for the public benefit.
- 3.2 In 10 May 2017 Cabinet resolved the recommendations set out above which in summary meant that officers prepare and submit funding applications to the Trust, delegate authority to approve these applications to the Chief Executive, and consider options to facilitate funding for the annual maintenance and public access to the restored landfill site.
- 3.3 Following discussion, it was agreed that the preferred option to facilitate future funding would be a Charitable Incorporated Organisation (CIO), and such an approach was agreed with the Trust. However the CIO is no longer required, the recommendations must therefore be separated from the creation of a CIO and solely reference an approval to submit applications for funding to the Trust. It is also noted that these applications in no way render the Council liable for the future maintenance and management of the site.

Landfill Communities Fund Trust

- 3.4 **Veolia Havering Riverside Maintenance Trust (“the Trust”)** was established to provide an endowment to enable long term funding to ensure aftercare of the restored Rainham landfill as public open space, as part of Rainham Wildspace. Unfortunately, changes by central government within Department of Communities and Local Government and ENTRUST (the regulatory body for the two Trusts) and plans to abolish the Landfill Communities Fund by the end of 2020, mean that future funding will not be available from the two Trusts for the long term care of the restored landfill.
- 3.5 With effect from April 2015, there have been changes to the Landfill Tax of significance for the operation of the Trusts; there are amendments to the conditions by which the Trusts obtain approval for the purposes of Landfill Tax credits by the regulatory body, ENTRUST. The amendments require the funding from contributions to be applied for approved purposes within the context of specific identified projects themselves approved in advance by ENTRUST. Those approved projects are to have a relatively short anticipated end-date, typically, no more than two to three years from the date of the contribution. Accordingly there is no scope for funding to be applied for an initial project with a further sum set aside for onward maintenance of the project, such as anticipated with the landfill site.

- 3.6 Consequently, the Trust approached the Council requesting that it consider applying to the Trust for funds currently held by the Trust, c£5m, to spend on Council projects to deliver environmental regeneration that meet the objects of the Trust.
- 3.7 The objects for which the Trust is established are for the benefit of the public in the area of benefit within the minimum prescribed timetable (being the two to three year time period referred to above in paragraph 3.8) through:
- *The protection or conservation of the natural environment by restoring or reclaiming land which cannot otherwise be used for economic, social or environmental purposes by reason of pollution damage caused by an activity previously carried out on the land.*
 - *The protection and preservation of the environment for the public benefit by:*
 - *preventing or reducing any potential causes of pollution in relation to any land which has suffered or may suffer pollution as a result of an activity previously carried out on the land; and*
 - *remedying or mitigating the effects of any pollution in relation to land which has suffered or may suffer pollution as a result of an activity previously carried out on the land.*
 - *The protection and preservation of the environment for the public benefit by:*
 - *educating the public in the benefits to the environment of sustainable waste management practices; and*
 - *conducting research into sustainable waste management and disseminating the useful results of that research (in this Article, “sustainable waste management practices” shall mean waste minimisation, minimisation of pollution and harmful waste, re-use of waste, waste recovery activities and clearance of pollutants from contaminated land).*
 - *The protection and preservation of the environment for the public benefit by:*
 - *the provision, maintenance or improvement of a public park, recreation ground or open space; or*
 - *the provision of some other public amenity in the vicinity of a landfill site PROVIDED THAT any public park, recreation ground, open space or public amenity provided, maintained, or improved by virtue of this Article shall not be operated for profit.”*
- 3.8 The final decision as to whether each application fulfils these objects will be for the Trust to determine, however it is important that the Council recognises these limitations on the Trust and considers each application accordingly prior to submission to ensure that any proposed scheme fulfils the objects in addition to the objectives of the Council.

3.9 Further the Trust must satisfy central government's Landfill Tax Credit scheme and to do so such funding must satisfy Object D – Provision, Maintenance of a Public Park or other Public Amenity of ENTRUST objectives. Public amenity is a very wide object and could include facilities such as libraries and sports facilities. However, the Trust must spend or distribute the funds in accordance with their own objects. In this case the objects of the Trust appear to be somewhat narrower than central government's Object D, being restricted to more environmental benefits. Consequently, it needs to be recognised that funding from the Trust for any proposed project will need to be consistent with the Trust objects outlined above.

3.10 Since applications for funding were requested in 2017/18 the following capital projects have been funded:

Upminster Windmill – decontamination of land
Langtons House and Orangery
Hornchurch Country Park Overflow Carpark
Friends of Cottons Park – improvements
Friends of Harold Wood Park – improvements
Friends of Bedfords Park – improvements
Friends of King George's playing fields – improvements
Hylands Park Action Group – play and recreational improvements
Friends of Upminster Park – play and recreation improvements
Improvement works to Lawns Park
Infrastructure works to Lodge Farm Park
Infrastructure works to Central Park
Infrastructure improvements to Harold Wood Park
Improvements to park changing rooms
Improvement works to Harrow Lodge Park
Langtons Gardens – fencing
Bretons Tudor Barn – installation of fire and security alarm
Bretons House – replacement of windows
Rainham Creek Public Realm
Rainham to the River – Rainham Marshes works
Coronation Gardens Improvements
Rainham Churchyard Wall Improvements
Thomas England Walk
Upminster Hall playing field
War memorial improvements
Hornchurch Sports Centre support

3.11 In addition, the following projects have been submitted for funding for the 2018-19 financial year:

Flood alleviation – Collier Row
Swimming pool facilities refurbishment
All weather MUGA
Demountable building refurbishment

Playground development
MUGA and hard play areas
Sports participation change areas
MUGA
Highfields Estate Woodland Park
QNew – learning space

- 3.12 It is recommended that the Council continue to apply to the Trust for funds to support a number of existing or future capital projects that meet the objects of the Trust, and have the required match funding identified and secured where required.

REASONS AND OPTIONS

Reasons for the decision:

- 4.1 This decision is required for the Council to apply for funds held by the Trust for the purposes of Council projects which fall within the Trust's objects. The funds were held by the Trust to fund the future management and maintenance of the Rainham landfill site, but are now available to fund existing capital projects which fulfil the objects of the trust, with no liability for the Council in respect of the future management and maintenance of the site. The availability of these funds is threatened by a Government decision to abolish the Landfill Communities Fund and a DCLG and ENTRUST decision that compels the Trust to spend the funding within a two to three year period, rather than at the closure of the fully restored landfill by 2031 which was the previous arrangement.

Other options considered:

Alternative options considered include:

No application for trust funding be made and the Council funds relevant environmental capital projects from its own resources.

IMPLICATIONS AND RISKS

Financial implications and risks:

- 6.1 Funding applications to the Trust will be made in respect of either projects that are currently included within the approved capital programme or are in

development to be proposed for inclusion in the 2018-2019 capital programme. All projects will be subject to the production of a robust Business Case.

- 6.2 In developing options to secure the future maintenance of the closed landfill site the Council's financial commitments will be subject to compliance with the governance and approval procedures within the Havering Constitution.
- 6.3 Where match funding is required, this must be identified and secured prior to submitting a funding application.

Legal implications and risks:

- 7.1 This report recommends that the Council submit funding applications to the Trust, for various capital Council projects
- 7.2 It is open to the Council to apply for funding from the Trust for projects, which fall within the Trusts objects and which are pre-approved by the Regulator ENTRUST.
- 7.3 Approval for grant applications of over 0.5 million is a function of cabinet under the Council Constitution. Members are recommended to delegate the authority to decide the projects to be the subject of the applications, and approval to make those applications to the Director of Neighbourhoods, after consultation with the Leader.
- 7.4 The Council has legal powers to apply for such funds under s111 of the Local Government Act 1972, namely powers incidental to any primary powers or duties concerning particular projects.

Human Resources implications and risks:

- 8.1 There are no current human resource implications identified as arising from the recommendations of this report

Equalities implications and risks:

- 9.1 Equality Impact Assessments will be undertaken for each of the projects submitted to the Trust for funding.
- 9.2 All identified projects put forward for funding will be expected to confirm to the objects of the Trust, and as such will provide social and environmental benefits for the local community and visitors to the area which should impact positively on all protected characteristics.
- 9.3 Anticipated outcomes include improvement in public health, reduction in crime and antisocial behaviour, support for the community to adapt to climate change, and increased quality of life across a wide area within the

Borough. Overall, it is envisaged that all projects will deliver opportunities for elevated social inclusion and enhanced community cohesion.

BACKGROUND PAPERS

None