



18/58
DECISION
TO BE MADE
+ appendices
3 + 4 +
collaboration
Agreement

Notice of KEY Executive Decision

Subject Heading:	Land of the Fanns Collaboration Agreement
Cabinet Member:	Councillor Osman Dervish
CMT Lead:	Steve Moore, Director of Neighbourhoods
Report Author and contact details:	Lauren Gee, Regeneration Officer, Economic Development. X1784 lauren.gee@havering.gov.uk
Policy context:	Mayor's London 2020 Vision London Riverside Opportunity Area Framework Havering Local Development Framework Roding, Beam and Ingrebourne Catchment Plan 2015 Havering Green Infrastructure Strategy 2016 Rainham and Beam Park Planning Framework 2016 Havering Local Plan Thames Chase Plan All London Green Grid SPD
Financial summary:	<p>In 2016, the Land of the Fanns Partnership was awarded £1.36m by the Heritage Lottery fund, to deliver the 26 individual projects which make up the scheme over a period of five years. The total value of the programme is £2.4m.</p> <p>All funding for projects and overheads in years 1 & 2 is secured, including cash match. No individual project will go ahead until all match funding for that project is secured by the Lead Party.</p>

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Reason decision is Key	Indicate grounds for decision being Key: (a) Expenditure or saving (including anticipated income) of £500,000 or more
Date notice given of intended decision:	
Relevant OSC:	Towns and Communities
Is it an urgent decision?	Yes
Is this decision exempt from being called-in?	No

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

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This Executive Decision seeks authority for the London Borough of Havering to enter into a Collaboration Agreement with Thames Chase Trust Ltd, to facilitate delivery of the Land of the Fanns Landscape Partnership Scheme (LotFPS).

Background

The LotFPS is based on the east London and west Essex border covering parts of the following Local Authority areas:

- London Borough of Havering
- London Borough of Barking and Dagenham
- Thurrock Council
- Brentwood Council

The partnership includes the four above local authorities, Thames Chase Trust, the Forestry Commission, Essex County Council, the Thames Estuary Partnership and Thames21.

The LotFPS aims to restore and reconnect the natural and historic landscape within the area, whilst building understanding and attachment among local people to enjoy and celebrate its special character.

How Havering has taken this work forward

A Partnership Board has been set up which meets quarterly, reporting on a set agenda which includes:

- Finance
- Fundraising
- Project Delivery
- Marketing
- Monitoring and Evaluation

What the LotFPS will deliver

The Scheme is made up of 26 individual projects, to be delivered over a period of 5 years, beginning in 2017/18 and ending in 2021/22. The scheme will be completed by March 2022.

Projects within the scheme cover one or more of the four programme outcomes, which are:

- Conserving or restoring the build and natural features that create the historic landscape character
- Increasing community participation in local heritage
- Increasing access to and learning about the landscape area and its heritage
- Increasing training opportunities in local heritage skills

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Each project has a full project plan, details of which are contained within the Landscape Conservation Action Plan (LCAP).

1. Landscape Management Plan (In progress)
2. Community Tree Nursery
3. Woodland, Grassland and Hedgerows
4. Low Nutrient Habitats
5. Rediscovering the Lost Fens
6. Micro Landscapes
7. River Catchments
8. Connecting Historic Landscapes
9. Environment Skills and Training
10. Land of the Fanns Publication (In progress)
11. Designed Landscapes
12. Community Mapping
13. Community Archaeology (In progress)
14. Travelling Archaeological Exhibitions (In progress)
15. Interpreting the Fanns (In progress)
16. Heritage Skills and Training
17. Digital Heritage
18. Promoting the Land of the Fanns (In progress)
19. School Programme
20. Volunteer Co-ordination
21. Community Action Fund (In progress)
22. Landscape Champions of Tomorrow
23. Apprentice Scheme
24. Walking the Fanns (In progress)
25. Land of the Fanns Conferences (In progress)
26. Arts Festival

In order to deliver these projects, a funding mechanism must be in put in place to allow the Council, as Accountable Body, to reclaim costs from the Heritage Lottery Fund on behalf of Thames Chase Trust (the Lead Party in the agreement).

The Collaboration Agreement sets out how this funding mechanism applies and will be administered, as detailed in the Grant Distribution Methodology [Appendix One].

Recommended action:

That the Director of Neighbourhoods agree to the London Borough of Havering entering into a Collaboration Agreement with Thames Chase Trust Ltd, to facilitate delivery of the Land of the Fanns Landscape Partnership Scheme (LotFPS).

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AUTHORITY UNDER WHICH DECISION IS MADE

In October 2017 the following recommendations were agreed by Cabinet:

1. Agree that the Council enters into a Partnership Agreement with others to deliver the Land of the Fanns Landscape Partnership scheme
2. Agree that the Council accepts a grant of £1.36m from Heritage Lottery Fund in its capacity as Accountable Body for the Land of the Fanns Landscape Partnership scheme
3. Delegate to the Director of Neighbourhoods power to negotiate and enter into any necessary agreements or partnering arrangements or give any indemnities on behalf of the Council to deliver the scheme set out in this report and give effect to the first recommendation.

In December 2009 the following recommendations were agreed by Cabinet:

4. That authority for action to implement the above recommendations (excluding land disposals) be delegated so far as necessary to the relevant Cabinet Member(s), in consultation with the Leader and the Lead Member for Housing, Public Protection and Regeneration and with the Cabinet Member for Finance and Commerce where expenditure is involved and that such decisions will be taken in accordance with the Council's Constitution.
5. That authority be delegated to the relevant Lead Member in consultation with the lead member for Finance and Commerce to authorise commencement of tenders and award contracts to implement the recommendations in this report up to a value of £5 million.
6. The Group Director for Finance and Commerce be delegated authority to refine the financial arrangements after consultation with the Lead Member for Finance and Commerce to achieve the outcomes within the finance available as information becomes confirmed.

STATEMENT OF THE REASONS FOR THE DECISION

This Decision is necessary to ensure that the Council is able to fulfil their role as Accountable Body for the Land of the Fanns Partnership scheme, administering the funding as required and providing the Funder with assurance that due process and proper administration have been adhered to.

OTHER OPTIONS CONSIDERED AND REJECTED

Abandon the scheme – rejected. If the Council were to withdraw their participation within the Partnership, this would seriously impact the scheme overall and potentially lead to withdrawal of funding.

Continue without an agreement in place – this would lead to significant uncertainty

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about the requirements of all parties involved, and jeopardise the project.

PRE-DECISION CONSULTATION

N/A

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Lauren Gee

Designation: Regeneration Officer

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

In October 2017, Cabinet approved the following recommendations:

1. Agree that the Council enters into a Partnership Agreement with others to deliver the Land of the Fanns Landscape Partnership scheme
2. Agree that the Council accepts a grant of £1.36m from Heritage Lottery Fund in its capacity as Accountable Body for the Land of the Fanns Landscape Partnership scheme
3. Cabinet delegates to the Director of Neighbourhoods power to negotiate and enter into any necessary agreements or partnering arrangements or give any indemnities on behalf of the Council to deliver the scheme set out in this report and give effect to the first recommendation.

As the Accountable Body, the Council requires a legally binding agreement between itself and Thames Chase Trust as the Lead Party, to ensure outputs and outcomes of individual projects are achieved in line with the Landscape Conservation Action Plan and terms and conditions of the Heritage Lottery Fund grant.

CPR 25.4 provides that where the grant funding is for use by a third party, the obligation to account for the funding contained in the grant terms will be included in the agreement with the third party. The terms of making the grant/funding shall include a clause to competitively tender for the services, supplies or works, and reflect the Council's strategic policies and objectives in so far as they apply to, or are compatible with, the funding objectives set out in the grant terms imposed on the Council and CPR. Officers need to ensure that the governance arrangements for the partnership comply with this requirement.

Regarding necessary procurement arrangements which arise from time to time for the buying of goods and services during the implementation of the project, the parties have agreed under clause 34 that the provisions of the Scheme Management Structure and Method of Buying Goods and Services (Schedule 5) will apply, except where there is a justifiable need for an exception to the rules to allow for a single supplier to be contracted. The following will need to be provided in this instance:

1. A report detailing the reasons why only a single supplier is suitable;
2. Approval of the exception by the Strategic Board (as defined in the agreement);
3. Approval of the exception by the Council's representative (Director of Neighbourhoods).

Officers are advised to remain in contact with legal to ensure that procurement and contractual obligations do not arise.

FINANCIAL IMPLICATIONS AND RISKS

The value of the delivery stage of the scheme is £2.434m. This is comprised of a

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£1.360m contribution from HLF funding (making up 56% of the scheme), and a mixture of secured and non-secured funding of £1.074m from other grant funding bodies, non-cash contributions and voluntary contributions from other various sources. Aside from three specific projects which have currently been identified, the Council has no accountability for the match funding elements of the scheme, and each individual project will not proceed until full funding has been secured. For all projects the Council has no responsibility for identifying funding sources.

All funding for projects and overheads, including cash match, is secured for years 1 and 2.

Table 1 Land of the Fanns	Years							
	1	2	3	4	5	6-10	1-10	
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	Grand Total	
Total estimated project cost (as per HLF agreement)	0.304	0.627	0.751	0.346	0.292	0.114	2.434	
Volunteer and non-cash contributions contained within the HLF agreement								
Total estimated payments	0.304	0.627	0.751	0.346	0.292	0.114	2.434	
Funded by								
Other secured funding	(0.100)	(0.036)	(0.015)	(0.005)	0.000	0.000	(0.156)	
Other unsecured funding required	(0.195)	(0.311)	(0.049)	(0.020)	(0.022)	0.000	(0.597)	
Volunteer and non-cash contributions	(0.025)	(0.038)	(0.057)	(0.041)	(0.045)	0.000	(0.207)	
Other funders for management and maintenance	0.000	0.000	0.000	0.000	0.000	(0.050)	(0.050)	
HLF at 56% of estimated costs up to value of £1,359,700. (Final claim will not recoup c£3k)	(0.170)	(0.351)	(0.421)	(0.194)	(0.160)	(0.064)	(1.360)	
Total estimated funding	(0.491)	(0.736)	(0.541)	(0.260)	(0.227)	(0.114)	(2.370)	
Total financial impact	(0.187)	(0.110)	0.210	0.086	0.065	0.000	0.064	
Table 2 Requirements of LBH	Years							
	1	2	3	4	5	6-10	1-10	
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	Grand Total	
Funding to partnership in advance of HLF claims	0.063	0.090	0.107	0.100	0.888		0.448	
Funding to partnership post HLF quarterly claims	0.107	0.261	0.314	0.094	0.075	0.064	0.915	
Total funding required by partners	0.170	0.351	0.421	0.194	0.163	0.064	1.362	
Funded by								
HLF claims (on accruals basis)	(0.170)	(0.351)	(0.421)	(0.194)	(0.227)		(1.363)	
	(0.170)	(0.351)	(0.421)	(0.194)	(0.227)	0.000	(1.363)	
Total impact on LBH	0.000	0.000	0.000	0.000	(0.064)	(0.064)	0.000	

This table contains the following assumptions:

1. Table 1 is based on the HLF grant agreement and therefore shows £100 costs inclusive of non-cash / volunteer time.
2. The process used by HLF includes a small surplus at the end of the project, allocated based on a legacy plan. To access this funding for years 6-10, a

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further £0.064m of volunteer time will need to be identified and included within the Management and Maintenance plan. A Legacy Plan which incorporates this requirement will be produced by as part of the scheme, and approved by the HLF. The scheme includes resource time to develop this.

3. Figures within table 2 are accruals based, not cash.
4. Where partners are not able to claim VAT, this has been identified within the HLF agreement, and 56% of the VAT amount can be reclaimed through grant claims.

As the accountable body, the Council bears the risk that funding is lost if the Lead Party does not fully spend the allocated amount which forms part of the eligible expenditure covered by the grant. The Collaboration Agreement (Clauses 4-9) mitigates this risk and ensures that the correct documentation and governance is in place to satisfy grant requirements. Schedule 4 of the Agreement sets out all advance funding payments. [Appendix Two]

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no direct human resources implications and risks associated with a decision for the Council to enter into a collaboration agreement with Thames Chase Trust Ltd. to facilitate the delivery of the Land of the Fanns Partnership Scheme.

Delivery of the Council's function as the Accountable Body will be managed within existing staff resources in the Development Service.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

An Audience Development Plan was created as part of the development phase for the Land of the Fanns Partnership Scheme. This plan identifies key community sectors which are under-represented in terms of their relationship to the landscape, and was used to inform the delivery plan for the scheme.

Ultimately, the scheme is intended to engage all sectors of the community, resulting in a positive impact upon people from all protected characteristics – with children and young people, older adults, disabled people, and those from disadvantaged backgrounds being amongst the groups that will benefit the most. The provision of activities and opportunities to take part in environmental projects should also support increased levels of social inclusion and improve community cohesion in Havering.

BACKGROUND PAPERS

~~Land of the Fanns Landscape Partnership Cabinet report – 11th October 2017~~
None

Appendix One – Grant Distribution Model

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Appendix Two – Collaboration Agreement, including Schedule 4.

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Proposal NOT agreed because

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 4/10/2018

Signed 

