

**Forward Plan reference:** Not applicable

**Report title: Local Community Fund and Locality Fund: Arrangements for 2024/25**

**Report to:** Councillor Louise McKinlay, Deputy Leader and Deputy Leader and Cabinet Member for Levelling Up, Communities and Business Engagement and Councillor Christopher Whitbread, Chancellor of Essex and Cabinet Member with responsibility for Finance

**Report author:** Paul Turner, Director, Legal and Assurance

**Date:** 25 March 2024

**For:** Decision

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**County Divisions affected:** All Essex

## 1. Everyone's Essex

- 1.1 Levelling up is at the heart of Everyone's Essex. This report asks the Deputy Leader to make arrangements to empower our Councillors to provide funding to level up and support the communities they serve.

## 2. Recommendations

### **Deputy Leader and Cabinet Member for Communities, Partnerships and Performance:**

#### *Local Community Fund:*

- 2.1 Agree to create a Local Community Fund of £397,500 for the 2024/25 financial year with the proposed arrangements and guidance as at Appendix 1.
- 2.2 Agree that the Director, Legal and Assurance may change the Lead Member in consultation with the Cabinet Member if this is necessary or appropriate.

#### *Locality Fund:*

- 2.3 Agree to create a Locality Fund of £375,000 for 2024/25, £5,000 per councillor, regardless of how much each member has spent in previous financial years and that the proposed arrangements for the management of the Essex County Council Locality Fund for the financial year 2024/25 are agreed.
- 2.4 Agree that the guidance for the operation of the scheme, as set out in Appendix 2, is agreed.

- 2.5 Agree that the Fund is open for nominations between Monday 13 May 2024 and 28 February 2025.

*Annual Reporting*

- 2.6 Agree that an annual report be published in June each year setting out how local funding has been spent.

*Exceptional Cases*

- 2.7 Agree that the Director, Legal and Assurance may use their delegated powers to depart from the rules of the scheme in exceptional cases in consultation with the portfolio holder.

**Chancellor of Essex and Cabinet Member with responsibility for Finance:**

- 2.8 Agree to the draw down of £176,005 from The Community Initiatives Fund (CIF) Reserve
- 2.9 Agree to the draw down of £150,495 from the Everyone's Essex Reserve
- 2.10 Agree to the draw down of £246,000 from the Ambition Fund Reserve.
- 2.11 Agree to the virement of £200,000 from the Director, Childrens & Families (Youth Services) budget to the Director, Legal and Assurance's budget.

**3. Summary of issue**

- 3.1 In 2023/4 the Council allocated £650,000 for local grant funding. The grant schemes have proved very popular with councillors and help them to connect to local residents. It provides an incentive for communities to contact their councillor and vice versa. As such, this year £122,500 of additional funding has been made available.
- 3.2 We have been considering how best we can continue with councillor involvement in grants for their local area. It is proposed to: -
- Continue with the Locality Fund at £5,000 per member. All members will have funding reset at £5,000 regardless of how much they have spent in previous years. This will require £375,000.
  - Continue with the Local Community Fund of £397,500 which continue to focus on:
    - Youth grants
    - Environmental schemes
    - Levelling up schemes

**Locality Fund**

- 3.3 The Locality Fund will continue on a very similar basis as 2023/24, with £5,000 being allocated to each councillor.
- 3.4 The proposed scheme for 2024/25 is attached at Appendix 2. The Council will make available the sum of £5,000 for each single member division, and £10,000 for divisions served by two councillors. Members are able to make recommendations as to how the money is to be spent. The final decision will be taken by officers under delegated powers.
- 3.5 The scheme has been designed to ensure that the Fund is managed properly and efficiently, and that money is spent in a way which benefits the division whilst giving the widest flexibility for spending, consistent with safe use of public funds.
- 3.6 It is proposed to require that money must be spent in a way which benefits the member's division. There are three main ways of spending it:
- making a grant to a registered charity, a parish council or a properly constituted community or voluntary association for the purposes of a specific service or project in the Division(s);
  - buying goods or services; or
  - commissioning services from ECC.
- 3.7 It is recommended that the Fund continues to be administered by the Essex County Council Democracy Team, using the processes identified in the guidance. The processes have been subject to an internal audit during 2020-21 and the internal controls were found to be satisfactory. It is proposed to open the fund for nominations on 13 May 2024.

### **Local Community Fund**

- 3.8 The Local Community Fund is once again proposed to operate as twelve separate funds, each covering the area of a district council. The fund for each district will be £5,300 for each county councillor in that district, an increase of £1,300 per councillor compared to 2023/24.
- 3.10 The full proposal is set out at Appendix 1. It is proposed that the Deputy Leader will make decisions on allocation following the process set out in appendix 1. The minimum grant is £1,000 and the maximum is the full funds available.
- 3.11 The fund must be spent on one of three areas as set out in the appendix:
- Levelling up
  - Tackling climate change
  - Youth services
- 3.12 The fund will be formed through the amalgamation of identified underspends from other programmes ending and virement from other council departments- see Section 5 Financial Implications.

#### **4. Equality and Diversity implications**

- 4.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful.
  - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 4.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 4.3 The fund has been set up in a way which enables Councillors to benefit their communities in an inclusive way. Where necessary an equality impact assessment will be undertaken.

#### **5. Financial Implications**

- 5.1 The total cost of the scheme for 2024/25 is £772,500
- 5.2 The funding is split into two parts, £375,000 is for the Locality Fund and £397,500 for the Local Community Fund and it is proposed to be financed by the following means: -

Source of Funding	Description	£
The Community Initiatives Fund (CIF) Reserve 2024/25	Earmarked from the CIF 2023/24 under spend.	79,003
	Earmarked from the 2021/22 CIF reserve.	9,192
	Earmarked from the CIF Emergency Fund.	87,810
<b>Sub Total</b>		<b>176,005</b>
Everyone's Essex Reserve 2024/25	To be repurposed from the Levelling Up Funding (approved on CMA FP5771122).	23,984
	To be repurposed from the Community Challenge Fund (approved on CMA FP5771122).	50,000
	To be funded from the Levelling Up Funding.	76,511
<b>Sub Total</b>		<b>150,495</b>
Ambition Fund Reserve 2024/25	To be repurposed from the Safety Advisory Group Funding (approved on CMA FP3900422).	246,000
<b>Sub Total</b>		<b>246,000</b>
Budget Virement 2024/25	Virement from the Director, Childrens & Families (Youth Services) budget to the Director, Legal and Assurance's budget.	200,000
<b>Sub Total</b>		<b>200,000</b>
<b>Total</b>		<b>772,500</b>

- 5.3 The Local Community Fund and Locality Fund will be allocated and run as set out in Section 3 of this report.
- 5.4 The Locality Fund will allocate £5,000 for each single member division and £10,000 for divisions served by two councillors.
- 5.5 Members can make recommendations as to how the money is to be spent with the final decision taken by officers of Essex County Council under delegated powers.
- 5.6 In the Local Community Fund there will be 12 separate funds (one for each district), based on population. This fund is to be spent on projects or activities under one of three themes
- Youth Provision
  - Levelling up the Community

- **Climate Action**

- 5.7 Any award of funding by way of a grant (for either fund) will be accompanied with a grant letter for signature by the beneficiary. This will include conditions to ensure that it is unlawful for the funding not to be spent in the way agreed within the grant award letter.
- 5.8 Grant funding will normally be paid after the expenditure is incurred unless this will prejudice the delivery of the proposal in which case ECC may agree to pay in advance.
- 5.9 All grants will be made on terms and conditions approved by the Monitoring Officer.
- 5.10 In some circumstances, it may be more suitable for the recipient of the funding to invoice ECC for work carried out under the approved purpose of funding. In such a situation, this will be agreed between ECC and the proposed recipient prior to funding being approved.
- 5.11 The release of the funding for agreed applications will be subject to separate decision papers approved by the Deputy Leader.
- 5.12 The fund will be managed by the Essex County Council Democracy Team of Essex County Council from within existing staff resources.

## **6. Legal Implications**

- 6.1 The guidance which has been recommended and set out in Appendix 1 will put processes in place to ensure that the money is spent effectively and with probity.

## **7. Appendices**

- 7.1 Local Community Fund and Locality Fund proposed schemes for 2024-25
- 7.2 Equalities Comprehensive Impact Assessment

## **8. List of Background Papers**

None

<b>I approve the above recommendations set out above relating to my portfolio for the reasons set out in the report.</b>	<b>Date</b> 07.05.24
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<p><b>Councillor Louise McKinlay, Deputy Leader and Cabinet Member for Levelling Up, Communities and Business Engagement</b></p>	
<p><b>I approve the above recommendations set out above relating to my portfolio for the reasons set out in the report.</b></p> <p><b>Councillor Christopher Whitbread, Chancellor of Essex and Cabinet Member with responsibility for Finance</b></p>	<p><b>Date</b></p> <p>03.05.24</p>

In consultation with:

<p><b>Executive Director for Finance and Technology (S151 Officer)</b></p> <p>Stephanie Mitchener on behalf of Nicole Wood</p>	<p>01.05.2024</p>
<p><b>Director, Legal and Assurance (Monitoring Officer)</b></p> <p><b>Paul Turner</b></p>	<p>22 April 2024</p>

**Appendix 1****Proposed Local Community Funds**

It is proposed to create twelve new Community funds, one for each of the twelve Essex districts. A £397,500 fund will be split between 12 districts based on population (£5,300 multiplied by the number of members representing that district).

<b>District</b>	<b>Amount</b>
Basildon	£47,700
Braintree	£42,400
Brentwood	£21,200
Castle Point	£26,500
Chelmsford	£47,700
Colchester	£47,700
Epping Forest	£37,100
Harlow	£21,200
Maldon	£15,900
Rochford	£26,500
Tendring	£42,400
Uttlesford	£21,200

**How the Local Community Fund will be administered****Purpose of the Scheme**

ECC members can submit proposals (preferably based on a consensus of ECC members representing that district) to the Local Community Fund for grants to fund projects activities or services under one of three themes.

- Youth Provision
- Levelling up the Community
- Climate Action

Members will be able to either put forward their own schemes or consider suggestions put forward by officers in the relevant service.

<b>1. Youth Provision</b>	<ul style="list-style-type: none"> <li>• Funding can be allocated to provide targeted youth work provision that aligns to the priorities identified by the ECC Youth Service.</li> <li>• Proposals must demonstrate that young people have been engaged in the design of the service eg local youth reps, through a forum, engaging with Youth team reps representing youth voice.</li> <li>• Programmes must seek to be sustainable.</li> <li>• Proposals must be either on the list produced by the Youth Service or agreed by the Youth Services Manager.</li> </ul>
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	<ul style="list-style-type: none"> <li>• For more information about ideas from the Youth Service or to discuss their own idea, Members should contact Youth Services Manager <a href="mailto:julie.auger@essex.gov.uk">julie.auger@essex.gov.uk</a></li> </ul>
<p><b>2. Levelling Up the Community</b></p>	<ul style="list-style-type: none"> <li>• Schemes must benefit one of the Levelling up cohorts. <ul style="list-style-type: none"> <li>• People with SEND, learning disabilities, or mental health conditions (children and adults)</li> <li>• Children on free school meals</li> <li>• Working families on low incomes</li> <li>• Young adults (16-25) who have not been in education, training, or employment for more than six months.</li> </ul> </li> <li>• Programmes must seek to be sustainable.</li> <li>• Proposals must be either on the list of ideas produced by the Head of Levelling up Co-ordination, Rebecca Gipp or approved by her.</li> <li>• For more information about ideas from the Head of Levelling up Co-ordination or to discuss their own ideas, Members should contact the Head of Levelling up Co-ordination <a href="mailto:rebecca.Gipp@essex.gov.uk">rebecca.Gipp@essex.gov.uk</a></li> </ul>
<p><b>3. Climate Action</b></p>	<ul style="list-style-type: none"> <li>• Schemes must support voluntary and community projects in areas of climate need, including <ul style="list-style-type: none"> <li>• <i>Tackling climate change</i></li> <li>• <i>Increase Education and Awareness of climate change issues and action that people can take.</i></li> </ul> </li> <li>• Programmes must seek to be sustainable rather than one off funding.</li> <li>• Proposals must be either on the list of ideas produced by the Director, Environment and Climate Action, Samantha Kennedy or other schemes which are approved by her.</li> <li>• For more information about ideas from the Director, Environment and Climate Action or to discuss their own ideas, Members should contact the Director, Environment and Climate Action <a href="mailto:Samantha.kennedy@essex.gov.uk">Samantha.kennedy@essex.gov.uk</a></li> </ul>

## Lead District Members

Each division will have a lead member, who will make the applications on behalf of the district and be the main point of contact within the district.

District	Lead Member
Basildon	Cllr Dr Richard Moore
Braintree	Cllr Ross Playle
Brentwood	Cllr Louise McKinlay
Castle Point	Cllr Andrew Sheldon
Chelmsford	Cllr Anthony McQuiggan
Colchester	Cllr Simon Crow
Epping Forest	Cllr Holly Whitbread
Harlow	Cllr Clive Souter
Maldon	Cllr Jane Fleming
Rochford	Cllr June Lumley
Tendring	Cllr Carlo Guglielmi
Uttlesford	Cllr Susan Barker

## Application Process:

Pre application	<p>The lists of ideas will be made available to all councillors.</p> <p>Officers or Groups seeking funding may approach County Councillors directly. County councillors may want to discuss individual proposals with the key contacts, whether or not they are on the key list:</p> <p>Julie Auger – Youth Services Rebecca Gipp – Levelling Up Samantha Kennedy – Climate Change</p> <p>County Councillors across each district should discuss potential proposals. They should make reasonable efforts to obtain positive agreement, but if agreement cannot be achieved we will accept the absence of any objection.</p>
Application	<p>Nominations open on Monday 13 May 2024 and close on <b>Friday 10 January 2025.</b></p> <p>If there is a consensus of the County Councillors representing divisions in that district, the Lead Member will submit an electronic form.</p> <p>If unanimity cannot be achieved then the reason for this should be stated.</p> <p>Other members may submit a form but they would need to explain (as far as they can) why the Lead Member has been unable to submit the scheme.</p>

1 <sup>st</sup> Stage	<p>On receipt the Application will be sent to the relevant officer for formal comment.</p> <ul style="list-style-type: none"> <li>* Youth Services Manager</li> <li>* Head of Levelling Up</li> <li>* Director, Environment and Climate Action</li> </ul> <p>They may reject the proposal at this stage, but they should normally seek further information before doing so.</p>
2 <sup>nd</sup> Stage	<p>Democracy Team to make basic checks the recipient and undertake a desktop assessment as to whether the scheme complies with the rules. This will include seeking basic information from the proposed recipient, unless the money is to be spent by ECC.</p>
3 <sup>rd</sup> Stage	<p>Agreed applications are sent to the Deputy Leader for approval via a cabinet member decision.</p>
4 <sup>th</sup> Stage	<p>Outcome notified to the organisation and to local members and funding letter sent.</p>

### Rules of the Scheme

#### 1. Funding current activities or providing an existing organisation with ‘core funding’

We expect schemes to provide benefits which wouldn’t otherwise be provided. Where an organisation is already running services, we would not normally expect to provide funding to continue existing services.

#### 2. To whom can the money be paid?

We expect that most of the money would be spent by grant funding community organisations, charities or local authorities. It is also possible for funds to be transferred to an ECC department. Where another local authority (including a parish council) is to be funded, we expect it to pay at least 50% of the cost of the project itself.

An ECC service may agree to run or fund the project – please contact them for advice. They will be accountable for spend and ensuring complying with the rules

Where money is to be paid externally we will carry out due diligence checks and we will ask for receipts or proof of expenditure.

#### 3. How will the fund be allocated?

Members in each district will be expected to organise themselves (they can start doing this now) and decide how they want to work. This fund places members at its heart. It will be up to groups of members whether they choose ideas from the list of suggestions, whether they approach individual organisations or whether they want to put out a call for ideas on social media – it's up to them.

Whilst officers can provide advice, officers have been asked not to produce agenda or organise meetings of funding panels. Officers will help where we can, but we don't want to create an industry or a costly structure.

The Lead Member has an informal role in convening members and is expected to work to achieve a consensus and encourage all members to become involved.

Officers in the Democracy Team may be able to signpost to people who can help give advice on spending.

We expect nominations to be agreed unanimously by members in a district – if this cannot be achieved then a majority may put forward a proposal explaining what has been done to achieve unanimity and why it has not been achieved.

#### **4. When can we make nominations?**

The fund will open for nominations on 13 May 2024.

All schemes will be subject to the formal approval of the Deputy Leader. This will require a CMA and funding decisions will be made in batches.

Bids will not be accepted after 10 January 2025.

#### **5. What if members in my district can't agree?**

We hope and expect that Members in a district will be able to self-organise to come together to agree proposals to help level up the local area they represent, but please contact officers for advice if you are struggling to reach agreement.

If a proposal has been sent to all members representing seats in the district and no opposition to it has been received within 14 days, we will normally consider this as unanimous if a fair opportunity has been given to allow participation/objection.

#### **6. Who makes the final decision on any proposal?**

The final decision will be taken by the Deputy Leader in her capacity as Cabinet Member with responsibility for Communities. Decisions will be taken as a formal decision.

**7. Is there a maximum or minimum size of grant?**

The minimum grant is £1,000. The maximum is the amount available to members representing the district.

**8. Does the money have to be spent in the relevant district?**

We expect the large majority beneficiaries to live or work in the administrative county of Essex. We aren't too worried about district boundaries within the area.

**9. Can councillors nominate an organisation in which one or more councillors are involved?**

If any councillors are involved in an organisation being considered for nominations competing for funds, they will need to withdraw from the decision making relating to that or competing proposals. That does not prevent them from putting forward proposals for consideration by others, and funding may be awarded.

**10. Are there any strings attached to the funding?**

Organisations will need to agree to a set of terms and conditions, including ensuring that the money is spent or returned and that receipts are provided. We will not pay money in advance unless this is the only way to deliver a scheme, and if that happens we may pay in instalments and recipients will be subject to strict reporting requirements.

In some circumstances, it may be more appropriate for the recipient of the funding to raise an invoice to ECC. This will be discussed and agreed with the recipient prior to funding being approved.

Money can only be spent on the approved purpose set out in the funding letter. If the organisation wishes to change the purpose, this must be discussed and agreed via [locality.fund@essex.gov.uk](mailto:locality.fund@essex.gov.uk). We will discuss any proposed changes and let the organisation know.

Organisations will be expected to credit ECC for its contribution and will be required to complete an evaluation report (which might be a simple form) explaining what has been done to improve outcomes for the priority cohorts.

The funding cannot be used to purchase alcohol.

**11. What is the deadline for spending money?**

Money must be spent by 31 March 2025, unless the funding is for the provision of a service and the money cannot be spent by 31 March 2025, in which case the deadline will be extended to 30 June 2025.

## Appendix 2

### Essex County Council Locality Fund 2024/25

#### What is the Locality Fund?

For the 2024/25 financial year the Council will make available the sum of £5,000 for each single member division, and £10,000 for divisions served by two councillors. The rules are similar to the 2023/24 scheme.

This is the total available to each member – **there will be no carry forwards or repurposing of any money in 2024/25 which hasn't been spent.**

The fund will open for nominations on 13 May 2024. Members are able to make recommendations as to how the money is to be spent.

#### What can the money be spent on?

Money must be spent in a way which benefits their division. There are three main ways of spending it:

- making a grant to a registered charity, a parish council or a properly constituted community or voluntary association for the purposes of a specific service or project in the Division(s);
- buying goods or services; or
- commissioning services from ECC.

#### Is there anything that the money cannot be spent on?

We have tried to have as few rules as possible, but we do need some rules to ensure that everything is lawful, consistent with our standards and that Councillors are protected.

Money cannot be spent on or with:

- an organisation in which the Councillor is involved, unless the Deputy Leader agrees otherwise;
- an organisation which is political or undertakes any political campaigning activity or on a councillor's constituency business;
- anything which has a significant ongoing maintenance or support liability which ECC would be required or expected to bear – unless there is a separate agreement to bear the cost with funding identified;
- anything which benefits a particular individual, business or 'for profit' organisation;
- any organisation which does not operate on an inclusive basis – services must be available to the community without discrimination (recognising that some services are only useful to certain groups);
- any organisation which has previously misused public money;
- anything which is unlawful - including
  - doing work to or on the highway without any necessary consent of Essex Highways

- doing work to someone else's land without the consent of the landowner
- reimbursing someone for expenditure which they are already committed to make
- an organisation's day to day running costs for which they have already budgeted.

### **Can money be spent outside a councillor's Division?**

If you are going to spend money on premises then they must be located in your division.

The one exception to this is that two or more members may pool funding for a scheme which benefits all involved divisions. Pooled money can be spent on premises located in any of the divisions.

### **Is there a deadline for spending the money? When is the money required to be spent?**

Councillors can make nominations until 28 February 2025.

When funding is agreed, the recipient must spend the money and submit a claim by the **earliest** of

- (a) 6 months after the award letter; or
- (b) 31 March 2025.

Recommendations about spend will not be progressed during the ECC pre-election period and no recommendations may be made by anyone involved in any election.

### **Do councillors have to invite competing bids to allocate funding?**

No. Most Councillors do not work in this way. It is of course open for you to do this for all or part of the money, but we recognise that councillors know the needs of their division. If a councillor does hold a competition, it is important that the rules are clear and that the competition is fair.

### **Does the money for a division have to be spent on one project?**

No. There is no limit to the number of projects if the overall spend is within the budget for the division.

### **Is there a minimum size of award?**

The minimum grant is £300. This can be for multiple projects with one organisation.

### **Can Councillors work together to 'pool' funds?**

Yes, provided there is agreement, the money benefits all divisions represented by those councillors and is within the overall budgets for the divisions.

### **What if Councillors for a two member division don't agree how the money can be spent?**

The default is that they are each entitled to make recommendations about half the £10,000 budget for the division.

### **Is there a deadline for the scheme to be delivered?**

We expect all projects to be completed within six months of the award or by 31 March 2025 – whichever is the earlier.

### **Is there any advice available to councillors?**

The ECC Strengthening Communities Team have much experience in allocating money to projects. This advice could be really helpful to councillors and they are ready and able to provide the advice needed. They can help by advising councillors on:

- ideas on how to maximise community benefit
- how to run a competition - if a councillor decides they wish to do this.
- how to use the money to leverage in funding from other sources

### **Can I spend the money on commissioning work from Essex Highways?**

In principle, yes but please note that designing a highways scheme can be expensive and may have ongoing maintenance implications. Councillors can speak to their contact in Essex Highways in the first instance if they want to investigate such a scheme.

### **What if my project needs planning permission or the agreement of the highways authority?**

We cannot fund any work which does not have the necessary permission. We can fund schemes once permission is granted.

### **What is the process to be followed?**

We have tried to make the process as simple as possible:

**Stage 1:** The Councillor makes a recommendation as to how the money is to be spent. This recommendation can be reached in any way that Councillor chooses and completes the online form.

**Stage 2:** An initial check is made of the application and if it looks like it may be within the rules of the scheme then we will obtain information from the proposed recipient (internal or external) and ask them to confirm that they would accept the funding. They will confirm that they would agree to the terms and conditions if they accepted funding.

**Stage 3:** The application will be checked to ensure that the proposal/recipient meets the criteria for funding:

- a. the proposal is supported by the relevant councillor(s); and



- b. if the proposal is for ECC to buy goods or services or provide them directly then the service which will be responsible confirms the scheme can be implemented within the proposed funding
- c. the proposal is otherwise eligible for funding
- d. there is enough money available to meet the cost.

**Stage 4:** Decision is made by relevant officer after consulting Councillor(s) concerned.

**Stage 5:** If the proposal is to pay a grant then recipient receives a formal award letter and they can incur expenditure and make a claim.

**Stage 6:** If scheme is agreed for delivery then any necessary permissions (such as landowner or planning permission) must be obtained by the Beneficiary before things can progress further.

- money will normally be paid after the expenditure is incurred unless this will prejudice the delivery of the proposal in which case we *may* agree to pay in advance; and
- grant recipients who have been paid in advance are required to complete a monitoring form within six months of payment.