

Item No. 16.	Classification: Open	Date: 29 January 2014	Meeting Name: Dulwich Community Council
Report title:		Cleaner Greener Safer: Funding Reallocation	
Ward(s) or groups affected:		College, East Dulwich, Village	
From:		Head of Public Realm	

RECOMMENDATION

1. That Dulwich community council approves the reallocation of £36,274 of available funding from 2013 – 14 Cleaner Greener Safer programme and transfer to the Cleaner Greener Safer programme for 2014 – 15.

BACKGROUND INFORMATION

2. Cleaner Greener, Safer (CGS) is part of the council's capital programme. The decision on allocation to individual projects is delegated to community councils.
3. In the first 11 years of the programme, a total of £28,513,000 has been awarded to 1890 projects proposed by the community to improve their areas; 1618 projects have been completed to date. The programme attracts hundreds of proposals ranging from a few hundred pounds for bulb planting to brighten up open spaces to tens of thousands of pounds to create community gardens. These projects often introduce new ideas such as outdoor gyms in public spaces, community gardens, public art and energy saving projects which not only make the borough cleaner, greener and safer but greatly contribute to a sustainable public realm by involving residents in the funding process and in the delivery of projects.
4. It is noted that as a condition of the CGS programme, incomplete projects are reviewed two years after award of funding and if the project is unlikely to progress or complete within a reasonable amount of time, officers will recommend that the project will be completed or cancelled and any underspends reported back to community council for reallocation of funding.

KEY ISSUES FOR CONSIDERATION

5. There is a total of £36,274 available to reallocate within the programme as set out in Appendix 1.
6. The members of Dulwich community council have decided to apportion annual CGS capital funding on a ward basis. Other funding available from cancelled or completed schemes is added to the appropriate ward budgets. Ward councillors are able to propose schemes to be funded and the community council members present approve awards at public meetings.
7. The members of Dulwich community council have considered proposals for potential schemes within the area and on the basis of additional information available have agreed to fund various proposals.

8. The financial position is summarised in Appendix 1 of the report.

Policy implications

9. The cleaner green safer programme is fully aligned with the council's policies around sustainability, regeneration and community engagement.

Community impact statement

10. The roles and functions of community councils include the promotion of involvement of local people in the democratic process. Community councils take decisions on local matters including environmental improvement and community safety as well as consultation on a wide range of policies and strategies that affect the area.
11. An explicit objective within community councils is that they be used to actively engage as widely as possible with, and bring together, Southwark's diverse local communities on issues of shared or mutual interest. The cleaner greener safer programme is an important tool in achieving community participation.
12. In fulfilling the above objectives that community councils have of bringing together and involving Southwark's diverse local communities, consideration has also been given to the council's duty under The Equality Act 2010 which requires the council to have due regard when taking decision to the need to:
 - a. Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - b. Advance of equality of opportunity between persons who share a relevant protected characteristics and those who do not share it;
 - c. Foster good relations between those who share a relevant characteristic and those that do not share it.
13. Of particular regard are issues of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
14. Having due regard to the need to advance equality of opportunity is further defined in s.149 as having due regard to the need of:
 - a. Remove or minimise disadvantages connected with a relevant protected characteristic;
 - b. Take steps to meet the different needs of persons who share a relevant protected characteristic
 - c. Encourage persons who share a relevant protected characteristic participate in public life or any other activity in which they are under-represented.
15. All ideas for CGS projects come directly from the local community via a simple project nomination form available in electronic and paper format.

Resource implications

16. The funding for the 2014/15 CGS capital programme was approved by the cabinet and is part of the council's overall capital programme as detailed in the Launch of cleaner greener safer capital programme 2014/15 report dated September 2013.
17. All professional fees related to the project are also treated as the capital costs of the project. Where projects are awarded as a grant to organisations, the community council award letter will not include the professional fees which will be charged direct to project costs.
18. CGS projects must be completed within two years of award of funding. Projects that are unlikely to be completed within two years will be reported to community council and available budgets may be reallocated to other projects. Revenue costs not covered by maintenance or the contractual liability period will fall upon the asset owner. The business unit will be notified of the likely costs before the schemes proceeds, in order to secure permission to implement the scheme.
19. After the defects and liability period, or three year maintenance period in the case of planting works, all future maintenance is assumed by the asset owner, for example Housing, Parks, Highways, or in some cases external asset owners. Therefore, there are no revenue implications to the public realm projects business unit as a result of approving the proposed allocation.
20. The total expenditure and sources of funding for the scheme will be monitored and reported on as part of the overall capital programme.

Legal implications

21. The allocation of the cleaner greener safer capital fund (CGS) is an executive function, delegated by the Leader to community councils.
22. Community councils are 'area committees' within the meaning of the Act and executive functions can be delegated to them by the Leader.
23. This report is recommending that the Dulwich community council approve the reallocation of available funds from the 2013/2014 programme as specified at appendix 1 to the 2014/15 capital funding allocation. The power for this function is derived from Part 3H paragraph 11 of the constitution which states that community councils have the power of "Approval of the allocation of funds to cleaner, greener, safer capital and revenue schemes of a local nature, using the resources and criteria identified by the cabinet.
24. The cabinet member for transport environment and recycling approved the funding for the 2013/14 programme in October 2012 and the 2014/2015 programme in October 2013 by exercising his powers under Part 3D paragraph 2 of the constitution . Where funding needs to be reallocated the community council approval being sought here is therefore the appropriate constitutional step in the process.
25. Community council members also have powers under paragraph 12 of Part 3H of the constitution to oversee and take responsibility for the development and implementation of the local schemes.

26. In allocating funding under the CGS community councils must have regard to the council's equality duty set out in section 149 of the Equality Act 2010. The report author has demonstrated how those duties need to be considered in the body of the report at paragraphs 14 to 17 in the community impact statement.

Consultation

27. All cleaner greener safer projects require consultation with stakeholders, including the project applicant, local residents, tenants and residents associations and local community groups where appropriate.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Dulwich Community Council minutes, 22 April 2013 4 December 2013	Cleaner Greener Safer, Public Realm, 160 Tooley Street, London, SE1 2TZ http://moderngov.southwark.gov.uk/documents/g4318/Printed%20minutes%20Monday%2022-Apr-2013%2019.00%20Dulwich%20Community%20Council.pdf?T=1	Andrea Allen 020 7525 0860

APPENDICES

No.	Title
Appendix 1	Dulwich community council available CGS capital funding list

AUDIT TRAIL

Lead Officer	Matthew Hill, Public Realm Programme Manager	
Report Author	Andrea Allen, Senior Project Manager	
Version	Final	
Dated	14 January 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	17 January 2014	