



# **PARTNERING GUIDELINES**

## **Partnering Guidelines**

### **Background**

It is estimated that the voluntary and community sector in South Lanarkshire involves about 5,000 organisations, employs approximately 6,000 people and more than 12,000 volunteers based on an assessment at a national level.

The role and involvement of the voluntary and community organisations is essential to the implementation of the Council Plan and community regeneration in South Lanarkshire. The sector informs and influences public and private sector service delivery and ensures that the needs, issues and wishes of local communities are voiced and understood.

The sector is diverse and ranges from small locally focused organisations with little or no regular income to major charities or social enterprises with substantial annual turnovers. There is also great diversity in how organisations operate with a range of management structures in place, including unincorporated associations, charities, companies limited by guarantee and trusts.

Whilst the sector is diverse, all organisations share a number of characteristics, which set them apart from the public and private sectors:

- ◆ independence from statutory agencies;
- ◆ managed by a voluntary committee or board;
- ◆ non profit making.

There has been a significant policy shift from external funders to increasingly to solely fund community organisations. This means that these organisations must take on significant responsibilities in relation to the design, delivery and commissioning of high value capital projects. Excluding the large scale/national voluntary organisations, the vast majority of community based organisations have expressed significant concerns at the undertakings being faced by volunteers who hold committee/board offices. Those seeking to draw investment into their community assets therefore face this quandary and a number have recently approached South Lanarkshire Council ("Council") requesting project design and management support. Each approach has been assessed on a case by case basis however it is recognised that guidance is required to inform community organisations and the Council staff in assessing future requests to safeguard the Council's interests.

### **Rationale**

This document is designed to guide the development of project partnerships between the Council and not for profit organisations or local community groups. This is for the development, design and construction of community recreational or related assets.

It will only apply where the community recreational or related asset is owned by the Council and the organisations are receiving a reciprocal non-exclusive right to use /occupy the asset and the asset is still available for use by the wider community.

The underlying principle in investigating such assistance will be to ensure that such assistance is mutually beneficial and contributes to the values and objectives of the Council Plan.

These guidelines are written with the purpose of promoting, implementing and supporting projects for such organisations and groups and to ensure best value is achieved by:

- providing background information on the implementation of the guidelines identified;
- identifying how the provision of assistance will benefit the Council, the organisation or group and the community;
- improving quality, where possible, of facilities and services leased to external groups;
- ensuring tenants and licensees and such organisations and groups receive not only value for money but also the opportunity to develop their systems and facilities where possible;
- ensuring the Council and such organisations and groups meet all legislative requirements that may apply to the application and resulting project.

- setting out the legal requirements, procedures and processes which the Council and such organisations and groups can expect of each other when considering and processing the application and/or resulting project.

The overall aim of the guidelines is to help assist each party involved in the application or resulting project. It does not replace the requirement that all such applications will be submitted in the name of the organisation nor does it relieve the committee/office holders from being solely responsible for ensuring that all information contained in the application is factual and correct.

## **1.0 Outcomes**

The projects in question will be delivered in a way that is not only worthwhile to the organisation or group but is also applicable to the many various projects and programmes the Council carries out each year and links in to the Council Plan (as it may be from time to time).

The Council supports the concept and process of partnership working from the highest organisational level and seeks to promote work with such organisations and groups wherever appropriate.

### **Outcomes**

The Council expects that any proposed application and resulting project will have benefits for each party involved. The general expected benefits include (but are not limited to):

Benefits for the Council and the community include:

- merging of resources to create a higher level of service and improve facilities availability for community users;
- access to additional funding sources for public community amenities
- meeting the needs of specific groups of users through the availability of land for development and community use.

Benefits for such organisations and groups include:

- agreement on the use of land and/or facilities within ownership of the Council and agreement on access and subsequent use;
- management of the application process and, if applicable, the resulting project, by the Council;
- becoming part of a larger network of support for management and promotion of facilities and programmes;
- availability of professional project management staff to design and oversee capital investment projects;
- strengthening of external funding bids by demonstrating robust design and delivery structures.

## **2.0 Conditions of Approval**

The Council will agree to support applications and projects that improve its facilities where the application, if granted, would make available additional funding to improve an asset and the proposed project supports the delivery of Council Plan values and objectives.

In particular, prior to supporting the application, the project must meet a number of conditions. These include (but are not limited to and can be amended by the Council, at its sole discretion, in relation to any particular application or project or in relation to any particular funding body):

- such organisations or groups accepting that although the funding would be awarded to the organisation or group and not the Council, and that such organisations or groups would at all times be wholly liable for such funding and any applications in relation thereto, the investment would be in Council property and would not, under any circumstances, be transferable or refundable in the event of the group no longer using the facility;

- the application and its outputs not being unlawful nor contravening any existing policies or procedures the Council has in place;
- all parties within the proposed project should be aware of the existence of the guidelines and have agreed to the conditions therein.
- such organisations or groups and the funding body agreeing to comply with the mechanisms the Council has in place to draw funds into the Council account. This should also include the ability for the Council to carry out the grant claims on behalf of such organisations or groups;
- the Council having the ability to draw in funds directly from the funding body in order to complete the project should the organisation or group cease to exist for any reason. This will also apply should the organisation or group change its name or main type of activity;
- such organisations or groups accepting that by supporting the application for funding and/or implementing the project, the Council is under no obligation to provide any additional benefits or alter terms of lease agreements nor incur any further legal liability. Similarly, the Council's support for the funding application and/or its implementation of the project will not give the organisation or group any right to have leasing agreements or any other contractual documentation altered as a result of being awarded funding. All reciprocal rights including lease implications must be agreed in writing with the Council in advance of the grant application being submitted in accordance with the Council's normal procedures. All applications for funding must be agreed by the organisation or group in accordance with its own constitution or trust deed or other management rules and a copy of such written agreement exhibited to the Council in advance of the grant application being submitted;
- such organisations or groups ensuring that as a result of the application process the Council will face no additional revenue or staffing implications once the project is completed. Any such implications must be agreed with the Council in advance of the grant application being submitted;
- such organisations or groups recognising the contract management and change authorisation procedures of the Council and the related communication routes with external funders and contractors;
- the organisation or group in receipt of the grant accepting that the Council operates and adheres to policies in relation to sustainability and low carbon emissions. Any application or resulting project which will increase the impact on the environment or is adverse to the Council's policies (as they may be at that particular time) in relation to the same, whilst being subject to the same assessment by the Council as all other applications, will be unlikely to be supported;
- such organisations or groups recognising that the Council is not obliged to meet any grant conditions beyond those relating to the procurement, management and financial reporting on the contract;
- such organisations or groups complying with all financial reporting obligations imposed by the Council and/or the funder;
- such organisations or groups complying fully with the Council's policies, as they exist from time to time, in relation to sexual discrimination, racial and religious equality and disability discrimination (such policies being exhibited on the Council's website [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk));
- such organisations and groups acknowledging that the Council is subject to the Freedom of Information (Scotland) Act 2002 ("FOISA") and the Environmental Regulations (Scotland) 2004 ("EISR"). Such organisations and groups shall be obliged to assist and co-operate fully with the Council (at such organisations' and groups' own expense) in enabling the Council to comply with its obligations under FOISA and EISR. Further, to enable the Council to comply with its obligations under FOISA and EISR such organisations and groups and any sub-contractors and any other parties employed by the Council or such organisations or groups shall (1) transfer any request for information in terms of FOISA or EISR to the Council as soon as practicable after

receipt and in any event within 2 working days after the receipt of such a request, (2) provide the Council with a copy of all information in their possession or power in the form that the Council requires within 5 working days (or such other period as the Council may specify) of the Council requesting that information and (3) provide all necessary assistance as reasonably requested by the Council to enable the Council to respond to such requests within the time for compliance set out in FOISA and EISR;

- the organisations or groups use reasonable endeavours to procure that the external funder enters into a tri-partite agreement with the Council and the organisation or group binding it to deliver the balance of funds which would have been payable to the group but which for whatever reason cannot to the Council once any physical works have commenced on property owned by or leased to the Council so that the said property is not left in a state of disrepair or in such a condition that the Council has to utilise its own monies to reinstate the property.

### **3.0 Reasons not to Progress**

#### **3.1 Ownership Issues**

The Council will not progress any requests for assistance with applications or project implementation or management in the event where the Council does not own, or hold the tenant's interest in a long lease in, the asset in question. Only such assets that are fully owned by or leased to the Council would meet the criteria for the Council to progress a request.

#### **3.2 Revenue Consequences**

Prior to progressing any funding application the organisation or group shall provide assurances that no additional revenue or staffing (other than that previously agreed in writing with the Council) will be required as a result of the application or resulting project.

#### **3.3 Non Agreement with Conditions of Approval**

If an organisation or group does not agree with the conditions of approval set out in Section 2 or any other conditions of approval imposed by the Council the Council will not support the application for funding.

#### **3.4 Proposed Project Does Not Adhere to Statutory Guidelines**

If the application for funding or resulting project results in any legislation or existing policies or procedures of the Council not being met, the Council will not support such application. All such organisations or groups must examine the application to ensure that it complies with existing legislation and the Council's existing policies or procedures prior to requesting that the Council support the application. All such requests shall be scrutinised upon receipt by the Council to ensure that the applications will comply with legislation and the Council existing policies and procedures prior to support being given to the application for funding.

#### **3.5 Sustainability and Environmental Issues are Not Considered or Allowed For**

If an organisation or group wishes to develop a project or utilise services which do not adhere to the Council's or the funder's sustainability policy the Council shall not support the application. Prior to accepting any grant offer an organisation or group shall carry out a full investigation to ensure that all conditions relating to sustainability can be met and confirm the same in writing to the Council.

#### **3.6 Withdrawal of Council Support**

The Council may withdraw its support for any application at any time at its own discretion without liability.

#### **3.7 Right to Refuse**

The Council has the right to refuse an approach by any organisation if the proposal is not deemed to be in the Council's best interests'

#### **4.0 Council Obligations**

The Council, as a service provider, has various obligations to the organisations and groups and the general public including (but not limited to):

- at every stage, taking into account its own statutory obligations and existing policies and procedures, providing a transparent and accessible process for organisations and groups and the funding body to be involved as appropriate in the design and delivery of the project or partnership;
- aiming to provide best value where possible at all times and meeting all procurement legislation;
- ensuring that as a result of the project no further environmental issues are raised which cause detrimental effects to the local community. The Council will carry out any environmental surveys, including (but not limited to) in relation to asbestos prior to any application and any works being undertaken and undertake any "cleanup" works necessary to prepare the site for any works (the costs of the same either being included in the project's overall costs or at the Council's costs (the Council being the sole judge as to how such "clean-up" works shall be funded);

using appropriately trained staff and accredited contractors (of which the Council shall be the sole judge) through the inception, design and implementation and application process. The Council will utilise appropriate technical standards (of which the Council shall be the sole judge) in relation to the assistance it provides to the organisation for every stage of the implementation of each project;

- Addressing and meeting all statutory requirements, permissions and approvals and supporting the organisation or group to meet the same prior to commencement.
- The Council will be a signatory on a multi-partner agreement which demonstrates all parties are aware of and sign up to the contents of the Partnering Guidelines

#### **5.0 Organisations' and Groups' Obligations**

Organisations and groups who approach the Council will also be expected to adhere to a number of guidelines and responsibilities. The requirements expected of the organisation and Groups include (but are not limited to and can be amended at the Council's discretion in relation to any particular application):

- the organisation or group being willing to limit activities and where necessary move to alternative premises whilst any works are ongoing (the Council being under no obligation to provide such alternative premises);
- organisations or groups are willing for the Council to undertake the full management and implementation of the application and, if appropriate, the resulting project (the Council not being under an obligation to do so). The organisations or groups being willing to give written consent to the Council for the Council to engage external consultants or contractors. Where external consultants have been approached, a full screening process must take place prior to the Council engaging into any contract with them and all appointments will be subject to the Council's procurement procedures. Such organisations and groups are obliged to utilise the Council's procedures for domestic and European Procurement for contractors;

- organisations and groups must acknowledge that all monies held by the Council in relation to any project is held on trust by the Council in relation to the particular project and do not form any part of the assets of the organisation and groups;
- whilst the Council will assist with the preparation of any applications for funding, the responsibility for the content of such applications rests solely with the organisations and groups who shall examine and confirm their agreement to the applications to the Council (in writing if requested to do so by the Council);
- communication in writing of any grant condition or change to the grant scheme to Council immediately.
- communication of all requests to the contractor must be sent via the nominated Council contact officer and under no circumstances are the organisations and groups to give a direct instruction that may constitute a contract variation. For the avoidance of doubt any verbal instructions to be given by the organisations or groups to any contractor must be the subject of prior approval by the nominated Council contact and a written record of such approval is to be made by the organisation or group (such written record to include at least the following: the full terms of such approval; the date and the time of such approval; and the method of approval, i.e. verbally by telephone or in person). Written communication of approval from the nominated Council contact officer by way of letter, e-mail or facsimile transmission must be retained by the organisation or body.
- the organisation or group will be a signatory on a multi-partner agreement which demonstrates all parties are aware of and sign up to the contents of the Partnering Guidelines
- In order to ensure that the Council's quality standards are maintained in relation to any application for funding or subsequent works, the organisation or group shall not be permitted to contract with or engage with any other party to undertake any works.

## **6.0 External Funding Obligations**

Although each application and associated guidelines will have a set of terms and conditions included, there are certain requirements that each funding body should comply with for any project.

These include

- in providing the funding confirmation, the funding body are legally obliged to provide all of the funding originally offered if the organisations or groups adhere to all legislation and grant conditions;
- the funding body are also required to provide monies following grant claim applications within a reasonable timeframe;
- the funding body will pay all sums directly to a bank account nominated by the Council;
- the funding body agreeing to reimburse the Council for all contract spend incurred on the project should the partner groups cease to operate.
- The funder(s) will be a signatory on a multi-partner agreement which demonstrates all parties are aware of and sign up to the contents of the Partnering Guidelines

## **7.0 Further Details**

The Council has the right to charge the organisations or groups project management fees, including VAT (if applicable), if appropriate to the development of the application or resulting

project (the Council to be the sole judge as to whether such fees are chargeable and the level at which they are charged).

These charges shall be included as part of the application for funding

Prior to accepting any grant offered by a funder there is a requirement for a legal agreement to be put in place to safeguard all parties in the event of non compliance with any of the conditions laid out by the Council, the organisation or group or the funder.

To satisfy legislation an Equalities Impact Assessment and Strategic Environmental Assessment have been carried. The findings from both assessments determined that the guidelines did not have a negative impact on equalities or strategically on the environment.

## **8.0 Review**

These guidelines will be reviewed every 3 years. The next review will take place in March 2018.





## PROJECT PROPOSAL FORM

Project Name		Name of Partner Group	
Partner Contact Name		Partner Contact Address	
Project Description:			
			<div style="border: 1px solid black; padding: 5px;"> <b>Project Type</b>          (please circle)   <div style="display: flex; justify-content: space-around;"> <span>Capital</span> <span>Revenue</span> </div> </div>
Proposed Funder(s)		Status of Application	
Timetable Restrictions	(e.g. if the application has set deadlines or milestones please advise)		
Location of Project		Current Occupancy	Lease Booking
Type of Asset	Building <input type="checkbox"/> Land <input type="checkbox"/>	(please circle)	New Tenure
Summary of Grant Conditions	(please provide a brief summary of grant conditions including claim and monitoring criteria)		
<b>FOR COUNCIL USE ONLY</b>			
Revenue Consequences	(if the project requires additional revenue if successful i.e. more Council staff to manage a facility, this should be noted here)		
Proposed Conditions of Use	(should the application(s) be successful please state any expected alterations to existing arrangements or new arrangements being proposed)		

Signature		Print Name	
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Position		Date	
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