

# WIRRAL COUNCIL

## CABINET

3<sup>RD</sup> NOVEMBER 2011

<b>SUBJECT:</b>	<b>WIRRAL COUNCIL AND RIVERSIDE CHALLENGE FUND – BEECHWOOD AND WOODCHURCH ESTATES</b>
<b>WARDS AFFECTED:</b>	<b>UPTON BIDSTON AND ST JAMES</b>
<b>REPORT OF:</b>	<b>ACTING DIRECTOR OF REGENERATION, HOUSING AND PLANNING</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR GEORGE DAVIES HOUSING AND COMMUNITY SAFETY</b>
<b>KEY DECISION</b>	<b>YES</b>

### 1.0 EXECUTIVE SUMMARY

- 1.1 In 2005 Wirral Council agreed to the sale of sites within the Beechwood and Woodchurch estates to Riverside Housing Association (now known as Riverside) and to Lowry Properties Ltd for housing development. As part of the development agreement Lowry Properties agreed to pay overage on the sale of each property on these sites into a Challenge Fund account, to be set up in the joint names of Riverside Housing Association and Wirral Council.
- 1.2 The Agreement stated that the Challenge Fund resources should be administered by Riverside Housing Association (now known as Riverside) in accordance with its rules, and in consultation with the Council, and should be used for the benefit of the residents of the Beechwood and Woodchurch estates. In November 2010 payments were received into the Challenge Fund and mechanisms now need to be agreed to enable the Fund's resources of £250,000 to be distributed.
- 1.3 Assets, liability and obligations of the Riverside Housing Association Ltd, being party to the original agreement, were transferred to Riverside Group Limited (Riverside) (Company Number 4091048).

### 2.0 RECOMMENDATIONS

- 2.1 Cabinet agrees to the setting up of a Joint Working Group with Riverside to oversee the distribution of the Challenge Fund in accordance with the requirements of the Legal Agreement dated 19<sup>th</sup> May 2005.
- 2.2 Cabinet agrees that the Council's membership of this Joint Working Group should comprise the Cabinet Member for Housing and Community Safety and the Acting Director of Regeneration, Housing and Planning, or deputy and the Director of Law, HR and Asset Management or deputy.

- 2.3 Cabinet agrees the draft terms of reference for the Working Group, including that the Council representatives on the Challenge Fund working group be the Council authorised signatories for the release of money from the Fund.
- 2.4 Cabinet agrees the draft eligibility criteria for the use of the Challenge Fund.
- 2.5 Cabinet agrees to the request from Riverside for council officers to work in partnership with the Association to administer the Fund and that the £5,000 that could support this function is not drawn down, but left in the Fund for the benefit of the communities of Beechwood and Woodchurch.
- 2.6 Cabinet agrees that officers should work with the Beechwood and Ballantyne Neighbourhood Management programme, the Beechwood Community Association and the Woodchurch Partnership to identify proposals for the use of the Fund.

### **3.0 REASONS FOR RECOMMENDATIONS**

- 3.1 Cabinet is asked to agree the recommendations in order for appropriate governance mechanisms to be put in place for the operation of the joint Wirral Council and Riverside Challenge Fund.

### **4.0 BACKGROUND AND KEY ISSUES**

- 4.1 In May 2005 an agreement was signed between Wirral Council, Riverside and Lowry Properties Ltd in respect of the sale of land at Woodchurch and Beechwood for housing development. As a result of this agreement Lowry Properties agreed to make a payment on the sale of each of the properties where the actual sales proceeds exceeded the estimated value of each site. It was agreed that these overage payments would be paid jointly to the Council and to Riverside and that the first £250,000 would constitute the Challenge Fund.
- 4.2 In November 2010 a Deed of Covenant and Settlement was agreed between the Council, Riverside Group, including Prospect (GB) Ltd, and Lowry Properties. As a result outstanding payments from the Development Agreement were made and £250,000 is now available for distribution through the Challenge Fund.
- 4.3 The overage payments made into the Challenge Fund relate to the number of properties developed on each of the sites within the Beechwood and Woodchurch areas. A greater number of sites are located in Beechwood than in Woodchurch (80% on the Beechwood estate and 20% on the Woodchurch estate) and this is therefore reflected in the allocation of the funds as set out below:

<b>Development Sites</b>	<b>Funding £</b>
Beechwood	200,000
Woodchurch	50,000
<b>Total</b>	<b>250,000</b>

#### **4.4 Administration of the Fund**

4.4.1 The Development Agreement sets out that the Challenge Fund should be administered by Riverside in consultation with the Council and allows for £5,000 per annum to be used as a contribution towards the cost of administering the Fund. Riverside has requested that the Council work in partnership with them to progress the administration process and there is a joint view that this can be done using current staff resources, so that the full amount of the fund can be used to benefit the community.

#### **4.5 Management of the Fund**

4.5.1 It is proposed that a Challenge Fund working group be set up with representation from both the Council and Riverside to oversee the distribution of the Fund. This approach reflects that adopted by the Council and Wirral Partnership Homes for the management of the Community Fund. It is proposed that the Council representatives for the Working Group should be the Cabinet Member for Housing and Community Safety, the Acting Director of Regeneration, Housing and Planning or deputy and the Director of Law, HR and Asset Management or deputy. Riverside has proposed that their representatives would be the Chair of the Association or deputy and the Director of Mersey South or deputy.

4.5.2 Draft terms of reference have been prepared for the Working Group and these are attached as Appendix 1. Key points include:

- That recommendations from the Working Group will be reported to the Riverside Board and to Cabinet;
- That members of the Working Group will act in accordance with the Agreement;
- That decisions will be based on consensus wherever possible, but majority decisions will be taken if necessary.

#### **4.6 Allocation of the Fund**

4.6.1 The Development agreement outlines that the Challenge Fund should be used for the benefit of the residents of the Beechwood and Woodchurch estates and in accordance with the rules of Riverside (The charitable objectives of Riverside are attached as Appendix 2). It is proposed that these objectives, together with the Council's goals as set out in the 2011/12 Corporate Plan should form the basis of determining eligible purposes for the use of the Fund. Draft eligibility criteria are set out at Appendix 3.

4.6.2 The Council is committed to involving local communities in setting priorities, and shaping services and to supporting the Borough's voluntary, community and faith sector organisations. It is therefore suggested that this is reflected in the approaches used to bring forward proposals for the use of the fund as follows:

##### **4.6.3 The Beechwood Estate**

A neighbourhood management (NM) programme was established by the Beechwood and Ballantyne Community Housing Association (BBCHA) in April 2010 in order to encourage local people to become involved in the design and delivery of services within their community. The NM programme brings

together local people with a range of service providers including the Council, the PCT, housing providers and voluntary and community organisations. The programme is overseen by a NM Steering Group.

Work has taken place over the last year to identify local priorities. This included extensive consultation which led to the setting up of a number of thematic groups involving a range of local people and voluntary and community groups.

It is suggested that the NM Steering Group be requested to work with their local thematic groups and the Beechwood Community Association to bring forward proposals for funding that reflect local priorities for consideration by the Working Group.

#### **4.5.4 The Woodchurch Estate**

As part of the Community Asset Transfer programme local community groups within the Woodchurch estate have come together to develop a proposal for the transfer of the Woodchurch community centre. These groups include the Woodchurch Trust and the Woodchurch Community Centre JMC.

These groups are members of the Woodchurch Partnership and it is proposed that the Partnership be requested to work with these groups and other community and voluntary organisations on the estate to come forward with proposals that reflect local priorities for consideration by the Working Group.

4.5.5 The Challenge Fund resources covered by the Development Agreement are finite and it is proposed that the full sum is allocated across the next two years.

### **5.0 RELEVANT RISKS**

5.1 The Challenge Fund is available to fund activity that benefits the residents of the Beechwood and Woodchurch estates in accordance with the rules of Riverside. The application process will outline the types of activity that is eligible for funding and this will be checked with Riverside legal advisors as to compliance.

5.2 Proposals for the allocation of the Challenge Fund will be agreed by the Working Group in accordance with specified evaluation criteria.

### **6.0 OTHER OPTIONS CONSIDERED**

6.1 The legal agreement covering the Challenge Fund outlines that the funding must be used to benefit the residents of the Beechwood and Woodchurch estates. The process outlined in this report is a route to assisting that

### **7.0 CONSULTATION**

7.1 Consultation and engagement will build on existing mechanisms and on linkages with the community, voluntary and faith sectors and ensure that groups operating within the Beechwood and Woodchurch estates are able to access the Fund.

## **8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

8.1 Resources from the Challenge Fund will be available to groups from the voluntary, community and faith sectors in order to support activity that will benefit the residents of the Beechwood and Woodchurch estates.

## **9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 The Challenge Fund has a finite resource of £250,000 to allocate to activities that will benefit the residents of the Beechwood and Woodchurch estates in accordance with the charitable objectives and rules of the Riverside.

9.2 There are no staffing implications arising directly from this report.

## **10.0 LEGAL IMPLICATIONS**

10.1 The Challenge Fund is required to be administered by Riverside in accordance with its rules. Proposed eligible activity will be checked with their legal advisors to ensure compliance.

## **11.0 EQUALITIES IMPLICATIONS**

11.1 The Challenge Fund will be used to benefit residents in two areas of Wirral that currently experience disadvantage and it will therefore support actions to promote a fairer Borough.

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required? Not at this stage. It will however, be necessary to consider whether there is an impact on any of the protective groups at the point at which funding is allocated. This has been included in the terms of reference for the Working Group.

## **12.0 CARBON REDUCTION IMPLICATIONS**

12.1 Applications would be expected to conform to the charitable objectives of Riverside and to the Council's goals as set out in the Corporate Plan. This includes the goal to reduce Wirral's carbon footprint.

## **13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 There are no implications arising directly from this report.

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## **APPENDICES**

Appendix 1: Draft Terms of Reference for the Challenge Fund Working Group

Appendix 2: Riverside Rules

Appendix 3: Draft Eligibility Criteria

## REFERENCE MATERIAL

Agreement between Wirral Borough Council, Riverside Housing Association and Lowry Properties Ltd in respect of land at Woodchurch and Beechwood in Wirral in the County of Merseyside. 19<sup>th</sup> May 2005.

Deed of Covenant and Settlement between Wirral Borough Council, The Riverside Group Ltd, Lowry Properties Ltd and Prospect (GB) Ltd relating to Land at Woodchurch and Beechwood Road, Wirral dated 5<sup>th</sup> November 2010.

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date

## **APPENDIX 1**

### **WIRRAL COUNCIL AND RIVERSIDE**

#### **Draft Terms of Reference for the Challenge Fund Working Group**

##### **1. Introduction**

This paper sets out the Terms of Reference (ToR) for the Challenge Fund Working Group under which the Challenge Fund will be managed. It covers:

- Membership
- Meetings
- The purpose and remit of the Group
- Governance arrangements
- Administrative arrangements

##### **2. Membership**

The Challenge Fund Working Group will consist of five nominated representatives, three from Wirral Council and two from Riverside:

- **Wirral Council**

Cabinet Member for Housing and Community Safety  
Acting Director of Regeneration, Housing and Planning or deputy  
Director of Law, HR and Asset Management or deputy

- **Riverside**

Chair of Riverside or deputy  
Director of Mersey South, Riverside or deputy

##### **3. Meetings**

Meetings will be held in order to consider applications to the Challenge Fund. An agenda will be circulated at least 3 working days before each meeting by Wirral Council officers.

Two representatives from each organisation are required to attend and a deputy may be sent if required.

The group will operate by consensus whenever possible. If consensus cannot be reached then decisions will be taken that reflect the majority opinion.

##### **4. The Purpose and Remit of the Working Group**

Members of the Challenge Fund Working Group will work together to:

- Agree the eligible purposes for the use of the Challenge Fund in line with the Agreement between Wirral Council, Riverside Housing Association and Lowry Properties Ltd, dated 19<sup>th</sup> May 2005;
- Agree and authorise payments of the Challenge Fund in line with the eligible purposes of the Fund;
- Be responsible for supplying reports to the Council and to Riverside Board on the progress and financial position of the Challenge Fund;
- Work in the spirit of partnership to ensure the successful operation of the Fund;
- Members of the Working Group should declare any interest they may have in respect of applications being made to the Challenge Fund.

## **5. Governance**

Both Wirral Council and Riverside will need to comply with their own internal governance arrangements regarding the commitment of expenditure from the Challenge Fund. Approval may need to be sought from the organisations Cabinet and Board.

## **6. Administrative Arrangements**

Officers from Wirral Council and Riverside will:

- Work with the community partnership organisations within the Woodchurch and Beechwood estates to inform them of the Challenge Fund;
- Develop an application process that reflects the level of funding available;
- Provide an outline assessment for the Working Group of the applications made to the Fund based on the eligibility criteria;
- Inform members of the Working Group whether an application gives rise to the need to undertake an Equalities Impact Assessment.

## **APPENDIX 2**

### **THE RIVERSIDE GROUP LIMITED**

Extract from the Rules of the Riverside Group Ltd

The Objects of the Association shall be:

1. The association is formed for the benefit of the community. Its objects shall be to carry on for the benefit of the community:
  - 1.1 the business of providing housing, accommodation, and assistance to help house people and associated facilities and amenities for poor people or for the relief of aged, disabled, handicapped (whether physically or mentally) or chronically sick people.
  - 1.2 any other charitable object that can be carried out by an Industrial and Provident Society registered as a social landlord with the Regulator.

## **APPENDIX 3**

### **WIRRAL COUNCIL AND RIVERSIDE**

#### **Draft Eligibility Criteria for the Challenge Fund**

##### **1. Activities**

Applications for the use of the Challenge Fund must benefit the residents of the Beechwood and/or Woodchurch estates and should contribute towards one or more of the following themes:

##### **Your FAMILY**

- Improving life chances for Children and Young People
- Improving health and well being

##### **Your NEIGHBOURHOOD**

- Reducing Wirral's carbon footprint
- Improving the environment
- Improving community safety and reducing anti-social behaviour
- Improving community facilities

##### **Your ECONOMY**

- Strengthen the local economy
- Increase employment opportunities

##### **2. General Terms and Conditions**

The Challenge Fund is available for voluntary and community organisations. Organisations should meet the following requirements:

- They should have explicit social aims, such as delivering local services, recycling, job creation etc
- They are a constituted body and have a bank account in the name of the group applying for the funding

The Challenge Fund cannot commit funds to:

- Individuals
- Religious or party political activities (faith groups are eligible if the activities are available for general community use and not restricted by affiliation to the faith group/organisation)
- Projects that will not benefit the residents of the Woodchurch or Beechwood Estates
- Core staff salaries or core administration costs
- Projects with on-going revenue commitments with no sustainability plans