

City of Edinburgh Council

10.00am, Thursday, 10 February 2022

Operational Governance: Review of Grant Standing Orders

Executive Wards Council Commitments	Executive All 2,3 and 7
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1. Recommendations

It is recommended that the Council:

- 1.1 approves the proposed revisions to the existing Grant Standing Orders, as summarised in Appendix 1 to this report,
- 1.2 adopts the Grant Standing Orders included in Appendix 2 to this report; and,
- 1.3 notes that there will continue to be an annual review of the Grant Standing Orders to ensure that they work effectively in providing guidance, controls and regulation of the grant application and award process throughout the Council and on behalf of the Edinburgh Integration Joint Board (EIJB).

Stephen S. Moir

Executive Director of Corporate Services

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Operational Governance: Review of Grant Standing Orders

2. Executive Summary

- 2.1 The Council's Grant Standing Orders (GSOs) provide controls and regulation around all of the Council's grant application and award processes. The GSOs make requirements of Directorates to oversee and manage the resulting grant awards. The GSOs are kept under review as to the amendments required to support continuous improvement and reflect Council priorities. This report provides a summary of the proposed changes to the GSOs and seeks approval for the proposed changes.

3. Background

- 3.1 The Council currently distributes around £14million per annum in the form of grant funding to providers, including funding on behalf of the EIJB and the service level agreement with Edinburgh Leisure. To assist with the regulation of these grant awards the Council introduced the GSOs on 14 December 2018 and has kept them under review since this time. A number of amendments are now proposed to reflect Council priorities and support continuous improvement.

4. Main report

- 4.1 Since the GSOs were introduced on 14 December 2018 there have been a number of notable developments in the local and national policy framework requiring changes to the current GSOs.
- 4.2 In particular changes are required to reflect
- 4.2.1 the focus and priorities set out in the [Council's Business Plan 2021-2024](#),
 - 4.2.2 the key themes of the [2050 Edinburgh City Vision](#),
 - 4.2.3 the findings of the [Edinburgh Poverty Commission](#),
 - 4.2.4 the Council's 2030 net zero target and the 2030 Climate Strategy; and,

4.2.5 the consequence of the UK having left the European Union (EU).

- 4.3 The proposed changes, along with other amendments which allow for continuous improvement and some more minor revisions, are set out in the table in Appendix 1 to this report along with a brief explanation for the more material proposed amendments. The full document showing all changes is set out in Appendix 2 to this report.
- 4.3 The Council's key priorities such as those set out in in the Council's Business Plan 2021-2024 and the 2050 Edinburgh City Vision are referenced throughout the revised document. As a general principle, grant funding must be used to meet the Council's objectives in particular those of ending poverty and preventing adverse outcomes such as homelessness and unemployment, becoming a net zero city and ensuring wellbeing and equalities are enhanced for all.
- 4.4 The Council's Business Plan emphasised the desire for a new and closer way of working with our third sector partners. Throughout the Covid pandemic the flexibility and innovation of the third sector to respond to the needs of those communities and individuals most affected was clearly evident. Closer ways of working have been explored and developed in part by necessity during the pandemic. Among the many positives changes, the requirement to respond quickly to need has led to instances of delegating the Council's grant application and award processes to our third sector interface partners, arms-length organisations and other third sector partners. Examples of these are the provision of food grants or more recently in recognition of the expertise of a particular organisation in the support of carers.
- 4.5 The proposed changes to the GSOs would allow this development to continue by including or permitting delegation of the Council's grant making processes to appropriate organisations or community networks. Closer working and exploring how we can bring decision making closer to our communities will continue particularly through the work of the Edinburgh Wellbeing Pact. This may require further changes to the GSOs and we will keep these developments and how we might facilitate them under review.
- 4.6 The work of the Edinburgh Poverty Commission, [and the Council's response](#) to that work, emphasised the importance of the Council's leadership role in the area of fair work and the promotion of the Real Living Wage. The proposed changes to the GSOs highlight the requirement for the Council to encourage funded organisations to adopt policies and practices which comply with Fair Work First principles where appropriate to the size and sector of the organisation. Fair Work First principles, include emphasis on investment in skills and training, no inappropriate use of zero hours contracts, genuine workforce engagement and action to tackle the gender pay gap and the encouragement of the Real Living Wage. The Council shall also ask that funding requests made by applicants reflect payment of staff at a rate equal to or above the Real Living Wage.

- 4.7 New provisions are included to reflect the Council's 2030 net zero target. Where appropriate to the size and nature of the organisation the Council will encourage organisations to calculate and disclose their carbon footprint and monitor these with the aim of committing to reducing these year-on-year. Funded organisations will also, where appropriate, be encouraged to join the Edinburgh Climate Compact or similar sector-appropriate sustainability alliances. For smaller more volunteer led organisations it may be more appropriate to ask for a commitment to reducing their carbon footprint and the onus will be on the Council to work with them in future to encourage and explore what practical steps may be taken.
- 4.8 The proposed revisions to the GSOs were prepared in consultation with a wide range of officers involved in the assessment and management of grants across all service areas of the Council. Feedback from our third sector interface partners has also resulted in a number of changes which have been incorporated. In particular changes were made which allow for a proportionate response in terms of Fair Work First principles and delivering a net zero, carbon ready Edinburgh given the size and nature of the organisations.

5. Next Steps

- 5.1 The changes to the GSOs shall be highlighted to Council officers by publication on the Orb in addition to awareness raising and training delivered by Commercial and Procurement Services at the bimonthly Grant Managers Forum. Copies of this report and the GSOs will be provided to the Council's Third Sector Interface, who the proposed amendments have been discussed with and agreed, to share with their member organisations.

6. Financial impact

- 6.1 There are no direct financial impacts as a result of this report. By maintaining proportionate controls of the application and award process, and improving these through annual reviews of the GSOs, it is anticipated the GSOs will continue to support the delivery of best value. They will also help in the delivery of the wider non-financial benefits in particular preventative measures that grant funding activity supports.

7. Stakeholder/Community Impact

- 7.1 The GSOs were prepared as result of feedback and consultation with service areas and a wide range of officers involved in grant making across all service areas of the Council. The revisions were discussed with our Third Sector Interface partners, EVOC, Volunteer Edinburgh and Edinburgh Social Enterprise Network, and changes were incorporated as a result.

- 7.2 As noted above, the work of the Edinburgh Wellbeing Pact is taking forward and developing the relationship with the third sector in Edinburgh including working towards more decision-making being taken by community networks. It is anticipated that this will have a positive impact on the city and its citizens in that community networks will be best placed to decide what is required by their community. Through the encouragement of improved fair working practices, pay and conditions, and by encouraging the delivery of carbon reduction measures and improved environmental practices it is hoped this will contribute to achieving the Council's policies to benefit the city.

8. Background reading/external references

- 8.1 [Grant Standing Orders and Scheme of Delegation of 13 December 2018](#)

9. Appendices

- 9.1 Appendix 1 – Summary Table of Material Changes to Grant Standing Orders
- 9.2 Appendix 2 – Grant Standing Orders (as revised)

Summary Table of Material Changes to Grant Standing Orders

Grant Standing Order No.	Change	Explanation for the Change
1.2 Explanatory Note – What are Grants?	Deletion of references to the European Union and European Commission.	To reflect the UK's withdrawal from the European Union under the European Union (Withdrawal) Act 2018. A reminder that some funding or subsidies could be considered state aid and to refer to the Scottish Public Finance Manual.
2. General Principles and Application	The inclusion of a clause recognising that the Council may use external bodies to disburse Council grants.	The clause recognises that it may be appropriate to use external bodies to disburse Council funding and sets out the necessary governance arrangements including that application of the GSOs unless expressly agreed by the relevant Council committee.
5.1 Assessment Process	Amendments to Grant Monitoring Officer requirement (GMO) The inclusion of an appropriate assessment panel agreed with the Council for external bodies	Reference to GMO is deleted in recognition that not all service directorates will have a dedicated GMO some will have commissioning officers overseeing grant funded outcomes. Arms-length bodies, or organisations such as community networks, who are disbursing funds on behalf of the Council will be expected to have an appropriate panel in place agreed with the Council in order to meet audit recommendations.
5.2 Assessment Process	Requirements that recognise funding from external sources has been included	Funding from external sources may be subject to the requirements of that external body and as such approval of the external body may be required in addition to Committee approval. Where a national agreement is made to fund organisations and this

		includes Council monies the process can be determined by the national body but the duty to report back to the appropriate Council committee for approval shall still apply e.g. commitment through COSLA to fund the Children's Hospice Association Scotland (CHAS).
7.7	A new clause on Fair Work First has been included.	<p>The Scottish Government has built upon its commitment to encourage Fair Work practices amongst employers. The Fair Work First commitment also covers investment in skills and training and action to tackle the gender pay gap in addition to genuine workforce engagement, including with trade unions, payment of the Real Living Wage and no inappropriate use of zero hours contracts.</p> <p>The onus to encourage Fair Work First principles will be placed on the Council to encourage funded organisations to promote and assist adoption of Fair Work principles in a way that is proportionate to the size and sector. Guidance will be issued alongside grant applications that funding requests should be based on paying the Real Living Wage.</p>
8	A new clause Delivering a Net Zero, Climate Ready Edinburgh has been added.	<p>The Council encourages funded organisations to commit to reducing their carbon footprint to help deliver Edinburgh's 2030 net zero target.</p> <p>Where appropriate, given the size and nature of the organisation they will be asked to join the Edinburgh Climate Compact or such similar alliances to help measure their carbon footprint.</p>
9.3 Award of Grants	Reference to Locality Committees deleted.	The reference to community grants being approved by Locality Committees has been deleted in

		<p>recognition of this change in structure.</p> <p>Recognition that funding from external sources may be subject to the requirements of that external body and in some cases approval of the external funding body is required.</p>
12 Urgency	The inclusion of urgency requirements.	<p>A new requirement recognising that events such as the Covid pandemic requires the Council to be able to respond quickly including the disbursement of grants. This provision allows the urgency provisions in the Council's Standing Orders to be applied i.e. approval may be granted by the Chief Executive or Executive Director in consultation with the relevant Convenor and Vice Convenor and the decision reported back to the next committee.</p>



GRANT STANDING ORDERS

~~13 December~~ 10 February ~~2022~~18

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Introduction

These Grant Standing Orders of the City of Edinburgh Council ("Council") apply from ~~10 February 2022~~~~13 December 2018~~ and apply (with certain exceptions) to all grants made by or on behalf of the Council including grants made in accordance with directions to the Council by the Edinburgh Integrated Joint Board (EIJB).

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1 Explanatory Note – What are Grants?

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1.1 Grants are financial **contributions** to a third party which help to meet the 2050 Edinburgh City Vision for Edinburgh to be a fair, welcoming, pioneering and thriving city and the Council's Business Plan objectives in the wider community, in particular the following three priorities

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1.1.1 Ending poverty and preventing adverse outcomes such as homelessness and unemployment

1.1.2 becoming a net zero city

~~1.1.3~~ ensuring wellbeing and equalities are enhanced for all

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1.2 ~~The European Procurement Directive states that p~~Properly constituted grants will not normally be subject to the procurement rules ~~.~~

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~~"the mere financing, in particular through grants, of an activity, which is frequently linked to the obligation to reimburse the amounts received where they are not used for the purposes intended, does not usually fall within the scope of the public procurement rules ("Preamble 4 of the Public Procurement Directive)~~

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~~1.3~~ 1.2 The following characteristics will normally help determine whether a grant is the suitable funding route: -

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1.2.1 it should not be for critical service requirements or those the Council has a statutory responsibility to deliver, grant funding is for discretionary objectives.

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1.2.2 funds will normally be given subject to desired outcomes being met but the Council will not normally receive services itself.

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1.2.3 the Council is providing funding to support activities that will help it to meet its commitments to the City and where the organisation does not have sufficient resources to deliver those activities on a self-sustaining basis itself.

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1.2.4 a grant will normally be out with the scope of VAT and the Scottish public procurement regulations.

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4.3.41.2.5 If the grant has (or could have) an effect on trade or investment between the UK and the European Union, then the subsidy control implications should be assessed. Further guidance can be found within the Subsidy control guidance in the Scottish Public Finance Manual.

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4.41.3 There is no financial threshold above which a grant becomes a contract but if the investment is significant this may reflect a significant need in which case greater control and/or a more defined specification may be advisable.

2 General Principles and Application

2.1 The Edinburgh Compact Partnership's principles of openness, transparency, integrity, fairness, mutual respect and accountability will apply to all decisions on the provision of grant funding.

2.2 Grants are subject to the requirements to secure Best Value.

2.3 Grant funding is for objectives which contribute towards the Council's policy aims including

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2.3.1 Ending poverty and preventing adverse outcomes such as homelessness and unemployment

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2.3.2 becoming a net zero city; and

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2.3.3 ensuring wellbeing and equalities are enhanced for all,

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2.3.4 The Council is committed to the principles of collaboration and co-production. Co-production means the real and meaningful involvement of the citizens of Edinburgh and recipients of services in delivering better outcomes. Grant recipients shall be encouraged to communicate effectively and to work together with recipients of services and communities of interest to achieve improved outcomes.

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2.5 The Council is committed to ensuring grant funding is outcome driven, accessible and transparent, supporting innovation and projects that meet the needs of the citizens of Edinburgh.

2.4 The Council may use arms-length bodies or other appropriate organisations or community networks to carry out grant disbursement activities on their behalf, the Council should have an agreement in place with such bodies that sets out the nature of the relationship, the form of accountability, how the assessment panel will be constituted, how the organisation or network is funded is or will be funded, and details of the activities they will engage in. Such bodies will be subject to the standards set out in these Grant Standing Orders unless expressly agreed by the relevant Council Committee or the designated proper officer as the Council delegates in the Scheme of Delegation or otherwise.

2.6

3 Procedures

3.1 Unless otherwise agreed by the Council, the Edinburgh Integration Joint Board (EIJB), or relevant Council Executive Committee (each as appropriate), the process for awarding a grant which exceeds £25,000 shall be open to all eligible applicants. In certain circumstances, a restricted process i.e. restricted to existing grant recipients may be appropriate but must be agreed by the Council, the EIJB or relevant Council Executive Committee (each as appropriate) in advance. Where grant funding is from a source other than the Council, such as the Scottish Government, or where there is a national funding agreement made on behalf of the Council, then this requirement to be open to all eligible applicants shall still apply but be subject to any requirements of the funding body or third party as appropriate that may stipulate restrictions on eligibility.

3.2 Allocation and subsequent use of grant funding must reflect the priorities of the Council its subsidiaries and partners and where appropriate the EIJB, in particular

3.2.1 the commitments, strategic aims and outcomes of the Council's Business Plan, the Edinburgh 2050 City Vision, The Edinburgh Partnership Community Plan 2018-2028, 2017-2022the Council's 2030 net zero target and the 2030 Climate Strategy, and in particular the following three priorities

3.2.1.1 Ending poverty and preventing adverse outcomes such as homelessness and unemployment

3.2.1.2 becoming a net zero city

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3.2.1.13.2.1.3 ensuring wellbeing and equalities are enhanced for all

3.2.2 the Edinburgh Integration Joint Board Strategic Plan Strategic Plan for the EIJB

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3.2.3 the City Plan 2030 and the relevant local plan

3.2.3.2.4 the Edinburgh Children's Services Plan 2020-2023

3.2.5 the objectives of the Council's Culture Plan and

3.2.4.3.2.6 the Tenant Participation Strategy:-

- 3.3 The EIJB may direct the Council to fund such NHS and Health and Social care priorities as it may determine appropriate subject to funding being made available.
- 3.4 The distribution and allocation of grant funding should be prioritised based on an assessment of need where applicable.
- 3.5 Participatory budgeting may be used to allow the local community or community of interest to decide on the distribution of grant funding or outcomes.
- 3.6 All grants paid should have specific grant agreements in place which should be suitable and proportionate to the level of funding and reflect the activities and outcomes to be delivered.
- 3.7 Grant agreements should detail as a minimum: what the grant is being given for (measurable outcomes, impacts, outputs or activities), how long the grant period relates to, the amount being paid, dates of payment and payment process, terms for repayment of any unspent grant and the requirements to provide regular reports and allow for site visits.
- 3.8 Grant agreements shall require the grant recipient to comply with applicable legislative requirements, be properly constituted, have in place proper employment recruitment and selection practices, carry out disclosure checks where appropriate, comply with all equal opportunities requirements, take steps to help to deliver the Council's 2030 net zero target and support a just transition to net zero, and encourage the adoption of fair work practices including payment at the currentReal Living Wage Foundation recommended rate.

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3.9 Grant applicants shall be required to report on the achievement of outcomes, impacts, outputs and/or activities to which the grant relates. The frequency and detail of which may vary depending on the value of the grant. Confirmation of achieving outcomes, impacts, outputs or carrying out of activities and the spend to date may be required before any future payment is released.

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4 Roles and Responsibilities

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4.1 For each grant the relevant Executive Director or the Chief Officer of the EIJB shall appoint a Grant Monitoring Officer to set targets, to oversee the process, manage any issues with individual recipients and ensure outcomes are achieved and managed.

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4.2 Grant Management arrangements shall be overseen by Commercial and Procurement Services working together with ~~Policy and Insight~~ ~~Strategy and Communications~~ and Directorates/~~Divisions~~ to allow for co-ordination of best practice and planning. Each Executive Director has responsibility for all grants awarded by their Directorate and is accountable to the Council for the performance of their duties in relation to grant award and management which are: -

4.2.1 to ensure compliance with these Grant Standing Orders;

4.2.2 to adhere to the Council's commitment to co-production;

4.2.3 to take all appropriate measures to prevent, identify and remedy conflicts of interest arising in the assessment of grant awards and to ensure equal treatment of grant applicants;

4.2.4 ensure that the grants register is updated within 28 working days following the issue of a grant award letter and in any event prior to the start date of the grant;

4.2.5 to enter the required purchase order information onto the relevant Council financial system prior to the grant award being paid.

5 Assessment Process

5.1 For Grant applications where the total exceeds or may exceed £25,000

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5.1.1 the application shall be assessed and evaluated by more than one Council officer or a peer group panel ~~in addition to the Grants Monitoring Officer; in the case of arms-length bodies or other appropriate organisations or community networks who are disbursing funds on behalf of the Council or the EIJB such appropriate panel as is set out in the agreement with the Council.~~

5.1.2 the applicant organisation should be able to demonstrate their links or proposed links to the relevant community of interest ~~and the local business plan.~~

5.2 In addition to 5.1, for Grant programmes for which applications are invited which exceed or may exceed £100,000K in total the process to determine successful grant applicants shall be determined by the relevant Council Committee or the EIJB (each as appropriate) and the successful applicants shall be reported back to that Committee for approval unless otherwise delegated in accordance with the Scheme of Delegation. ~~Where grant funding is from a source other than the Council, such as the Scottish Government, this requirement 5.2 shall still apply but shall be subject to any requirements of the funding body. Where grant funding is Council funding but agreement is reached as part of a National Funding Agreement such as those arranged by COSLA then the process shall be determined by the body making the agreement on behalf of the Council but the duty to report back to Committee for approval shall still apply.~~

6 Funding and Sustainability

6.1 ~~To encourage the future financial sustainability and diversity of funding sources,~~ applicants should be encouraged where possible to seek and secure alternative sources of funding in addition to Council or EIJB funding.

6.2 The Council will not normally provide more than 95% of an organisation's turnover in grant funding.

6.3 Prior to any award of a grant exceeding £25,000 the financial sustainability of the applicant organisation shall be assessed ~~by Finance to assess the financial sustainability of the organisation.~~

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7. Fair Work Practices and Living Wage Foundation Rate

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7.7 The Council will encourage and work with funded organisations to adopt policies and practices which comply with Fair Work First where appropriate to the size and sector of the organisation. Fair Work First asks organisations to commit to the following:

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7.7.1 investment in workforce development

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7.7.2 no inappropriate use of zero hours contracts

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7.7.3 action to tackle the gender pay gap and create a more diverse and inclusive workplace

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7.7.4 providing fair pay for workers (for example, payment of the real Living Wage, paid at the Living Wage Foundation Rate announced annually by the Living Wage Foundation (the Real Living Wage))

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7.7.5 offer flexible and family friendly working practices for all workers from day one of employment

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7.7.6 oppose the use of fire and rehire practices

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7.7.7 appropriate channels for effective voice, such as trade union recognition

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7.8 Fair and equal pay, including payment of the Real Living Wage, is a positive factor and one of the clearest ways in which a funded organisation can demonstrate that it adopts Fair Work First policies. The Council shall encourage funding requests to reflect payment of staff at a rate equal to or above the Real Living Wage.

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8 Delivering a Net Zero, Climate Ready Edinburgh

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8.1 The Council encourages funded organisations to commit to reducing their carbon footprint to help deliver Edinburgh's 2030 net zero target.

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8.2 The Council will encourage funded organisations to calculate and disclose their carbon footprint and to join the Edinburgh Climate Compact or similar sector-

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~~appropriate sustainability alliances where it is appropriate given the size and nature of the organisation.~~

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79 Award of Grants

~~7.19.1~~ Subject to ~~97.3~~, the award of Council grants in excess of £25,000 shall be subject to the approval of the relevant Council Committee or the designated proper officer as the Council delegates in the Scheme of Delegation.

~~7.29.2~~ The relevant Committee or designated proper officer under the Scheme of Delegation may

~~7.2.19.2.1~~ approve the recommendations;

~~7.2.29.2.2~~ approve the recommendations subject to approved amendments;

~~7.2.39.2.3~~ reject the recommendations.

~~97.3~~ ~~External grant funding Community Grants~~ shall be subject to the ~~agreement and or~~ approval of the relevant ~~funding body as required. Locality Committee~~

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810 Declaration of Interest

~~8.110.1~~ The Councillors' Code of Conduct set by the Standards Commission for Scotland (Code of Conduct) defines membership or holding office in a company, club or voluntary organisation as a declarable non-financial interest.

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~~8.210.2~~ It is the responsibility of the individual elected member to make a decision about whether a declared interest prevents them taking part in any discussions or voting. Regard should be had to the terms of the Code of Conduct and advice should be sought from appropriate senior Council employees where there is any doubt. The objective test as set out in the Code of Conduct will apply, i.e. whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice an elected member's discussion or decision making in their role as a councillor.

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911 Monitoring and Continuous Improvement

9.411.1 The relevant Executive Director or the Chief Officer of the EIJB may require a grant recipient to take appropriate advice on its actions and to make frequent monitoring reports to the Council on such matters as: income, expenditure, profitability, liquidity and other financial matters; achievement of targets; and future plans.

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9.211.2 Regardless of representation on committees or boards, the relevant Executive Director or the Chief Officer of the EIJB shall require grant recipients in excess of £25,000 to provide an annual financial and performance report.

9.311.3 Where the annual award of grant exceeds £25,000 the grant Monitoring Officer shall hold an annual review meeting with the grant recipient to review such matters as attendance, service user levels, the current financial position and whether agreed targets and outcomes have been achieved.

9.411.4 A clear escalation process shall be established in relation to governance issues should they arise.

11.5 The relevant Executive Director or the Chief Officer of the EIJB shall require grant recipients to provide a right of access to relevant records, and, if appropriate the accounts and financial arrangements of the grant recipient so that they may be properly audited if required.

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12 Urgency

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12.1 In the event that urgent requirements out-with the Council's control make it impractical for these GSOs to be followed then in order to disburse grant funding as a matter of urgency the urgency provisions set out in provision 4 of the Council's Committee Terms of Reference and Delegated Functions where appropriate should be followed. At their discretion, the relevant Executive Director should make relevant members (eg ward councillors) aware of the decision taken under the urgency provisions.

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4013 Review of Grant Standing Orders

40.413.1 These Grant Standing Orders shall be reviewed annually.

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