

	Scheme name, summary description of key terms	Funder	Value £'000
A	Economic growth		
	<p>Culvert Renewal Scheme See Appendix 1, Section A for scheme details. Financial and Commercial Implications. The EA has approved grant of £1,235,048 Grant In Aid (GiA) and £400,000 Local Levy towards the programme costs as defined in the cost breakdown. The EA has also confirmed approval of the contingency element however this cannot be released until the risks have been realised (i.e. when we are in a position to submit a valid reason for increased costs up to £495,724). The grant offer is subject to terms and conditions set out in the Memorandum Relating to Capital Grants. Key features (not exclusive) are summarised as follows:</p> <ul style="list-style-type: none"> • Grant is provide on the understanding that the programme is completed. Grant may be withheld should the programme not be completed. • The grant must be spent on capital projects. • Competitive tendering should be undertaken unless there is a good reason to use another method. • Sale of the land or asset funded by the grant demands a repayments of a share of the proceeds. • Authorised entry to the work area and provision for inspection of the work must be available to the funder, at all reasonable times. • All funded work must be maintained and necessary repairs must be carried out promptly. • The grant is made on th basis of “whole life” costs and so include an allowance for future maintenance. • Grant becomes due once the programme is satisfactorily completed. However due to the cost of the programme the funder may make interim payments during the work. 	Environment Agency [FCERM and Local Levy]	2,131

<ul style="list-style-type: none"> • A final account must be submitted within two years of completion. • If the terms and conditions are not met the funder may withhold the grant. • The Project Manager will need to read, understand and comply with all terms and conditions of the grant. <p>If approved work is due to commence Qtr4 18/19.</p> <p>Legal Implications</p> <p>The local authority has a duty under section 9 of the Flood and Water Management Act 2010 as the Lead Local Flood Authority to develop, maintain, apply and monitor a strategy for local flood risk management in the area. The Sheffield Watercourse Culvert Renewal Programme has been identified by the Council’s own risk assessment as a project which is eligible for funding. The Environment Agency may under section 16 of the same legislation provide funding for such projects. In a letter dated 28th June 2018, the Environment Agency approved an application for funding with specified terms, subject to the guidance document accompanying it.</p> <p>The Council has the power to do anything incidental to its functions (s111, Local Government Act 1972). This includes the acceptance of grant funding.</p> <p>The grant must be used on specific projects outlined in the Sheffield Watercourse Culvert Renewal Programme Outline Business case submitted to the Environment Agency as part of our application for funding. The expenditure of the grant is subject to the Approval of Application letter and the Grant Memorandum relating to capital grants for local authorities and Internal Drainage Boards in England under the Flood and Water Management Act 2010, Coast Protection Act 1949, and Land Drainage Act 1991.</p> <p>Payment is made in arrears, although the Environment Agency may approve interim payments. As the grant is given for a specific purpose, use of the money otherwise than in accordance with the determination letter and Memorandum could potentially lead to the funding being reclaimed or could reduce the amount of funding received in the future.</p> <p>As some of the culverts are on land that is not in the ownership of the Council it should in particular be noted that:</p> <ul style="list-style-type: none"> • Condition 14 of the memorandum states that if we sell land or assets funded by the grant, we must repay a share of the proceeds, based on the original 		
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	<p>purchase financed from the grant.</p> <ul style="list-style-type: none"> The Memorandum draws attention to the fact that when we applied for the grant we had to show how the 'capital asset' would be properly maintained. It goes on to say that if we fail to maintain the project for its planned lifecycle, the Environment Agency may take this into account when assessing any future application for grant. <p>Given the nature of the works that this funding has been approved for (no purchase is to be funded by the grant) it seems unlikely that there will be any requirement to repay funding in the event of a sale. However, it has to be accepted that there is a small risk and the Council may wish to consider seeking to enter into appropriate legal agreements with landowners regarding sale and maintenance before any works are undertaken.</p>		
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 69</p>	<p>Lower Don Valley Sanderson's Weir Fish Pass See Appendix 1, Section A for scheme details</p> <p>Financial and Commercial Implications.</p> <p>Key features of the Grant Memorandum / terms and conditions for Sanderson's Fish Pass are summarised below. The Project Manager will need to read, understand and comply with all of the grant terms and conditions.</p> <ul style="list-style-type: none"> The grant is for £350,000. Applies to studies and projects started after 1 June 2018. Applications must meet the conditions relevant to flood risk management work under the Land Drainage Act 1991. The Grant Memorandum applies to flood /coastal erosion studies and projects which began after 1 June 2018. The grant must be spent on capital projects and Outcomes are what the project has delivered. If SCC does not deliver the project, it will no longer be eligible for capital grant funding as no capital asset has been created. The project must be maintained for its planned lifecycle. Grant is for capital spending approved for improving existing or constructing 	<p>Environment Agency [FCERM]</p>	<p>350</p>

	<p>new, flood or coastal erosion risk management and water level management works.</p> <ul style="list-style-type: none"> • Reliable commitments for match funding should be in place. (NB: At this point in time there is a working assumption that match funding of £100,000 will come from the European Maritime Fisheries Fund, but this remains to be confirmed) • The costs of people working on the project including overheads can be included. • Grant will not be available if the work has not already had approval and grant is not payable on costs funded by other Government departments. • SCC should complete all land-purchase/access (easement) agreements before awarding the construction contract. • Grant is not eligible on spending on a claim that has arisen as a result of negligence or damage that was otherwise avoidable. SCC will need a formal allocation letter from the funder, with the approved partnership grant, before work can begin. • SCC should draw the attention of consultants employed on the project to the conditions relating to approval. • If SCC does not get funder approval for spending over the approved grant amount, the funder may not allocate a supplementary grant. • Grants are for the specific scheme being carried out as approved. If SCC does not complete a scheme then the funder must be informed. In these circumstances, EA may withhold any grant payments that we would have otherwise paid. • If SCC sells land/assets funded by the grant, SCC must repay a share of the proceeds. • SCC must carry out an environmental impact assessment for the project. • SCC should get any necessary permission before applying for a grant. • SCC must properly maintain all FCERM work / do repairs. • Records must be available at all times. • SCC to inform the funder of the start/end date of works or the grant may be withheld. • Studies/schemes not providing evidence that they have assessed costs and benefits strategically will be capped at a grant rate of 45% of the approved 		
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	<p>partnership-funding outcomes.</p> <ul style="list-style-type: none"> • SCC must comply with the terms and conditions or the grant may be withheld. • Grant becomes due once a study, strategy or scheme is satisfactorily completed. • Funder may withhold the grant if SCC do not state the scheme start date or if the amount of grant needed changes over more than one financial year, without the funders agreement beforehand. • Defra may select some projects for Post Project Evaluation (PPE). • SCC must inform the funder if the amount claimed in a financial year changes by more than £100,000. • Deadlines must be met or SCC may no longer be entitled to the grant, unless there are exceptional circumstances. • SCC must adhere to any relevant European Union (EU) or other international procurement rules. <p>Procurement</p> <ul style="list-style-type: none"> • All public sector procurement is governed by both European Legislation and UK National Law. In addition, all procurement in Sheffield City Council must comply with its own Procurement Policy, and internal regulations known as 'Contracts Standing Orders' (CSOs). • Contracts Standing Orders requirements will apply in full to the procurement of services, goods or works utilising grants. All grant monies must be treated in the same way as any other Council monies and any requirement to purchase/acquire services, goods or works must go via a competitive process. <p>Legal Implications</p> <p>The local authority has a duty under section 9 of the Flood and Water Management Act 2010 as the Lead Local Flood Authority to develop, maintain, apply and monitor a strategy for local flood risk management in the area. The Council also has the power to do anything incidental to its functions (s111, Local Government Act 1972). This includes the acceptance of grant funding.</p>		
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	<p>The grant must be used on the specific project outlined in the FCERM4 form and associated Business Case Update Report relating to the Reintroduction of the Sanderson’s Weir Fish Pass to the Sheffield Lower Don Valley Scheme submitted to the Environment Agency as part of our application for funding. The expenditure of the grant is subject to the Approval of Application letter and the Grant Memorandum relating to capital grants for local authorities and Internal Drainage Boards in England under the Flood and Water Management Act 2010, Coast Protection Act 1949, and Land Drainage Act 1991.</p> <p>Payment is made in arrears, although the Environment Agency may approve interim payments. As the grant is given for a specific purpose, use of the money otherwise than in accordance with the determination letter and Memorandum could potentially lead to the funding being reclaimed or could reduce the amount of funding received in the future.</p>		
	<p>Lower Don Valley Sanderson’s Weir Fish Pass See Appendix 1, Section A for scheme details Financial and Commercial Implications</p> <p>Background</p> <p>The Marine Management Organisation (MMO) is proposing to make a formal grant offer of £100,000 for the Fish Pass project from the European Maritime and Fisheries Fund. The offer is expected to be made when SCC is in a position to make a tender award and not prior to this, as would usually be the case when SCC is accepting grant funding. If the £100,000 EMFF grant offer does not materialise then the Environment Agency has indicated that it will provide up to £100,000 of additional funding to compensate for any shortfall in the EMFF grant.</p> <p>In order to maximise funding for the Fish Pass project the £100,000 of EMFF money will need to be spent before the end of March 2019 and before the £350,000 of Environment Agency funding which is also allocated to this project.</p> <p>MMO have provided the Council with sample terms and conditions that they have</p>	<p>Marine Management Organisation (MMO)/European Maritime Fisheries Fund</p>	<p>100</p>

	<p>indicated will be the terms and conditions that any offer will be subject to.</p> <p>EMFF Grant: Draft Terms and Conditions</p> <p>Key features (not exclusive) of the draft EMFF grant terms and conditions are summarised as below.</p> <ul style="list-style-type: none"> • SCC will be expected to retain ownership of the work being funded. • The funder must be informed of any modifications or changes to the project including costs, funding, timescales, sale of assets and contractor changes. • Changes without approval may result in funding being reduced or withdrawn • The grant is subject to claw back if the terms/conditions are not complied with. • EMFF funding cannot be provided retrospectively, but there are exceptions such as costs up to 10% of total project and must be “essential to bringing an application to submission stage” • Projects can commence after written acknowledgement from the Funder • MMO funds cannot be used to buy land if it exceeds 10% of total project expenditure • Environmental improvement measures must comply with EU/UK legislation. • EU public purchasing rules must be fully applied. • If costs decrease then so will the EU funding (proportionately) • Inform the Funder if new, un-notified sources of funding are added to the project and no other sources of EU funding can be used. • SCC must accept, sign and return the offer letter to be eligible. • Funding for expenditure excludes VAT • To support claims, bank statements will be needed to show proof of payment. • Evidence of match funding will need to be provided (NB: In this instance the Environment Agency is also funding the project (£350,000). • The Project Manager will need to comply with the requirements and timetables for submitting claims. • Failure to meet project timetables may result in grant being reclaimed. • Records must be kept for at least 5 years and are subject to Audit. • If the project generates net revenue during its implementation the eligible expenditure for grant will be adjusted. 		
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	<ul style="list-style-type: none"> • Modifications are not allowed within 5 years if these change the nature of the project. • Items purchased using EMFF grant must be owned and used for their original purpose for a period of 5 years. <p>The Project Manager will need to read, understand and comply with all of the grant terms and conditions.</p> <p>Procurement</p> <p>All public sector procurement is governed by both European Legislation and UK National Law. In addition, all procurement in Sheffield City Council must comply with its own Procurement Policy, and internal regulations known as ‘Contracts Standing Orders’ (CSOs).</p> <p>Contracts Standing Orders requirements will apply in full to the procurement of services, goods or works utilising grants. All grant monies must be treated in the same way as any other Council monies and any requirement to purchase/acquire services, goods or works must go via a competitive process.</p> <p>Legal Implications</p> <p>The local authority has a duty under section 9 of the Flood and Water Management Act 2010 as the Lead Local Flood Authority to develop, maintain, apply and monitor a strategy for local flood risk management in the area. The Council also has the power to do anything incidental to its functions (s111, Local Government Act 1972). This includes the acceptance of grant funding.</p> <p>It should be noted that there will be no automatic increase in European funds awarded if the project costs increase. If costs decrease then so will European funding.</p>		
B	Transport		

	None		
C	Quality of life		
	None		
D	Green and open spaces		
	None		
E	Housing growth		
	None		
F	Housing investment		
	None		
G	People – capital and growth		
	None		
H	Essential compliance and maintenance		
	None		
I	Heart of the City II		
	None		

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