

## 2. Enrolling as an Environmental Body (EB)

### 2.1 The meaning of Environmental Body

An Environmental Body (EB) is an organisation that has enrolled with ENTRUST in order to receive LCF money from LOs or funding EBs. The term 'environmental' does not define the type of body that can enrol with us. Some EBs act as funding EBs as they give money to other organisations to spend on projects.

### 2.2 What type of organisation can become an EB?

Corporate bodies, such as limited companies, and unincorporated bodies, such as associations, clubs or trusts, can become EBs. We expect any organisation applying to be an EB to have a place of business in the UK. To enrol as an EB your organisation must:

- **Be a not for profit organisation;**
- **Share at least one aim with the objects of the LCF;**
- **Not be controlled by:**
  - a LO;
  - a Local Authority (LA);
  - a body corporate controlled by one or more LAs; or
  - a person connected with any of the above.
- **Not have any of the below concerned in the management of the EB:**
  - A person who controlled or was concerned in the management of an EB which has been compulsorily revoked;
  - A person who has been convicted of an indictable offence;
  - A person who is disqualified from being a trustee for a charity;
  - A person connected with any of the above;
  - A person incapable by reason of mental disorder. See Regulation 33 (1C) for when a person shall be considered incapable by reason of mental disorder.

### 2.3 Action to take before applying to become an EB

When an organisation wishes to enrol as an EB we will check that it has an appropriate governance structure which will enable it to receive and spend LCF funds in accordance with the Regulations. The following are preliminary steps a prospective EB should take before applying for enrolment:

#### **Match the aims of your project to an LCF Object**

Establish whether your proposed project qualifies for LCF funding. It will qualify if it matches one or more of the five areas of work, known as Objects, which can be funded by LCF monies. Your project will also need to be in the vicinity of a landfill site.

You can find further information on the Objects of the LCF in section 4 of our guidance, but in summary they are:

- **Object A:** The reclamation, remediation or restoration of land which cannot now be used because of an activity which used to take place on that land
- **Object B:** The prevention, reduction or mitigation of the effects of pollution which has been caused, or be caused, by an activity which has now ceased
- **Object D:** The provision, maintenance or improvement of a public park or other public amenity
- **Object DA:** The conservation of a specific species in its natural habitat or a natural habitat
- **Object E:** The maintenance, repair or restoration of a building or structure which is a place of religious worship or a place of historic or architectural interest

Objects D, DA or E are most frequently utilised within the LCF scheme.

### **Find a funder for your project**

Once you have established that your proposed project matches one or more of the LCF Objects and is in the vicinity of a landfill site, you should find a funder. You should identify the source of funding before submitting an EB enrolment application as some funders will register the project on your behalf. If this is the case you will not need to enrol your organisation as an EB. We charge a non-refundable enrolment fee of £100 to cover the administrative cost of enrolling your organisation into the LCF so we recommend that your organisation does not enrol as an EB until you have checked with your funder whether enrolment is required.

There are two methods which an organisation may find funding through the LCF:

#### **i. Directly from a Landfill Operator (LO)**

You may be able to find LOs who will give money directly to your organisation. While many LOs take part in the LCF, not all do. Many participating LOs use funding EBs to channel their money and it is these bodies that you will need to contact. Not all LOs will be potential sources of funding for your project.

Lists of applicable landfill sites and operators are kept by HMRC or by the relevant regulatory authority such as the Environment Agency in England. Further information can be found on the [Landfill Operators as direct funders](#) section of the ENTRUST website.

#### **ii. From a funding EB**

The most common way for an organisation to receive funding is to approach a funding EB. These bodies distribute funds on behalf of one or more LOs. Funding EBs help other organisations to access the LCF monies.

Funding EBs will require your organisation to meet certain conditions about the way you will spend any LCF money they may give you.

Some funding EBs provide funds for specific geographical areas only or for certain types of projects. Each funding EB will have its own policies and application procedures. You can find a list of all funding EBs, their funding policies and contact details on the [finding funding](#) section of the ENTRUST website.

A funding EB will want to make sure your proposed project and expenditure complies with the Regulations and ENTRUST guidelines, however, their criteria for accepting applications may be more stringent than set out in the Regulations. This may be because there is a high level of demand for the monies or because the funding EB wishes to focus on specific areas of the LCF. Please note that although ENTRUST require that your project location is within 10 miles of any licensed landfill site, a funder may require the location to be closer than 10 miles or to be in the vicinity of a site operated by a specific LO that they are distributing funds for.

If you are approaching a LO directly, you **will** need to enrol your organisation as an EB with ENTRUST before you can receive any LCF funds.

If you are approaching a funding EB, you **may** need to enrol with ENTRUST. It will depend on the individual funding EB and the operating practices they adopt.

There are ongoing obligations placed on EBs which you need to be aware of if you do enrol. For more information see Section 3: Now you are enrolled as an EB.

To help you find prospective funders in your area please look at the [Finding Funding](#) section of our website and contact the funders who fund in your area. On the [training resources](#) page on our website there is a downloadable guide to locating a landfill site which may help when identifying landfill operators and to check whether there are any licensed landfill sites in the vicinity of your project location.

## 2.4 The application process to enrol as an EB

### Applying online

We recommend that an application is made online via a Form 1. To make the application online you should register with [ENTRUST online](#). As you progress through the application form you will need to have the following documents available:

- The most recent version of your organisation's governing document outlining why your organisation exists and what your organisation intends to do. Examples of a governing document include a constitution, a Trust Deed, or the Memorandum and Articles of Association; and
- The most recent copy of your organisation's accounts, unless it is newly formed.

To be enrolled as an EB, your organisation must have the following clauses in your governing document:

- A clause confirming that your organisation operates on a not-for-profit basis and will not distribute income or profit to its members. Please note that this is not required for registered charities as this is pre requisite;

- A clause confirming that at least one of your organisation's aims matches at least one of the Objects of the LCF;
- A clause confirming that all LCF money received by your organisation will be spent on activities that are compliant with the Objects of the LCF;
- A clause confirming the number of people who constitute a quorum. This is so we can check that neither a LO nor a LA can form a majority when only the quorum is present to vote;
- A clause confirming who has the casting vote on any issue relating to the LCF;
- A clause confirming that LCF funds will not be spent in a way which provides a unique benefit to either a LO which has provided LCF funds to your organisation, or to a Third Party who has made a payment to a LO to enable LCF funds to be provided to your EB. See our guidance on unique benefit and Contributing Third Parties; and
- A clause confirming that in the event of dissolution, surplus assets will not be distributed amongst the organisation's members and that any remaining LCF money will be transferred to another EB so that it remains within the LCF.

If your organisation's governing document does not already include these clauses then we will require you to alter the governing document to include them.

### **Control by LOs and LAs**

As stated above, the organisation must not be controlled by:

- One or more Landfill Operators (LOs); or
- One or more Local Authorities (LAs).

Additionally, an EB should not be controlled by one or more LA or one or more LO acting through representatives such as local authority councillors and senior officers.

Neither LOs as a group, nor LAs as a group, are allowed to form the majority on an organisation's governing body (its trustees, board of directors or management committee, for example). For the purposes of identifying control:

- Groups of LOs are assumed to act separately from groups of LAs. In an organisation where representatives of both an LA and a LO are present, they count as representing different interests. The exception would be where the local authority was also a landfill operator.
- Representatives of different local authorities on an organisation's governing body are assumed to act together.
- Representatives of different landfill operators on an organisation's governing body are assumed to act together.

The casting vote for matters related to the LCF must not be conferred on a representative from a LO or LA.

## The Quorum

The organisation's governing documents must outline what constitutes a quorum. At its meetings an EB should ensure that there are always sufficient independent members present to satisfy itself that neither LO nor LA representatives can form a majority, and thereby control the organisation, when only a quorum is present.

The governing documents should confer a second or casting vote on the chairperson where there is an equality of votes in relation to LCF matters.

### Additional information required with your application:

You will also need to provide the following:

- The name, address, occupation and date of birth of every member of your organisation who is entitled to vote to decide how LCF monies will be spent, together with confirmation that each member is not an excluded individual; and
- Confirmation that you have an offer of funding or confirmation that you wish to proceed without an offer and that you understand the £100 enrolment fee is non-refundable.

You will need to pay the non-refundable enrolment fee of £100 to us before we can enrol you. Payments can be made either by cheque (made payable to ENTRUST) or electronically. BACS details can be provided upon request.

A downloadable 'How To' guide for completing the application process via ENTRUST online can be found on the [enrolment](#) page of our website. An example of a model constitution can be found in the [forms](#) section of our website.

## 2.5 After you have submitted your application and payment to enrol as an EB

We will review your application and the supporting documents and will respond within five working days. Once we are satisfied that all the necessary information has been provided and your organisation meets the requirements, we will approve your application for enrolment.

Once enrolled, you will receive a unique EB enrolment number and a certificate. You will need to use this EB number in all correspondence with us and with your funder. You will also receive an enrolment pack by email with further information on the next steps.

## 2.6 Refusal of an enrolment application and the appeal process

If your organisation is not considered to fulfil the requirements to become an Environmental Body then your application will be referred to ENTRUST's Review Panel. The applicant is invited to attend these meetings to make the case for enrolment. For further details on the workings of the Review Panel, please see our Review Panel guidance contained in Section 5.

## **2.7 Retaining your enrolled status**

Once your organisation is enrolled as an EB, you will remain enrolled until you request in writing that you wish to voluntarily revoke from the scheme or your EB's status is forcibly revoked as a result of non-compliance with the Regulations.

An organisation must continue to meet the criteria in the Regulations while it remains enrolled as an EB. If you request to revoke your enrolment and later decide to re-enrol as an EB you will be required to resubmit all details and pay the standard enrolment fee again.