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# REVIEW OF THE EXCLUSION OF SPECIFIC USER GROUP PROJECTS FROM THE LANDFILL TAX REGULATIONS 1996



**REGULATING THE LANDFILL COMMUNITIES FUND  
BENEFITING PEOPLE AND THE ENVIRONMENT**

Consultation Paper

June 2009

# Contents

Executive Summary	3
Background	5
Regulations	6
Guidance	7
Legislation and Legal Advice	7
Consultation with Stakeholders	10
Impact of Regulatory Change	11
Summary	12
Conclusions	13
Appendix A: A Summary of the Consultation Paper and Focus Group Responses	14
Appendix B: Analysis of the ENTRUST database of refused Specific User Group Projects	21



Project: Caldervale Schools Project.

Description: Coppice to Classroom, creating a 34 acre environmental resource centre.

Supported through: Biffaward.



## Executive Summary

### 1.1 Background

**1.1.1** The Landfill Tax Regulations 1996 (Regulations), currently allows expenditure on projects that provide an amenity for the general public. A project proposal that has restrictions on general public access and is only available to Specific User Groups (SUG) cannot currently be registered and therefore cannot receive Landfill Communities Fund (LCF) monies.

**1.1.2** This report considers the legal position of the current Regulations, and through consultation sets out to consider:

- the range and types of projects that cannot currently be registered;
- the incidence and rate of project refusal due to insufficient general public access; and;
- the appetite amongst stakeholders to sponsor projects, which are not open to the general public.

### 1.2 Legal advice

**1.2.1** Legal advice concludes with the opinion that in so far as the current policy could be said to be discriminatory, which is doubtful, any such discrimination would be objectively justifiable by reference to the application of ENTRUST's mandate.

Project: The Bridge to Hurst Meadow

Description: Replacement bridge to Hurst Water Meadow.

Supported through: Trust for Oxfordshire's Environment.



## 1.3 Consultation

**1.3.1** Through the consultation responses received and the focus group that was held, there were 22 respondents to this consultation. This represents less than 1% of the total stakeholder population. Stakeholders that did respond represent approximately 60% of LCF funding.

**1.3.2** A wide range of projects have been refused due to restrictions on general public access. These vary from a swimming pool at a special needs school to allotment projects. The projects recorded as rejected by Environmental Bodies (EB) and ENTRUST is estimated to be about £1million. However, the true figure is likely to be much higher, as ENTRUST's published guidance already advises stakeholders that these projects cannot be registered.

**1.3.3** The majority of respondents support projects that benefit only specific elements of the general public, and have an appetite to undertake such works. However, most stakeholders would not positively allocate funding directly to these types of projects, but would consider a project on its own merits.

## 1.4 Conclusion

**1.4.1** The arguments for changing the Regulations to allow SUG projects are:

- It can be argued that the inability to register SUG Projects does not reflect how people want to register projects;
- There is support amongst the stakeholder community for changing the Regulations; and
- The types of SUG projects, which are of benefit to their specific communities.

**1.4.2** The arguments against changing the Regulations are:

- The Regulations clearly refer to the word 'public' and the intention would appear to be that the scheme should benefit the whole community;
- The current position does not breach any discrimination legislation;
- The introduction of a change would result in other Non-Specific User Group projects being rejected given the expressed preferences of some of the consultees, and the limited funds in the LCF scheme;

- If Specific User Group projects can have a sufficient element of public access benefiting the whole community they would be allowable;
- There is some evidence that there is alternative funding for these projects; and
- Some of the projects which would become eligible would be verging on statutory provision.

### 1.4.3 Recommendations

It is recommended that there should not be a change in Regulations as on balance the arguments against changing the Regulations are stronger than those for change.

## 2. Background

**2.1** This paper considers if the current objects of the Regulations should be amended or supplemented to allow the registration of the Specific User Group projects. These are projects that are not open to the general public, and are in some way restricted to specific users.

**2.2** The Regulations and ENTRUST's guidance have resulted in the refusal to register a number of projects, including:

- A disabled riding school that was not open to all members of the general public as it provided no facilities for an able-bodied rider;
- A relaxation garden in the grounds of a mental health facility, accessible only by the patients and their families;
- A play park at a health care centre that provided facilities for the patients and their families;
- Improvements to a rural school assembly hall which had no confirmed public access policy;
- Provision of a wildlife garden in school grounds which is not accessible by the public, only the school pupils;
- Allotment projects that have a limited number of spaces available and provide no amenity to those members of the public that do not own a plot; and

Project: Lagan Towpath, Belfast.

Description: The reconstruction of Hauler's Way, Lagan Towpath.

Supported through: Sustrans.

Photo: J.Bewley





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- Community Green space project that would be a local space where individuals could grow food, but once planted would not be open to members of the public.

These types of projects cannot be registered under Object D due to the restrictions they place on public access. As they would also not fit any other object they are unable to receive funding from the LCF.

- 2.3** Projects such as those listed above in 2.2 are often very well regarded by the public, and might have their support even if they were not benefiting directly from it going ahead.
- 2.4** To assist in the consideration of this paper a consultation was held that focussed on the following areas:
- The types of projects that cannot currently be registered due to public access limitations;
  - The rate of occurrence of rejecting these projects, whether that is:
    - o By ENTRUST; or
    - o By EB before submission to ENTRUST; and
  - The appetite of stakeholders to fund projects that are not open to all elements of the general public;

### 3 Regulations

- 3.1** All LCF expenditure must fall under an ‘approved object’ as outlined in the Regulations.
- 3.2** Object D covers projects commonly referred to as ‘public amenities’. The Regulations governing the registration of Object D projects are as follows:

Regulation 33(2)(d) allows LCF expenditure:

“where it is for the protection of the environment the provision, maintenance or improvement of –

- (i) a public park; or
  - (ii) another public amenity in the vicinity of a landfill site, provided the conditions in paragraph (6) below are satisfied;
- (6) The conditions mentioned in sub-paragraphs (d) and (e) of paragraph (2) above are:
- (a) in a case falling within sub-paragraph (d), that the provision of the park or amenity is not required by a relevant condition; and

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(b) in a case falling within either of those sub-paragraphs, that the park, amenity, building or structure (as the case may be) is not to be operated with a view to profit.

3.3 There is no further clarification of what the word 'public' means in the Regulations.

3.4 The Regulations use the word 'public' in both clauses of 33 (2) (d). As Para 5.2.7 below points out this would appear to have the meaning 'general public'.

## 4. Guidance

4.1 The Guidance Manual defines a public amenity as follows:

“a public amenity is interpreted as a place where the general public can go for leisure or recreation”

## 5. Legislation and Legal Advice

### 5.1 Background

5.1.1 The Regulations do not define the word 'public', and ENTRUST guidance prohibits the registration of projects that only benefit specific sections of the general public as opposed to the general public as a whole.

5.1.2 Research into the Disability Discrimination Act 2005 (DDA) focused on the current legislation around unlawful discrimination against disabled persons to ensure that the LCF is compliant when drawing up guidance and/or Regulations.

Project: Enhanced Biodiversity at Portmore Lough.

Description: Restore and enhance the wetland habitat at Portmore Lough Nature Reserve, Northern Ireland.

Supported through: Biffaward, RSWT.



## 5.2 The Legal Position

**5.2.1** Legal advice sought by ENTRUST stated that with regards to the DDA, ENTRUST as the regulator of the LCF would be considered a (quasi) Public Authority (See DDA s21B (2) (a) & (b)).

**5.2.2** As such, ENTRUST will be subject to a general duty under the DDA which is set out at s49A of that DDA. This requires ENTRUST to have due regard to the following, when carrying out its function of making registration decisions:

- The need to eliminate discrimination that is unlawful under this Act;
- The need to eliminate harassment of disabled persons that is related to their disabilities;
- The need to promote equality of opportunity between disabled persons and other persons;
- The need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
- The need to promote positive attitudes towards disabled persons; and
- The need to encourage participation by disabled persons in public life.

**5.2.3** The issue to consider is whether the Regulations may discriminate against disabled persons by adopting a practice of refusing applications for registration from organisations attempting to use that funding for projects which exclusively benefit disabled persons as opposed to members of the general public. Guidance was sought to clarify if the current procedures:

- Had the effect of treating (a) disabled person(s) less favourably than it would treat other members of the public by denying funding for projects exclusively benefiting their minority group (as opposed to any other minority group);
- Made it impossible or unreasonably difficult to receive any benefit that ENTRUST conferred (such as granting registration); and
- This could not be justified under s21D(5).

**5.2.4** In response to these points in the paragraph above legal opinion advises that:

- It is doubtful that ENTRUST is actually discriminating in the way described above; and
- It is likely that a Court would agree that ENTRUST was justified in adopting its practice, provided that it does so in compliance with its regulating mandate and demands that disabled facilities be offered when approving any registrations for projects to benefit the general public.



**5.2.5** In explaining this view, it can hardly be said that a minority group has been less favourably treated than the general public by not being offered a positive and exclusive benefit which is beyond the mandate of the public authority concerned.

**5.2.6** Object D as specified in the Regulations (as outlined in Section 3.2), makes repeated reference to “the public”. By reference to the ordinary meaning of that term, legal opinion would assume that this is a reference to the general public. ENTRUST’s mandate is therefore to the general public (only) and not to specific minority groups. ENTRUST must act in compliance with that mandate, save that it should not discriminate whilst doing so or should be justified if it did discriminate in any way (as outlined in s21D (5)).

**5.2.7** ENTRUST is able to justify its current practice as:

- The practice itself may be said to affect disabled groups seeking funding for projects ascribing exclusive benefit to those disabled groups;
- The practice does not in fact target such a group specifically but applies to any group seeking funding on such an exclusive basis;
- The practice is being applied in order to (i) comply with ENTRUST’s statutory mandate; and (ii) to provide benefits to the general public in a manner which still includes disabled persons by allowing them proper access to those benefits; and
- Such an aim is not discriminatory, but is inclusive in its nature.

### **5.3 Legislation Conclusion**

**5.3.1** Legal advice concludes with the opinion that in so far as the current policy could be said to be discriminatory, which is doubtful, any such discrimination would be objectively justifiable by reference to the application of ENTRUST’s mandate.

Project: Looe Millpool Play Area.

Description: Rebuilding of the childrens play area.

*Supported through: Caradon District Council; Caradon Healthy Living Forum; Churches Together Cornerstone; Duchy of Cornwall; Groundwork UK (Big Lottery Fund); Looe Development Trust; Rotary Club of Looe Valley; SITA; West Looe Playgroup; West Looe Town Trust ; Viridor Credits-Caradon Ltd."*



## 6. Consultation with Stakeholders

- 6.1** As part of the aim to engage stakeholders wherever possible to ensure that the regulation of the LCF complies with best regulatory practice, ENTRUST is committed to carrying out consultation exercises to gather information, evidence and stakeholder views on issues facing the regulation of the LCF. Appendix A details the consultation questions and a summary of the responses received from stakeholders.
- 6.2** Through the consultation responses received and the focus group that was held, there were 22 respondents to this consultation. This represents less than 1% of the total stakeholder population. It is important to note that the stakeholders that did respond were largely those organisations that are well funded under the LCF and therefore it is possible to approximate that in excess of 60% of LCF funding was represented through the stakeholder respondents.
- 6.3** A wide range of projects have been refused due to the restriction on general public access. The examples cited in the consultation responses totalled approximately £900,000 in LCF value, that were either refused by ENTRUST or funding bodies. This is likely to be lower than the value of all projects that have not received LCF monies due to the publicised guidance that restricts projects that are not open to the general public. This means that most organisations will not even consider making an application for restricted access.
- 6.4** Appendix B list projects ENTRUST has on its database that have been refused. These range from a private garden in a residential home to a school swimming pool in a special needs school. The projects ENTRUST has refused total £190,000. However for all these projects the LCF requested element was only a proportion of the funds, which would suggest that there are alternative sources of funds available for these projects.
- 6.5** The majority of stakeholders consider it is appropriate for the LCF to support projects that benefit only specific elements of the general public, and have an appetite to undertake such works.
- 6.6** However, stakeholders stated that if the Regulations were amended to allow funding to SUG projects, 65% of respondents would not target funding to these projects and they would be put under the same scrutiny as all other project applications.

- 6.7** A number of funding EBs actively seek general public access through their funding criteria. Therefore projects that can only be accessed by a specific element of the general public are unlikely to attract much funding, unless the funder is willing to target an element of funding at the SUG projects.
- 6.8** Concern was raised by respondents that any revised Guidance should be clear and unambiguous. ENTRUST current guidance provides a clear definition of public amenity. Changes to the scope of projects that could be funded must not compromise this clarity.
- 6.9** Any revised position on SUG would need to prohibit organisations from using the LCF to fulfil their statutory requirements. A number of projects suggested, such as school projects and those targeting disadvantaged groups may be the responsibility of other statutory agencies, for example, Local Education Authorities.
- 6.10** Stakeholders have advised that LCF funding is currently oversubscribed by applicants, based on the current range of compliant projects. If this range is to be increased to cover SUG projects then the risk is that this will simply be perceived as increasing the number of applications that fail to receive LCF monies.

## 7. Impact of Regulatory Change

- 7.1** On the basis of approximately £1,000,000 of projects that have not been submitted, or have been refused, a change to the Regulations would result in some funds being allocated to Specific User Group projects.
- 7.2** The analysis of projects that ENTRUST has refused at Appendix B shows that the LCF was only being asked for a proportion of funds for SUG Projects in all but one case. This demonstrates that there is alternative funding available, at least for some projects.

Project: Biffaward Woodland Walks

Description: Promote access to woods and inspire people to enjoy the natural world for recreation, enjoyment and exercise.

Supported through: Biffaward, RSWT



- 7.3** One of the specific issues with respect to certain SUG is the line to be drawn between statutory and non-statutory provision. For example special school facilities and healthy living initiatives could be said to be the responsibility of Local Authorities and the Health Service respectively. Often there is not a clear dividing line between statutory and non-statutory provision. This would bring further confusion to the interpretation of the Regulations.

## **8. Summary**

- 8.1** As outlined in the stakeholder responses to the consultation questions in Appendix A, currently a range of projects are not able to be registered due to the 'public' requirement.

- 8.2** The arguments for changing the Regulations to allow SUG projects are:

- It can be argued that the inability to register SUG Projects does not reflect how people want to register projects;
- There is support amongst the stakeholder community for changing the Regulations; and
- The types of SUG projects are of benefit to their specific communities.

- 8.3** The arguments against changing the Regulations are:

- The Regulations clearly refer to the word 'public' and the intention would appear to be that the scheme should benefit the whole community;
- The current position does not breach any discrimination legislation;
- The introduction of a change would result in other non-SUG projects being rejected given the expressed preferences of some of the consultees, and the limited funds in the LCF scheme;
- If Specific User Group projects can have a sufficient element of public access benefiting the whole community they would be allowable;
- There is some evidence that there is alternative funding for these projects, and
- Some of the projects which would become eligible would be verging on statutory provision.

- 8.4** On balance it is recommended that the original intention of the scheme should prevail, preserving the scheme so it is for the benefit of the whole community.



## 9. Conclusions

- 9.1** A number of projects are rejected either by funders of ENTRUST because they do not meet the 'public' requirement of the LCF scheme.
- 9.2** The 'public' element of the scheme is a fundamental one that would appear to have been intended by the original legislation, as the scheme benefits whole communities.
- 9.3** ENTRUST is able to justify its current practice as:
- The practice itself may be said to affect disabled groups seeking funding for projects ascribing exclusive benefit to those disabled groups;
  - The practice does not in fact target such a group specifically but applies to any group seeking funding on such an exclusive basis;
  - The practice is being applied in order to (i) comply with ENTRUST's statutory mandate; and (ii) to provide benefits to the general public in a manner which still includes disabled persons by allowing them proper access to those benefits; and
  - Such an aim is not discriminatory, but is inclusive in its nature.
- 9.4** There is substantial support for change amongst the EBs consulted to widen the scope of the LCF to include SUG. However, two thirds would not assign specific funding for these projects. Due to current oversubscription of LCF funds widening the scope would reduce monies available for other projects currently funded.
- 9.5** It is recommended that there should not be a change in Regulations as on balance the arguments against changing the regulations are stronger than those for change.

Project: Denbigh Street, Birmingham.

Description: Community challenge project.

Supported through: SITA Trust





## APPENDIX A

### A summary of the Consultation Paper and Focus Group Responses

- 1 Has your organisation had any projects refused by ENTRUST or have you refused the funding of any projects in the past due to the fact that they were not open to the general public? if so, please give a summary and indicate the approximate value of these projects.**
  - 1.1** 75% of respondents confirmed that either ENTRUST, or their own assessment policies had resulted in the rejection of one of their projects due to the public access restrictions.
  - 1.2** It was stated by a couple of organisations that they have not had a project application rejected because they considered the published EB Guidance manual with each application and therefore had not submitted any contentious projects that were likely to be rejected.
  - 1.3** Of the respondents that had a project registration refused either by ENTRUST or by their own selection procedures due to the public access requirement, the following details were provided about the type of projects and, if stated, the value:

Reported Project	Value (if stated)
Allotments, school projects generally	£65,000
3 School environmental projects	£30,000 (approx £10,000 each)
Pop in centre for local youths	£9,000
Sports hall project for disruptive children	£50,000
30 projects not submitted due to public access restrictions	£750,000 (Average £25,000 each)
Allotment Project	£10,000
Bird Hide for Bird Watching Club – only open to members of club, restricted numbers.	-
<b>Total</b>	<b>£914,000</b>

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**1.4** It was stated that the nature of certain projects meant that it was not possible to open them up to the public – i.e. health and safety requirements with school projects.

**1.5** Generally, respondents stated that proposals are coming forward that currently are not submitted for registration, either initially due to an internal funding decision about the benefit of a project by the EB or due to ENTRUST procedures and published guidance.

## 1.6 Summary

- Three quarters of respondents have had a project refused either by ENTRUST or before submission to ENTRUST due to the restricted public access;
- A range of projects were cited, totalling circa £900,000 in value; and
- The established guidance and knowledge of access requirements means that project proposals with restricted public access are usually discouraged from applying for LCF monies. Therefore the full range of projects and value of projects failing to secure registration is likely to exceed that which is reported.

## **2. Do you feel it is appropriate for the LCF to support projects that benefit only specific elements of the public, such as only disabled users or schoolchildren?**

**2.1** 56% of respondents supported the idea of the LCF supporting projects that benefit only specific elements of the public.

**2.2** Seven of the EB's who supported projects that benefit only SUG did stress that they felt more strongly for projects that benefit particularly disadvantaged groups, and made the example of the disabled riding school, however did not feel that these projects should become a priority

**2.3** It was suggested that a number of projects currently considered open to all elements of the general public are in fact only used by SUG. An example would be Scout Huts that may have an open lettings policy for use however for the vast majority of the time, only scouts benefit from the facility.

**2.4** One EB in particular who did not agree with projects that benefit only SUG stressed that a problem currently exists in that the fund is already heavily oversubscribed and has the worry that by opening the fund up to SUG will raise false expectations regarding the amount of funding available.

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- 2.5** Another EB who also did not agree stated that by opening the fund up to specific groups stressed that often a project could be amended to include full general public access and therefore fulfil the requirements of project registration.
- 2.6** It was stated by another respondent that with the example of a school project, while the schoolchildren may be the primary user, a large proportion of the family become secondary users of a facility – such as the families of the school children. Including these secondary users, a school project may benefit a larger proportion of the general public than a more commonly registered Object D project;
- 2.7** It was also stated that the following types of project should be registerable under the LCF:
- Nursery projects;
  - Youth volunteering projects; and
  - Allotment projects with a wider community focus.
- 2.8** It was stressed that whether the ability to register these Specific User Group projects is pursued or not, what cannot result is a return to the highly subjective interpretation of ‘public amenity’ that existed in the early years of the LCF.
- 2.9** Summary
- The majority of respondents feel it is appropriate that the LCF does fund Specific User Group projects that can only benefit specific elements of the general public; and
  - It was stated however that allowing Specific User Group projects to have registration must not reduce clarity surrounding the current interpretation of a ‘public amenity’.
- 3. Does your organisation have an appetite to fund or undertake projects of this type?**
- 3.1** 60% of respondents advised that they would have an appetite to fund Specific User Group projects.
- 3.2** One respondent advised that they would be based on the merits of the benefit they offer the user group in question, and should be available to whole of that user group.

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- 3.3** It was also re-iterated that as outlined in the Landfill Communities Fund title, projects must benefit the communities themselves. If a project could be considered to do this then it should be compliant.
- 3.4** Concern was raised by a couple of respondents that the LCF should not be used to supplement other budgets – i.e. local education responsibilities. It was stated that the EB in question would be required to ensure it was ‘appropriate’ to fund each project.
- 3.5** A number of stakeholders advised that even if a proposal was specifically targeting an element of the public, each project would continue to be judged on its own merit with regards to the community benefit as a whole.
- 3.6** Summary
- The majority of respondents stated that their organisations did have an appetite to fund Specific User Group projects; and
  - Reservations were stressed regarding the requirement that LCF monies aren’t simply used to support other budgets – e.g. local education budget.

**4. Would you like to devote an element of your resources to these projects? i.e. if you are a funder of LCF projects, would you dedicate a proportion of your funding to this type of activity?**

- 4.1** Only 35% of respondents advised that they would look to devote an element of their funding specifically to Specific User Group projects. In the majority of organisations, the projects would be reviewed based on their own merits and funding would not be apportioned to the Specific User Group projects.
- 4.2** A common criterion used to decide which project receives the LCF funding is the impact the project will have on how many of the local community. If a project is by its nature only going to benefit a small proportion of the general public then it is unlikely to secure much funding.
- 4.3** It was suggested that devoting an element of an organisations resources to these projects would act to limit demand. Otherwise it was anticipated that this type of project would dominate funding requests.

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#### 4.4 Summary

- The majority of respondents stated that they would not ring fence funding towards these projects and that each proposal would be considered on its own merits alongside all other applications for funding; and
- In funding organisations where the general public benefit is encouraged, a project with only very restricted users is unlikely to receive much funding.

### 5. Please outline any projects that would currently be rejected that you feel should be registered under the LCF, and why.

5.1 Respondents advised of a number of projects that cannot currently be registered which they felt should be considered compliant under the LCF;

- These included the following:
- Homeless facilities;
- Sports equipment stored on school site;
- Drug Rehabilitation centres;
- Residential Homes for Children;
- Residential Homes for the elderly;
- Disabled facilities;
- Pre-School projects; and
- Allotments.

5.2 It should be stressed that the list above was not endorsed by all respondents, 35% of whom advised that there are currently no areas where projects are being rejected and should be registered.

5.3 With regards to Allotment projects, respondents did advise that there was currently a national shortage of funding for this type of application.

5.4 Concern was raised by a number of respondents that the projects being discussed were the statutory responsibility of other agencies or organisations, such as the social care department, and that if the LCF was used to provide such services then it was being used to fulfil the statutory obligations of other organisations. This must be considered when considering the case for regulatory change.



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## 5.5 Summary

- A wide range of projects are currently being received by respondents that in their opinion should be considered compliant under the LCF; and
- Concerns were raised by EBs that the LCF must not be used to fulfil statutory responsibilities of other organisations. This must be ensured when considering any regulatory change.

## 6 Do you feel there is the requirement for the Lcf to fund projects that are open or providing an amenity to sections of the general public only and not the general public at large?

**6.1** 70% of respondents agreed that there was a requirement to fund projects that are only available to sections of the general public, and not necessarily the general public as a whole.

**6.2** Concerns were raised regarding the fact that the LCF was currently oversubscribed and any increase in the range of projects that could be funded may exacerbate this problem. With no associated increase in funding, it may simply increase the number of unsuccessful applications for funding.

**6.3** A number of respondents stressed that any amendment to the current guidance must be universally interpreted and unambiguous. The current clarity of guidance should not be compromised to incorporate those projects that benefit only a section of the general public.

**6.4** It was stated by a number of respondents that the current inability to support Specific User Group projects damaged the public perception of the LCF, particularly with reference to the inability to support Disabled User Group projects. These projects enjoy very high levels of public support and while they may not be accessible to all elements of the general public, they can claim to have support from the general public.

## 6.5 Summary

- The majority of respondents feel the LCF should be able to support projects that are open only to specific elements of the general public;
- If Specific User Group Projects are to be deemed compliant in the LCF, the statutory requirements and guidance must be clear and provide a uniform interpretation; and

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- Currently the inability to register SUG damages the public perception of the LCF.

**7. Please outline any further points you would wish to add regarding potential projects that are currently not considered compliant under the governing regulations due to their restricted access to the general public.**

- 7.1** It was stressed that in England there are currently very few grant making bodies that aid projects looking to provide facilities for disabled users;
- 7.2** Many Distributive EBs (DEBs) are also charities and as such are bound by governing charitable legislation which clearly states that all projects must be for the public benefit.
- 7.3** The Land Reform (Scotland) Act 2003 has established statutory rights of access to land and inland water for outdoor recreation across Scotland. Projects that may only have been accessible to SUG are now technically available to all members of the general public.
- 7.4** The definition of amenity, while not part of this consultation, does restrict a number of projects that would benefit SUG. An example would be a children's play bus in a rural community. The definition of an 'amenity' requires review to ensure it does not restrict certain projects that would otherwise be considered compliant.
- 7.5** Summary
- Certain groups suffer from receiving very little funding nationally. When considering the requirement for amendment to the LCF funding policies, account should be taken of the other funding available to projects; and
  - The definition of 'amenity' when referring to Object D should be reviewed to ensure it does not restrict projects that are otherwise considered compliant. The definition of amenity will be reviewed as part of the Regulatory Changes consultation undertaken this year.

**APPENDIX B**

**ANALYSIS OF THE ENTRUST DATABASE OF REFUSED SPECIFIC USER GROUP PROJECTS**

Project Title	Description	LCF Value	Total Project Value	Object
Wyborne School Playground Improvement	Making level and resurfacing the playground area of one part of the school, thus providing a quality play area for use by the children of the school and various community groups.	£18,000.00	£36,000.00	D
Syd Kids Garden Project	The project is to develop and encourage wildlife into the school. It also teaches the pupils the importance of encouraging wildlife back into the area. We also plan to teach about composting	£1,570.00	£3,140.00	D
Garden Project - Stonecroft House	Provision of a garden with disabled access at a residential care home	£10,994.00	£21,988.00	D
Corbets Tey School - Swimming Pool Development	Improvement works to swimming pool at special school.	£50,000.00	£176,200.00	D
Sustainable Communities Phase 3	Development of 6 school and community gardens in various parts of Renfrewshire	£30,000.00	£507,000.00	D
Cozdrew Autistic After School Club	To equip a mainstream after-school club to include 8 autistic children, by providing computer equipment and software, gym equipment, toys and music equipment. The landfill tax credits would also help with cost of 4 specially trained staff	£20,000.00	£60,000.00	D
Valentine Centre Raunds	The objective is to provide a permanent day centre in Raunds. It will house a Healthy Living Centre, Advice Centre, dining and kitchen facilities and special bathrooms. Elderly and disabled people throughout East Northamptonshire will benefit from the project	£10,000.00	£40,000.00	D

Dragonfly Sensory Garden	Dragonfly wildlife and sensory garden is dedicated to people who are disabled and visually impaired providing learning experiences, discovering textures and smells from plant, metal and wood sculptors. It is approximately half an acre in size and has been designed to encourage wildlife, such as frogs, water voles, bats, toads, etc and is home to great crested newts which are an endangered species. As a sensory garden it has been designed to be interactive and is used by community groups, schools etc.	£1,000.00	£2,000.00	D
St Bedes School - Disabled access to specialist areas	Installation and provision of a disabled access stairlift to all specialist areas of the school	£30,000.00	£69,000.00	D
Wrawby Pre School Improvements	The Wrawby under fives association provides a facility for a parents and toddlers group and a preschool for all children under the age of five. The building is nearly 20 years old and is beginning to deteriorate and now basic repairs and maintenance work is required to enable this facility to continue to be available to the local community. The work will involve repairing the leaking windows and the rotten woodwork, improving the disabled access and making the building more energy efficient by replacing the old wall heaters. Basic decoration work will also be carried out inside and out	£9,600.00	£9,600.00	D
Alhary Garden Horticultural Project	Creation of a garden that will provide vocational training to disabled persons allowing them to gain a recognised qualification.	£6,820.00	£62,820.00	D
	<b>TOTAL</b>	<b><u>£187,984</u></b>	<b><u>£987,748</u></b>	