

Agenda pages 10 and 12

Agenda item 4 – Community Grants

Agenda Item 5 – Policies for the Allocation of Grants and Funding to Infrastructure Organisations for 2013/14

REPLACEMENT WORDING FOR LEGAL IMPLICATIONS

Legal Implications (authorised by Borough Solicitor)

- 8.1 In awarding grants, the Council must ensure that in each case it has the legal power to fund the proposed scheme. In all cases there is a condition requiring a report back to the Council on the expenditure of the grant. Consideration should also be given in each case to the imposition of other appropriate conditions.

The Council's legal power to award these grants is contained in area specific statutes and by exercising its general power of competence in section 1 of the Localism Act 2011. The Council's decision to award a grant is subject to judicial review and this means that it must satisfy public law principles, be free from bias and not be made for improper purposes or motives. It should take into account all relevant considerations and not be otherwise irrational. In awarding or declining to award a grant the Council should also have regard to its public sector equality duties. The existence of a grant policy with a clear statement of the criteria that the Council will apply is essential if the Council is to defend a challenge that its decision making has not been transparent or has been improper.