

<b>Meeting:</b>	Executive
<b>Meeting date:</b>	12 <sup>th</sup> October 2023
<b>Report of:</b>	Pauline Stuchfield Director of Customer & Communities
<b>Portfolio of:</b>	Cllr. Claire Douglas - Leader including Corporate Services, Policy, Strategy and Partnerships

## **Report: Establishing a York Community Fund**

### **Subject of Report**

1. This report seeks approval for City of York Council to work with a Community Foundation to establish the York Community Fund (YCF), to fund priority city funded work including community-based projects and to deliver funding for a Universal Free School Meals (UFSM) pilot.
2. It has been proposed that the YCF would be set up in a partnership arrangement with an existing Community Foundation partner (“the Partner”) with experience managing these types of community funds. The Council has been working to identify an organisation that could possibly fill this role, and in particular is seeking an organisation which is an existing Charitable Incorporated Organisation (CIO) and an accredited UKCF community foundation, in collaboration with other local stakeholders/donors such as (but not limited to) the local universities, local Community & Voluntary Sector Organisations (CVSOs) and local faith groups. However, any community fund manager selected to work with the Council on the YCF will need to be appointed in line with the Council’s statutory obligations set out under Public Contract Regulations 2015 and the Council’s Contract Procedure Rules (CPRs) under its constitution.

3. Eventually, depending on the level of funds raised, it is the ambition of the Council to establish a separate legal entity (e.g. a trust; a social enterprise company limited by shares or guarantee; a CIO); a Community Interest Company (CIC) to deliver a mechanism for donations for the UFSM fundraising campaign over the long term, separate to wider fundraising activities that will be ultimately carried out by the YCF.

## Benefits and Challenges

### Benefits:

4. There is capacity and expert support across the city to:
  - establish a community fund, with possible existing donors in place;
  - establish the initial fund for the delivery of amongst other things, the UFSM pilot;
  - advise on fundraising activities e.g. from the University of York's team responsible for the Westfield Project work (see report here: [Decision - Westfield Centre Partnership with University of York](#));
  - deliver a partnership based marketing campaign to support fundraising for the UFSM pilot project;
  - if required establish a longer-term vehicle (e.g. a trust; a social enterprise company limited by shares or guarantee; a CIO; a CIC) to deliver a mechanism for donations for UFSM fundraising, separate to any other fundraising activity carried out by the YCF at that point, over the long term.
5. The suggested solutions in this report also mean that the YCF can operate with existing established governance structures, can undertake independent campaigns that avoid any conflicts of interest for the Council, and can access additional funding mechanisms not available to the Council (e.g., through Gift Aid).

6. Other local authorities have already established similar community funds, and can share their expertise to help York's own fund, for example:

E.g.,

- Leeds ([Community Investment in Leeds | Leeds Community Foundation \(leedscf.org.uk\)](https://www.leedscf.org.uk)); and
- Camden ([We Make Camden Kit — Camden Giving](https://www.camden.gov.uk/giving))

#### Challenges:

7. There are few risks envisaged with establishing the YCF, however:
  - a. Should the Council decide to enter a partnership directly with a Partner following a competitive tender exercise, one of the key criteria will be to establish whether that organisation has worked with other local authorities on a similar model to that proposed for the YCF, and whether the parties can negotiate and agree appropriate terms for the partnership. The main risk here however would be if the Council could not appoint such a Partner in compliance with our legal obligations (including (but not limited to) the Public Contract Regulations 2015) either because we are prohibited from appointing such an organisation directly, or if no organisations respond to any call-for-competition we issue to the market.
  - b. To maximise the engagement of larger and corporate donors for the UFSM pilot a *case for support* statement is required.
  - c. The decisions in any UFSM Executive Report are intrinsically linked to this report, as the level of funding will inform the nature and length of the UFSM pilot work.
  - d. The level of Council resources and/or officer involvement for this work is unknown at this time, and further work would be required to quantify the likely financial and legal time commitment for the establishment and ongoing running of any charitable trust. Other resources and/or officer

involvement are anticipated to be minimal as most of the activity will be arm's length. Officer support will be primarily linked to:

- sharing campaign communications; and
  - influencing spending decisions (subject to the YCF's governance arrangements to be agreed in due course).
- e. With regards to marketing and/or communications for the YCF, if the Council and its partners lack the necessary officers and/or resources, then this may necessitate the procurement of experienced marketing consultants to assist with the campaign, which (subject to available funds within the budget for this project) will be an added expense.

Key risks:

8. The risks are low in relation to the establishment of a wider YCF, and existing donors could transition across to provide starter funding.
9. Around the UFSM pilot funding, the risks are:
  - that insufficient funds are available to deliver the UFSM pilot over the short and medium term;
  - non-delivery of the pilot and ability/inability to repurpose the funds if donors are specific about funding use;
  - costs of process change for donations and restoration of traditional school meal payment functions if the pilot fails or does not proceed; and
  - the UFSM funding campaign is successful and grows quickly to a level that the Partner cannot support, requiring an alternative structure (e.g. a Trust, a limited company, CIC, a CIO, etc.) to be set up in waiting.

## Policy Basis for Decision

10. The Council's Plan, ***One City, For All, the City of York Council's Plan (2023-2027)*** (<https://www.york.gov.uk/CouncilPlan>) sets a strong ambition to increase opportunities for everyone living in the city of York to live healthy and fulfilling lives and builds on the city's strengths to help prepare residents for the future and improve the quality of life for them today.
11. The Council Plan adopted in September 2023, recognises that the finite and reducing Council financial resources need to focus on the delivery of critical services, yet at the same time, be ambitious for the city.
12. This report proposes an innovative approach to attract investment into the city, restore a culture of philanthropy in which the strong and successful rebalance and grow opportunities for those suffering from inequality in the city.
13. This work contributes to the achievement of the Council's four core commitments:

### a) Affordability

Social action, community capacity development and philanthropy are important tenets of York society. It is these strengths together that will be harnessed to deliver projects that will help to improve life chances and deliver equality of opportunity for York residents and families. As an example, the so-called Westfield Project is a proven concept of such fundraising at [Decision - Westfield Centre Partnership with University of York](#). This approach ensures that the city can continue to fund, innovate, change, and deliver social capacity to support our own residents without relying on the council for funding. All funding and projects will focus on addressing need in the city, will be influenced by the recommendations of the Poverty Truth Commission, and will feed into embryonic thinking around a long-term Anti-Poverty Strategy.

### b) Environment

Dependent on the recommendations of the YCF Trustees, the York Community Fund could also invest in environmental/climate projects that support climate adaptation, biodiversity and carbon

sequestration, like the Green Streets tree planting project which aims to raise sponsorship for additional trees, both planting and ongoing maintenance.

The co-benefit of investment in green space is improved wellbeing – with green-prescribing becoming as popular as social-prescribing.

#### c) Equalities and Human Rights

The work of the YCF will go beyond funding alone. In addition to creating and addressing the inequalities of the free school meal system in relation to the dedicated UFSM campaign, as a wider community fund it will also provide resources to support community needs and that voluntary groups and charities may otherwise struggle to access in the future.

#### d) Health Inequalities

As stated in the Health and Well-being strategy 2022-32 ([draft-health-and-wellbeing-strategy \(york.gov.uk\)](#)), there are health consequences when people are not able to afford heating, food, and housing costs. Financial exclusion, fuel poverty, debt and food crisis have short term consequences, likely to affect many people in the city, for instance through higher rates of hospitalisation from chronic disease such as asthma and Chronic Obstructive Pulmonary Disease (COPD), or more people suffering mental illness due to anxiety. They also have long term consequences, leading to chronic mental health issues, adverse economic and effects and an impact on education and skills, and broad influences on community coherence. York has over 3,500 children and 6,500 older people living in poverty, and approximately 12,000 people living in fuel poverty. The YCF and resulting projects will work towards addressing these inequalities.

## Financial Strategy Implications

14. The purpose of this report is to establish a mechanism of raising funding for specific campaigns (such as UFSM) and a wider community fund for a range of community projects as determined by the YCF and recommended by the Council (and other partners).

15. To establish the YCF, it proposed that the Council would work in partnership with a pre-existing accredited community fund manager within a partnership agreement and a steering group established to direct the work. This would mirror other place-based partnerships that have been set up in the wider region. Such an organisation will need to be identified and appointed via compliant route under both the Procurement Regs and the Council's CPRs; however, the Council has already been working to identify a potential Partner for the purposes of the YCF.
16. The governance arrangements of the YCF will be set out in a partnership agreement.
17. The cost of associated campaigns and administration will be a contribution from the funding raised, as detailed within the partnership agreement.
18. There will not be a financial burden on the Council either through delivery or ongoing revenue commitments.
19. The budget amendment agreed by Full Council in July 2023 allocated £100,000 funding to support a pilot of the extension of universal free school meals in to Key Stage 2. Evaluation of the pilot will inform future scale up across all primary schools. This arrangement will be the delivery vehicle for further seed funding.
20. In terms of establishing the specific USFM campaign, a campaign group has been established to steer the fund-raising, which the proposed YCF managing the collection of the donations for the USFM pilot.
21. Should the USFM grow beyond an agreed point, it is likely that a separately constituted fund, or other legal entity (e.g. a trust, etc.) will need to be established to manage the USFM fundraising campaign going forward. This will need to be subject to a separate report and set of decisions.
22. The client oversight of the performance of the YCF and USFM fundraising campaign and associated governance could sit jointly the Council's Policy and Strategy Team and Customer and Communities.

## Recommendation and Reasons

Recommendations:

23. To establish, the YCF and agree to enter into a partnership agreement with an appropriate community fund manager.
24. To either:
  - a. where permitted by the Procurement Regulations, waive the requirements set out within the Council's CPRs within the Council's Constitution and delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to enter into a partnership agreement directly with a suitable Partner, without any prior procurement exercise; or
  - b. to delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to identify and appoint a suitable community fund manager for the partnership through an alternative a procurement strategy approved by the Chief Finance Officer and the Head of Procurement, in compliance with the Council's statutory obligations under the Procurement Regulations and the Council's CPRs set out within the Council's Constitution.
25. To delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance the drafting, negotiation, and completion of a partnership agreement with the successful community fund manager and other partners, as well as authority to draft, negotiate and complete any subsequent variations to the partnership agreement once in place.
26. To delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance to establish a supplementary ring-fenced fund within the YCF arrangements once in place, specifically to collect funding raised by the externally led UFSM fund raising campaign.

27. To delegate authority to the Chief Finance Officer and the Director of Customer & Communities in consultation with the Director of Governance and other officers as and when required, to develop a *Case for Support* to support the fundraising for the delivery of a UFSM Pilot.
28. To delegate authority to the Chief Operating Officer, in consultation with the Chief Finance Officer, the Director of Customer & Communities, and the Director of Governance to approve roles to, and delegate authority to, Council officers in the relevant structures and steering groups.

**Reason:**

To establish a permanent community fund that will fund and deliver community projects and growth on a permanent basis, with the ability to have specific and targeted campaigns for an agreed set of projects aligned to the administration's priorities. By establishing the YCF, it provides the city with a fund-raising mechanism for additional opportunities that officers and partners can explore in partnership.

## **Background**

29. The benefits of establishing a local independent community fund were first discussed before the 2023 local elections as part of cost of living discussions and summit, learning from good practice from other local authorities, and bringing together different city leaders and benefactors to focus on donating to community projects.
30. Following the 2023 local election and in line with emerging Council priorities, detailed discussions began in earnest to explore how a local community fund could be established, bringing together existing thoughts on an independent community fund to fund:
  - community projects aligned to the city's priorities; and
  - the requirements for funding the UFSM pilot.

## York Community Fund (YCF)

31. The ethos behind an independent community fund for York was born during the early months of the Cost-of-Living Crisis, with several organisations (including Joseph Rowntree Foundation) commenting that the development of such a fund could be seen as a core opportunity for wealth to be redirected for community good. A recent example of how wealth and strengths can be redistributed across the city is the Westfield project (see Decision - Westfield Centre Partnership with University of York). The YCF would include a wide range of donations from organisational and philanthropic funds and individual regular donations.
32. With the establishment of the YCF, there is a further opportunity to provide a mechanism for businesses in the city with Corporate Social Responsibility commitments. For example, the fund could act as a package for all businesses in the city who wish to donate funds, skills, or training opportunities to others in the city. This report however focusses on the mechanism of how financial contributions can be collected from a range of donors for delivery of community-based projects.
33. The approach in this report has drawn on the experience of similar individual community funds elsewhere in North Yorkshire and the region, and with additional advice from the University of York's Office of Philanthropic Partnerships and Alumni.
34. The proposal is to establish a community fund that invests in projects ring-fenced to deliver positive outcomes for York residents specifically – this approach would seek to meet the charitable aims of a community foundation.
35. In terms of governance a partnership agreement will need to be developed for the proposed YCF, including governance arrangements and the development of a steering group and/or advisory group.
36. In terms of future funding streams and channels for the YCF, the following methods of contribution could be developed with the Fund hosting:

- **Any grant funding contributions available from CYC** previously administered and distributed by individual council teams.
- **Existing York based donors** - Informal discussions are currently taking place to garner interest in a York -fund.
- **Annual or regular periodical business corporate donations (CSR)** - this could include food suppliers/supermarkets, as well as members of the hospitality industry and other major corporate employers based within the city of York.
- **The Lord Mayor's Fund** – Officers could explore whether a direct and permanent link with the YCF and Lord Mayor's annual fundraising could be established.
- **Salary Sacrifice Schemes** – this will need to be explored further at CYC for example building on the existing payroll giving scheme.
- **Individual donations to specific projects** – Such as Green Streets (to install and maintain trees).
- **Ad Hoc Community/Corporate fundraiser activity.**

## **UFSM Pilot Fund**

37. For the UFSM pilot, a separate fund would be established/ring fenced within the wider YCF, otherwise the YCF could not meet its purpose as a Community Foundation funding a wide range of community-based projects. The implications of this are that if the UFSM project was upscaled then a separate independent legal entity or fund is likely to be required. The team at the University of York are experienced in this field and could advise if this needed to be developed in the future, along with officers in Legal Services and Finance.
38. The current £100,000 seed funding is the only contribution available to the UFSM pilot to date, however the Leader of the Council has facilitated an emerging Steering Group to develop a fundraising campaign and plan. The aim would be to go live with the UFSM

fundraising campaign in October 2023 if the appropriate governance and fund was in place by then to receive donations.

39. The first meeting of the Steering Group was held in early September 2023 and included a range of public, private and CVS organisations across the city.
40. In addition, other members of the Steering Group have agreed to directly approach prospective individual donors. This will avoid any conflicts of interest for Council members or officers regarding close involvement with for example corporate donors in the city. As part of that process, one or two organisations have already expressed interest in the development of and/or supporting the wider community fund.
41. To really galvanise interest in a specific campaign however, normal practice is to have a *Case of Support*, which is a concept note that sets out for example the rationale, evidence of need, intended outcomes, delivery plan, budget. It is recommended therefore that a Case for Support is developed for the UFSM so that work can start in earnest engaging with the corporate donors that could contribute significant funds for the project. Given this could be in use before the Executive decision on the UFSM pilot, this would be an “in principle” statement of case subject to the Executive decision, akin to the one used in the Westfield Project.
42. Other forms of donating have been discussed and would require further development including (but not limited to):
  - donations from parents who wish to continue to pay for school meals as donations via existing mechanisms such as ParentPay and Gift Aid that could allow them to contribute to the cost of another child’s free school meal;
  - health contributions for specific campaigns with health outcomes in future years;
  - links to other funded projects in the locality of the pilot schools and their donors;
  - annual or regular periodical business corporate donations (CSR) including food suppliers, supermarkets, local hospitality industry members, and other major corporate employers local to the city of York;

- individual employee deductions via an approved and properly set-up salary sacrifice scheme; and
- ad Hoc Community/Corporate fundraiser activity.

## **Consultation Analysis**

43. Informal conversations have been held with a Community Foundation based locally in York, which has provided the funding mechanism for the Lord Mayor's charities in the current and last civic years. In particular, the Council has sought to learn from the Foundation's experiences in a range of grant-making opportunities aimed at the community and voluntary sector.
44. Informal discussions have also taken place with the fundraising team within the University of York's Office of Philanthropic Partnerships and Alumni. These initial discussions have been positive around their work with significant individual donors, corporate donors and philanthropists with strong linkages to York.

## **Options Analysis and Evidential Basis**

### **The YCF**

45. There are two options around the creation of the Community Fund:
- to proceed; or
  - not to proceed.
46. Given the financial position of the Council and the potential capacity to undertake successful strength based fundraising initiatives, demonstrated through examples of projects in the city that have been supported by this approach, there is no option but to proceed given the benefits to the city that could be derived from this decision.
47. The procurement options are described in the Procurement implications at paragraph 53 below to either:
- enter into a partnership agreement directly with a Partner, without any prior procurement exercise by waiving the council's procurement regulations and CPRs;

- appoint a Partner through a procurement exercise, likely to include a competitive exercise.

48. Were the Council to seek to directly enter into a partnership with a Partner, it would not in York's interests to be included in a wider geographical fund when funding could be collected from York-based donors to directly benefit York based projects and organisations. A direct award to a Partner would, however, present an opportunity to use an existing governance structure to establish a fund with a specific York identity, with York donors and for community good in York, including supporting our community and voluntary sector.

### **The UFSM Pilot Fund**

49. There are two options around the creation of this Fund:

- to proceed; or
- not to proceed

50. Aside from £100,000 from the Council, there is currently no other funding mechanism for the UFSM pilot. The ethos behind the pilot is to be self-funding through philanthropic donations and sustainable, so funding needs to be cover several years and, if sufficient, to be scaled up across the city.

51. To proceed is inherently risky and an exit strategy is critical if the pilot were to fail, or the funding reduced to unsustainable levels. The impacts of this would be felt by children and their families.

52. Equally, the city has the skills and interest in this type of philanthropy, which saw over £2,000,000 raised for the Westfield Centre Project in a matter of months. The management of the impact of this work is through a pilot approach will seek to manage these risks. The recommendation is therefore to proceed subject to any separate reports and decisions on the UFSM pilot work to be undertaken.

## Organisational Impact and Implications

53.

- **Financial**  
The £100,000 seed funding Council contribution was agreed by Full Council in July 2023 as part of the budget amendment.

There are no direct financial implications of supporting the establishment of a YCF, except officer time on any steering group and in monitoring/reporting on the arrangements. Any procurement of a partner to act as community fund manager would need to reflect that there are financial contributions that will need to be paid to the fund manager for administering the funds and undertaking fund-raising campaigns.

- **Human Resources (HR)**  
There are no direct HR implications with setting up the YCF, except those identified above regarding the possibility of a future salary sacrifice scheme for payroll donations. This would require detailed consideration prior to it being set up, and advice from HR, Finance and Legal Services at that point along with a range of other staff giving initiatives.

- **Legal**

- **Vires**

The Council arguably has the power to set up the proposed YCF by virtue of:

- its General Power of Competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do;
- its power under Section 139 of the Local Government Act 1972 to receive and hold gifts and donations on charitable trusts; and

- its power under Section 2 of the Local Government Act 2000, which allows the Council to do anything which it considers likely to achieve the promotion or improvement of the economic, social, or environmental well-being of the area.

In terms of setting up a future charitable vehicle for the UFSM fundraising, whether it be a trust or another incorporated or unincorporated vehicle, this will need to be considered in a future report and will be subject to its own decision.

- **Officers**

Officers appointed to represent the Council at any steering group or board or equivalent of the YCF must only act in accordance with requirements as set down in the Partnership Agreement (Duties and Responsibilities of a Trustee of Trust or Charitable Trust) and/or (Duties and Responsibilities of a Member of Unincorporated Association) of Appendix 18 (Guidance to Councillors and Officers Appointed to Outside Bodies) of the Council's Constitution.

- **Contract and Procurement Law**

Regarding the formation of the YCF, any partner organisation who will act as the manager/administrator of the YCF (including the UFSM funding) will need to be selected and appointed under a compliant route in line with our obligations set out within the Procurement Regs (where applicable) and the Council's CPRs, with necessary advice from Commercial Procurement and Legal Services Team.

This includes whether this requirement is taken out to the market via competitive bidding procedure, or if we decide to appoint a Partner directly without competition subject to an Executive decision to waive the requirements set out within the CPRs.

Regarding the potential direct appointment of a Partner subject to an Executive decision to waive the requirements set out within the CPRs, further to discussions between the Legal Services and Commercial Procurement teams, it is believed that such a waiver and direct appointment without prior advertisement could be justified and would be possible for the following reasons:

- The initial seed money of £100,000 being paid by the Council to the YCF (if paid through the YCF and not direct to pilot schools) is the only financial contribution the Council intends to make to the YCF, which falls significantly below the current procurement threshold of £177,897 exc. VAT under the Procurement Regulations.
- If the Council were to enter into partnership with a Partner to administer and manage the fund, then a small annual contribution from the YCF would be deducted to go towards the Partner's costs in terms of both the YCF overall overheads and the specific administration of the YCF carried out by the Partner.
- The annual contribution rate would depend largely on what might be negotiated and agreed between the Council and the Partner, and how the YCF would be set up; however, the Council would seek to ensure, the contributions rates were in the region of:
  - Endowment funds: Between 1.0% and 1.75% of the market value of the fund per annum; or
  - Flow through funds: Between 5% and 15% of the annual revenue of the fund.
- Based on the above, as well as the Council's £100,000 contribution being significantly below the procurement threshold, based on the contribution rates above, any costs deducted from the initial £100,000, and any interest it accrues, would also fall significantly below the procurement threshold.

Based on the above, any direct appointment of a Partner to manage and administer the YCF could fall outside of the Procurement Regs, so direct award could be possible in this instance.

An additional procurement exercise may be necessary for the appointment of any additional consultants/support required for marketing and communications surrounding the various campaigns undertaken by the YCF (including the UFSM project), and again such consultants must be appointed following a compliant route in line with our obligations set out within the Procurement Regs and the Council's CPRs, with necessary advice from Commercial Procurement and Legal Services Team.

The partnership and governance arrangements surrounding the YCF will require the input and advice from officers in Legal Services, as well as any ancillary documents (e.g., including but not limited to donor and grant agreements).

Any other potential mechanisms for donations to the YCF being considered at this stage (e.g., salary sacrifice schemes) will require further advice and input from Legal Services on a case-by-case basis.

- ***Subsidy Control Law***

Any funding provided by the Council to the YCF is unlikely to attract any implications under the Subsidy Control Act 2022.

The fund itself will not directly benefit from any Council grant funding and will largely be passing these funds on to third party grant recipients.

Grants paid by the YCF to third party recipients such as schools and local community organisations using Council funds could attract Subsidy Control implications, and these may require further detailed assessment prior to the award of any grants with input from Legal Services where necessary. That said, with regards to any grants paid to school(s) taking part in the UFSM pilot, it is unlikely these

will be treated as controlled subsidies under the 2022 Act given that the school(s) will be acting as non-economic operators and will not be engaged in any competitive economic activity on any existing market.

Advice should be sought from relevant officers (including Legal Services, Commercial Procurement and Finance) to ensure that any grant funding term and conditions and grant processes operated by the YCF are set up correctly to comply with the 2022 Act.

- ***Procurement***

- The creation of a partnership arrangement by the Council would need to abide by and would be applicable to the Council's CPR's and relevant Procurement Regulations. The establishment of a partnership arrangement for the York Community Fund with an existing organisation with experience managing these types of community funds would need to be selected and appointed by way of a compliant procurement route via an advertised competitive bidding procedure.
- Alternatively, the Council's CPRs do state that, except where the Procurement Regulations apply, the Executive has the power to waive any requirements within these CPRs for specific projects upon request.
- The report confirms that for the Council to identify and appoint an appropriate community fund manager there are key criteria to identify and establish whether suitable organisations have worked with other local authorities on the same or similar model to that proposed for the YCF, and whether the parties can negotiate agree appropriate terms for the partnership and they're suitably accredited and can meet the specific requirements for York. These requirements would form part of any qualitative evaluation criteria included within a competitive procurement exercise, or evidence of this would be included as part of a waiver report submission seeking approval to appoint a community fund manager direct to the partnership agreement without inviting competition.

- The report also provides details of the marketing and/or communications for the YCF, and if the Council and its partners lack the necessary officers and/or resources, then this may require the procurement of experienced marketing consultants to assist with the campaign. Therefore, a procurement exercise may be required to seek competitive bids for the appointment of any additional consultants/support required for marketing and communications in accordance with the Procurement Regs and the Council's CPRs, with necessary advice from Commercial Procurement Team and Legal Services Team.

- ***Health and Wellbeing***

As stated in the Health and Well-being strategy 2022-32, there are health consequences when people are not able to afford heating, food, and housing costs. Financial exclusion, fuel poverty, debt and food crisis have short term consequences, likely to affect many people in the city, for instance through higher rates of hospitalisation from chronic disease such as asthma and COPD, or more people suffering mental illness due to anxiety. They also have long term consequences, leading to chronic mental health issues, adverse economic and effects and an impact on education and skills, and broad influences on community coherence. Even before the current is (Cost of Living) crisis, York has over 3,500 children being checked and approximately 4,500 older people living in poverty, and over 13,000 people living in fuel poverty. The proposed YCF and resulting projects will work towards addressing these inequalities.

- ***Environment and Climate action,***

The creation of the YCF has the potential, dependent on the partners' considerations, to fund projects that would support environmental projects, increase biodiversity and nature recovery, and support mental health through green prescribing. By providing funders with alternative projects covering a range of themes, the YCF is more likely to attract greater donations.

- ***Affordability***

As outlined in the report, the projects supported by the proposed YCF and UFSM pilot will benefit those in deprived areas of York and assist in tackling the causes of poverty and equality of access to opportunity. The York Community Fund will also support the continuation and resilience of the community and voluntary sector in York.

- ***Equalities and Human Rights***

The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

The work of the proposed YCF will go beyond funding alone. – in addition to creating and addressing the inequalities of the free school meal system in related to the dedicated UFSM campaign, - as a wider community fund it will also provide resources that voluntary groups and charities may otherwise struggle to access in the future.

Given the nature of a Community Foundation the funds are likely to benefit all groups of people with protected characteristics with grant recipients across a range of social and community projects, working with a wide range of partnerships, and community and voluntary sector organisations for public good. We can build into the partnership agreement a clause ensuring that the council's core commitments are baked into the work supported ie Equalities & Human Rights, Affordability, Climate Change and Health & Wellbeing.

The decision on the USFM pilot is subject to a separate decision. If this report requires a decision, then an Equality Impact Assessment (EIA) will be completed for that decision. EIAs and also social value analysis could be undertaken for other projects funded.

- ***Data Protection and Privacy***

Data protection impact assessments (“DPIAs”) are an essential part of our accountability obligations and is a legal requirement for any type of processing under UK General Data Protection Regulation (“UK GDPR”). Failure to carry out a DPIA when required may leave CYC open to enforcement action, including monetary penalties or fines. DPIAs helps us to assess and demonstrate how we comply with all its Data Protection obligations. A DPIA does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.

As there is no personal data, special categories of personal data or criminal offence data being processed for the recommendations set out in this report, there is no requirement to complete a DPIA at this stage. This is evidenced by completion of DPIA screening questions.

However, there will need to be consideration and completion of DPIAs where required, within the delivery of the approved recommendations and decisions from this report.

- ***Communications***

The Communications Team may be involved in individual promotional campaigns and supporting the development of the *Case for Support* for the USFM fundraising campaign.

As above, should a need be identified for communications support to linked campaign communications, marketing and/or communications for the YCF, where the Council and its partners lack the necessary officers and/or resources, this

may necessitate the procurement of experienced marketing consultants.

There will be a demand on the Communications Service at launch and throughout the lifetime of the project in terms of media handling.

A communications partnership approach may be appropriate across the organisations involved in delivery of the project. The requirement for Communications Service support stems from the commitment to this work within the proposed Council plan.

- ***Economy***

There is an opportunity to explore corporate giving as part of a CSR offer to companies who are established or starting up in York, and to those who are already investing. More work is planned to engage with the business sector on this opportunity.

## **Risks and Mitigations**

54. Risks are outlined in paragraph 8 and 9 above.

## **Wards Impacted**

55. All wards could benefit from the work of the new YCF, dependent on alignment with the administration's priorities.

## Contact details

For further information please contact the authors of this Decision Report.

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<b>Email:</b>	<a href="mailto:pauline.stuchfield@york.gov.uk">pauline.stuchfield@york.gov.uk</a>
<b>Report approved:</b>	Yes
<b>Date:</b>	29/09/2023

### Background papers

- *Executive September 2023 Approval of the Council Plan Agenda for Executive on Thursday, 14 September 2023, 5.30 pm (york.gov.uk) item 24*
- *Council September 2023 Approval of the Council Plan Agenda for Council on Thursday, 21 September 2023, 6.30 pm (york.gov.uk) item 6*
- Westfield project report June 2023:  
Decision - Westfield Centre Partnership with University of York

### Annexes

- None.