EXPLANATORY MEMORANDUM TO

THE NEW PARKS FOR PEOPLE (ENGLAND) JOINT SCHEME (AUTHORISATION) ORDER 2013

2013 No. 1098

1. This explanatory memorandum has been prepared by The Department for Culture Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order authorises a New Parks for People (England) Joint Scheme pursuant to an application by the participating bodies, the Big Lottery Fund and the National Heritage Memorial Fund (operating under the name of the Heritage Lottery Fund).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 Under section 25B of the National Lottery etc Act ("the 1993 Act") bodies distributing money under section 25 of that Act (distributors of National Lottery money to good causes) may participate with other such bodies in a joint scheme to distribute money. A Lottery distributor may participate in a joint scheme as long as the principal purposes of the joint scheme include purposes for which a Lottery distributor has power to distribute money. It does not matter that the scheme also distributes money to projects that fall outside the distributor's power, apart from its participation in the joint scheme. In this way joint schemes allow Lottery distributors to pool resources and funding powers to facilitate the delivery of a single distribution scheme.

4.2 Schedule 3A to the 1993 Act makes further provision about joint schemes. Lottery distributors wishing to participate in a joint scheme must apply in writing to the Secretary of State and where the maximum amount of money to be distributed under the scheme exceeds £15 million in any year then the scheme must be authorised by an order made by the Secretary of State. Such orders must include a brief description of the scheme, the areas of the United Kingdom to which it applies, the maximum amount that may be distributed every year, the participating bodies, the proportions in which money to be distributed under the scheme is attributable to each of those bodies and the duration of the scheme.

4.3 On the 31st October 2005 the participating distributors wrote to the Secretary of State applying for the Parks for People (England) joint scheme to be authorised as the scheme was to distribute more than £15 million a year. The broad purpose of the joint scheme was to make grants for expenditure on, or connected with, the national heritage, health, education or the environment in order to increase community usage of local parks. The scheme was authorised by S.I. 2005/ 3274. On the 1st December 2008 the Big Lottery Fund and the National Heritage Memorial Fund wrote to the Secretary of State applying for a modification to this joint scheme to extend the duration of it until 31st March 2015 and vary the proportions in which money to be distributed under the scheme which was attributable to the participating bodies. The modified scheme was authorised by S.I. 2008/3103.

4.4 On 11 March 2013 the participating distributors wrote to the Secretary of State applying for a New Parks for People (England) joint scheme to be authorised as the scheme will distribute more than £15 million a year. The new scheme will have different nature and purposes to its predecessor, and the proportions in which money to be distributed under the scheme which are attributable to the participating bodies are also different. The broad purpose of the New joint scheme will be to make grants to conserve existing parks and cemeteries so that local user groups have active involvement in their park or cemetery's management and which (a) make a lasting difference for heritage, people and communities or (b) are connected with health, education or the environment.

4.5 Until 31st March 2015, this New scheme will be run concurrently with the joint scheme running under S.I. 2005/ 3274, as modified by S.I. 2008/3103. However, the 'old' scheme is no longer open to new applications and remains in existence to service those projects that have already been agreed and to pay out or pay in full grants pending from existing projects under the old scheme. The New scheme will deal exclusively with fresh applications under the revised scheme criteria and percentage attribution by the participating bodies.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 In 2005 the Big Lottery Fund and Heritage Lottery Fund agreed to establish a joint National Lottery scheme named "Parks for People" to offer grants to projects which enhanced the quality and use of public parks. This built on HLF's existing successful Public Parks programme and followed a number of public consultations in which funding community projects which helped develop green spaces had been supported. The Big Lottery Fund and Heritage Lottery Fund agreed to provide an overall awards budget of £150 million and the original scheme operated between 1st January 2006 and 31st December 2008.

7.2 During this three-year period, Parks for People awarded almost £118 million in grants ranging between £250,000 - £5 million. In 2008, the Big Lottery Fund and the Heritage Lottery Fund asked to extend the Scheme to 31st March 2015 and to vary the proportions of the distributing bodies contributions. The total awards budget allocated for this modified scheme was reduced to £140 million.

7.3 The modified Parks for People scheme enjoys strong public support and is subject to continuing high demand. Therefore, the Heritage Lottery Fund and the Big Lottery Fund wish to continue to work in partnership to provide this source of funding in a time of increased challenge and when public parks face risks arising from reduced local authority budgets. The proposed new joint scheme has a different purpose and scope to the previous Parks For

People scheme, reflecting the Heritage Lottery Fund's new Strategic Framework for 2013-18. It will be used to make grants to conserve existing parks and cemeteries so that local user groups have active involvement in their park or cemetery's management and which (a) make a lasting difference for heritage, people and communities or (b) are connected with health, education or the environment.£90 million will be available for distribution under this scheme (Big Lottery Fund £30m and HLF £60m) at the following percentages for each of the participating bodies: Big Lottery Fund 33.33% and Heritage Lottery Fund 66.67%.

- ***Consolidation***

7.3 Not applicable

8. Consultation outcome

8.1 Both the Heritage Lottery Fund and the Big Lottery Fund have drawn on consultations about their activities in formulating this new programme. Full details are available from Heritage Lottery Fund and Big Lottery Fund.

9. Guidance

9.1 .Both the Heritage Lottery Fund and the Big Lottery Fund will issue guidance to potential applicants. Details will be available on their websites (www.hlf.org.uk and www.biglotteryfund.org.uk)

10. Impact

10.1 The impact on business, charities or voluntary bodies is entirely beneficial: if they and their project meets the eligibility requirements of the New scheme they may apply for a grant.

10.2 The impact on the public sector is entirely beneficial: if they and their project meet the eligibility requirements of the scheme public sector bodies may apply for a grant.

10.3 An Impact Assessment has not been prepared for this instrument because it is solely an enabling measure providing the legal power for Heritage Lottery Fund and Big Lottery Fund to run a Lottery joint scheme to make grants for community projects in parks and cemeteries. Applicants will be under no other obligation than already applies to applicants for any other Lottery programme, therefore.

11. Regulating small business

11.1 The legislation applies to eligible small businesses wishing to apply for a grant through the New scheme.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is to ensure that application forms and guidance notes are clear and request only the information necessary to allow the participating Lottery distributors to reach a decision.

11.3 The basis for the final decision on what action to take to assist small business is that both the Heritage Lottery Fund and the Big Lottery Fund, in common with other Lottery distributors, are committed to simplifying application and decision-making processes.

12. Monitoring & review

12.1 Decisions about funding programmes and applications are for Lottery distributors to make at arm's length from Government, subject to relevant legislation and policy directions issued by the Secretary of State for Culture, Media and Sport. Any monitoring and review to be undertaken by each distributor will be carried out as part of their usual business, taking into account factors such as likely availability of funding and numbers of applications received.

13. Contact

Fiona Wood at the Department for Culture, Media and Sport email: fiona.wood@culture.gsi.gov.uk can answer any queries regarding the instrument.