



## **THE LOUGHS AGENCY: Financial Assistance Policy**

### **Sustainable Development Fund Grant Scheme (SDF)**

Marine Tourism

Angling Development

A Financial Assistance Policy to Implement a Sustainable Development Fund Grant Scheme (SDF)

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Note: the Sustainable Development Fund Grant Scheme (SDF) is sometimes referred to as the Sustainable Development Grant Scheme – the terms are interchangeable

13 March 2012



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## 1. INTRODUCTION AND OVERVIEW

- a) DARD economists have approved an independent economic appraisal of a proposed “Sustainable Development Grant Scheme (SDF)” (letter dated 20 April 2011). The economic appraisal demonstrated a clear need for a small scale grants scheme – as is now advanced through this policy.
- b) The Loughs Agency (hereinafter referred to as “the Agency”) will consider applications by organisations/individuals for financial assistance to support the development of angling and marine tourism in the Foyle and Carlingford catchments and elsewhere (where beneficial contribution to the Agency’s aims and objectives can be clearly demonstrated).
- c) It should be noted that there is no automatic entitlement to financial assistance and the decision of the Agency will be final in any assessment process.
- d) This policy must be read in conjunction with any Letter of Offer, application material and any other relevant material that may be issued or is otherwise available (in print or online).
- e) The Agency development officer and angling development manager will have key roles in implementation of the policy at every stage.

## 2. AIMS, OBJECTIVES, TARGETS AND OUTCOMES

- a) The mission statement of the Agency follows.

***“The Loughs Agency aims to provide sustainable social, economic and environmental benefits through the effective conservation, management, promotion and development of the fisheries and marine resources of the Foyle and Carlingford Areas.”***

- b) The principal objectives of the Agency in the Foyle and Carlingford areas are:
  - To manage, conserve and protect the salmon and inland fisheries of the Foyle and Carlingford areas



- To develop the recreational fisheries of the Foyle and Carlingford areas
- To licence and develop aquaculture and shellfisheries
- To develop marine tourism
- To pursue increased efficiency and continuous improvement in the delivery of services to all customers
- To ensure the efficient, effective and economic utilisation of resources available to the Agency

c) For the purposes of the Agency ((particularly in implementing this policy), marine tourism is defined as: activity undertaken in a marine environment (tidal waters, the sea and coastal areas) by visitors and holidaymakers.

d) The Agency intends that the outcomes of the Sustainable Development Fund Grant Scheme (SDF) are: the Foyle and Carlingford areas shell and fin fish stocks remain at sustainable levels; aquaculture grows; and marine tourism, angling and other recreational use develops.

e) SDF themes follow (subject to update):

- i. Development of access and other infrastructure for marine tourism and angling (including disabled access)
- ii. Development of marine tourism and angling product
- iii. Effective provision of information and marketing / promotion, including events that promote the marine tourism and angling product of the area(s)
- iv. Accommodation development that focuses on providing facilities for those engaged in marine tourism and angling (drying rooms, prepare your catch facility etc)
- v. Training that creates and enhances marine tourism and angling capacity

Note: the above elements are distilled from the 2011 SDF economic appraisal wherein the following targets were stated - stock improvement, infrastructure development, product development, marketing and information, hospitality product development, accommodation and transport, improved access, training and support services.

f) Promoters of events must meet with the Agency in good time to discuss such proposals. EOI (if EOI is part of current process) and



application closing dates apply. The key criteria in assessment of an event will be the potential economic impact levered by holding the event.

### 3. SELECTION PROCESS

a) The criteria against which the Agency will assess project proposals include the following:

- Estimated visitor numbers attracted as a result of the project
- Estimated number of bed nights generated (if applicable)
- Economic spin off for local businesses
- Effectiveness of the marketing/public relations plan
- Opportunity for fostering social cohesion/community participation
- Significance of the event/activity/development within the Foyle and Carlingford catchments
- Amount of sponsorship and/or additional funding secured
- Status of the event or activity's participants/performers (local participation or national/international exposure)
- Level of grant assistance requested
- Relative experience of the promoter of the event/activity/development
- Provision made to meet statutory requirements (health and safety, planning etc)
- Robust sustainability plan/exit strategy
- Environmental impact
- Additionality

b) The Agency will gather key local advice (from local authorities, fishery inspectors, regional tourism bodies etc) to support decision making at assessment.

f) The Agency will only offer assistance to projects that (in its view):-

- have an evident marine tourism or angling emphasis
- meet the criteria listed above
- clearly demonstrate an economic and civic impact
- provide value for money
- complement the aims and objectives of the Agency

#### 4. LEVEL OF FINANCIAL ASSISTANCE

- a) Each application will be evaluated as per the criteria above. The level of any funding will reflect the impact the project will have on the Foyle and Carlingford areas.
- b) There is no fixed level of assistance – each case will be considered on its own merits. There will be a grant rate of up to 75% of total project costs, to a maximum value of £7,500 (or euro equivalent based on exchange rate as of January in any given year) [2011 economic appraisal of SDF]. Exceptionally, larger scale projects may be considered by the Loughs Agency (outside of SDF) – however, potential applicants must contact the Agency in good time to discuss their proposal in detail.
- c) In order to expedite delivery of SDF and assist fair distribution of funds, no more than two applications per applicant will be considered for funding in any round of funding.
- d) The applicants VAT situation must be clearly stated. For applicants able to reclaim VAT, the VAT element will be ineligible expenditure.
- e) The amount of assistance offered is dependent upon assessment, the decision of the Agency and the budget available.
- f) The actual sum of monies allocated to SDF is guided by the Agency corporate plan.
- g) There is a 25 / 75 split within the overall SDF programme budget between resource and capital (respectively).



## 5. ELIGIBILITY

The Agency will not normally provide funding for the following activities:

- i.Event/activity/development taking place entirely outside the Foyle and Carlingford areas
- ii.Commercial concerts
- iii.Conferences of a commercial nature
- iv.Trade conventions
- v.Cash payments
- vi.“In kind” project costs will not be grant aided but may be admitted as match funding where quantifiable and approved in advance by the Loughs Agency
- vii.VAT - where the applicant is VAT registered and reclaiming VAT
- viii.Core funding for events/activities eg salaries, general administrative costs including telephone calls, postage, rent, rates, electricity, fuel costs, bank charges and internet costs (unless directly relating to the marketing plan and a clear audit trail is retained for inspection)
- ix.Interest charges and repayments of capital in respect of borrowings
- x.Cost incurred by the applicant in relation to its trading or other activities as part of its own general administration costs (including staff costs) / normal running costs
- xi.Costs incurred prior to the date of the Letter of Offer will be at the applicant's risk
- xii.Repayment of existing debt
- xiii.Project promoter fees
- xiv.The purchase and/or cost of erection of bunting cannot form part of any award
- xv.Event/activity whose primary objective is to raise money for charity
- xvi.Payments made to committee members
- xvii.Costs associated with an Annual General Meeting (AGM)
- xviii.Projects that give rise to economic displacement
- xix.Mainstream agricultural activities
- xx.Any event or activity that is party political in intention, use or presentation
- xxi.Pro-forma payments will not be considered

*Applicants must note the above list is guidance only and not definitive.*



## 6. MAKING AN APPLICATION TO SDF

- a. The application form is an important document and time and care is required in completing it. The information provided must be accurate. Please ensure you complete all appropriate sections of the application form and enclose all essential documentation. The project will be assessed on the information supplied in the application form. Additional information may be requested – any such request must be attended to promptly.
- b. The Agency will reject illegible or incomplete applications. Provision of false or misleading information will result in the withdrawal of any offer of financial assistance.
- c. The application must be received at the Agency offices by the deadline set by the Agency (please seek clarification from the office if this date is not immediately evident from the Agency website and literature - tele 028 [048 from ROI] 7134 2100). Late applications will not be considered.
- d. Requests for funding should (ordinarily) be submitted at least 12 weeks prior to the date of commencement of the project. The Agency will not consider retrospective funding (ie those projects that have completed before the Agency has considered the application or those on which money has been spent prior to the date of the Letter of Offer).
- e. The Agency reserves the right to call for applications at any time.
- f. The Agency may call for applications under a single theme, a number of themes or make a general call.
- g. To ensure value in investment of staff time, effort in assessment will be commensurate with the sum on offer. For some themes, a smaller amount of funding is appropriate - that is, much less than the maximum permitted under SDF. In such circumstances, the Agency may issue an abridged version of its application form in order to expedite assessment.

## 7. CANVASSING

Applicants should note that the proposed project can only be judged on the information submitted and strategic fit. Any canvassing (including by a third





party) of Agency officers, Board or Advisory Forum members will result in the application being rejected.

## 8. LETTER OF OFFER AND TIMESCALES

- a. A formal Letter of Offer will be issued to the applicant following Agency approval of the project. All pre-conditions stated in the Letter of Offer must be met before any assistance can be paid.
- b. If the terms of the Letter of Offer are not adhered to by the applicant, the Agency has the right to withhold or seek to recover all or part of the financial assistance.
- c. The Letter of Offer will clearly set out timescales for the project. These must be adhered to and the Agency must be advised forthwith of any likely failure to meet same.
- d. The Agency may not accept funding claims received more than three months after the project completed.

## 9. PROCUREMENT

- a) The project promoter will obtain competitive quotes/tenders for goods/services. Agency staff must be invited to attend any and all tender panels. The procurement procedures at appendix A apply.
- b) Project promoters must strive to ensure that Agency funds are used economically, efficiently and effectively.

## 10. PAYMENT OF ASSISTANCE

- a) Grant aid shall be paid in arrears on receipt of a claim for actual vouched expenditure accompanied by the Post Project Evaluation Form and a full and accurate statement of account. In exceptional circumstances - and where prior approval has been obtained from the Agency - phased payments in arrears may be made (in such circumstances the final 10% of grant monies will be withheld until receipt and evaluation of the Post Project Evaluation Form).



- b) Prior to the payment of the grant aid the recipient shall provide satisfactory evidence to the Agency that all statutory approvals for carrying out the project (including planning and building control approval, health & safety, fair employment) have been obtained.
- c) Payment of grant or any installment will only be made on receipt of a claim form accompanied by such evidence of relevant and legitimate expenditure as original invoices and/or receipts, bank statements and (where appropriate) a record of the procurement process (see section 9 above). Expenditure claimed without the support of the above will be disallowed.
- d) Project promoters must make all payments by cheque from the appropriate bank account. Expenditure must only be in response to presentation of a *bona fide* invoice. Cash expenditure is not eligible expenditure.
- e) Payment of grant will only be made once the Agency is content that the grant has been expended in accordance with the Letter of Offer, this policy and the proposal outlined in the original application.

## 11. LIABILITY AND INSURANCE

- a) The promoter of the event/activity/development shall indemnify the Agency against all actions, proceedings, costs, claims, demands and liabilities whatsoever arising from all or any activities associated with the project.
- b) The organiser must confirm that insurance arrangements will cover risks as appropriate - eg employers liability (will you require cover for volunteers as well as employees?), public liability, professional indemnity, all risks (will you require cover for equipment?). Project promoters must confirm their insurance requirements with a reputable insurance agent/broker.
- c) All assets associated with the project or funded by the Loughs Agency must be insured and maintained.
- d) A copy of relevant insurance documents must be supplied to the Agency prior to the project taking place.



## 12. FAIR EMPLOYMENT / EQUAL OPPORTUNITY

The Agency is fully committed to supporting the elimination of all forms of discrimination in employment. The applicant will be expected to adhere to the requirements of the Fair Employment (NI) Act 1989, and to observe the spirit of the legislation. Under Section 43 of this act the Agency has the right to withhold or recover any payment or part thereof in the event of failure by the applicant to honour the undertakings stipulated in this paragraph.

## 13. ENVIRONMENTAL IMPACT

This is a *sustainable development* fund. In accepting any offer, the project promoter undertakes to assess all aspects of the project to identify potential impact on the environment. The promoter will adopt and implement an appropriate environmental policy that will mitigate any negative impact.

Where projects impact on or are located close to any water body, a quantitative fish stock survey will be undertaken to establish a baseline before any works commence – unless waived in writing by the Loughs Agency.

## 14. POST PROJECT EVALUATION (PPE)

Project promoters are required to complete a Post Project Evaluation Form. They are expected to monitor the economic and/or civic impact of the project and make an accurate assessment of this at key stages. The Loughs Agency will undertake a PPE of the SDF programme.

## 15. PUBLICITY

On receipt of financial assistance, the role of the Agency as sponsor must be fully acknowledged by means of inclusion of logos and text on all literature and associated marketing material, including advertisements. Failure to comply may result in the withdrawal of assistance.

## 16. TRANSPARENCY

Project applicants will be asked to state any links they have with the Loughs Agency (for instance: past / present board member, past / present advisory



forum member, past / present member of staff; related to or a close friend of past / present member of staff / board / advisory forum). The response to this question will not affect the assessment of a project proposal - unless it is found that an applicant knowingly withheld information.

## 17. APPEALS

An unsuccessful applicant may submit an appeal but this must be done in writing and received in the Agency headquarters within fourteen days of the date of the notification letter.

## 18. STATE AID – IMPORTANT!

Under Commission Regulation (EC) 1998/2006 (Official Journal of the European Union L 379/5 28.12. 2006) this is a de minimis aid. There are ceilings (varying with sector – see below) for all de minimis aid provided to any one firm over a 3-year period. Any de minimis aid awarded under any Letter of Offer will be relevant if you wish to apply, or have applied, for any other de minimis aid. For the purposes of the de minimis regulation, you must retain any Letter of Offer for 3 years from the date on that letter and produce it on any request by the UK public authorities or the European Commission. You may need to keep that letter for longer than three years for other purposes.

Undertakings active in the primary production of agricultural products (farmers) - agricultural de minimis threshold is €7,500 per undertaking over any period of three fiscal years.

Undertakings in the fisheries sector (production, processing and marketing of fisheries products) - threshold is €30,000 per undertaking over any period of three fiscal years.

General undertakings - threshold is €200,000 per undertaking over any period of three fiscal years.

There are also cumulative thresholds that consider all elements of state aid ie from other bodies as well as LA: agriculture - €152,842,500 over any period of three fiscal years; fisheries - € 102,725, 000 over any period of three fiscal years; no threshold for other sectors.

As part of the application process, applicants must complete the following “statement of *de minimis* aid received”.

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I confirm that I have received the following *de minimis* aid during the current 3 year fiscal period (i.e. the current fiscal year and the previous two fiscal years).

Name of body Providing Aid	Value of assistance	Date of Assistance

I acknowledge that if the ceiling is exceeded the aid may be recovered from the aid recipient.

Signed \_\_\_\_\_ Date \_\_\_\_\_

**STATE AID NOTES:**

An “undertaking” is any entity which is engaged in economic activity. The general (or horizontal) *de minimis* regulation applies to aid granted to undertakings sectors other than the agricultural production and fisheries sectors e.g. tourist accommodation, food, entertainment, sport and recreation activities.

Agricultural *de minimis* applies to aid granted to undertakings in the agricultural production sector ie undertakings active in the primary production of agricultural products (farmers).

Fisheries *de minimis* regulation applies to aid granted to undertakings in the fisheries sector ie undertakings active in the production, processing and marketing of fisheries products.

State aid is assistance from a public body, or publicly-funded body, given to undertakings on a discretionary basis, with the potential to distort competition and affect trade between member states of the European Union. Such aid is illegal unless paid in conformity with European Commission regulations. Should we determine that a grant award to an individual applicant would constitute State aid an award will only be made where it is in conformity with the relevant *de minimis* aid provisions (Commission Regulation (EC) 1998/2006, Commission Regulation (EC) 875/2007 or Commission Regulation (EC) 1535/2007 as appropriate).

APPLICANTS MUST NOTE THAT THE AGENCY'S FINANCIAL POLICY IS SUBJECT TO REVIEW AT ANY TIME AND WITHOUT NOTICE. THE AGENCY'S DECISION IS FINAL IN ANY ADJUDICATION.

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D Anderson  
Chief Executive

March 2012



APPENDIX A  
FINANCIAL ASSISTANCE POLICY  
March 2012

Estimated Purchase Value or Contract Value (exc VAT)	Minimum Number of Tenders to be Sought	Important Notes
Up to £1,000 / €1,500	2 oral quotations with email or written back up	Required - email or written quote to substantiate the oral quotations. File note required detailing the suppliers providing quotes and the respective amounts.
£1,000 to £10,000 / €1,500 to €15,000	3 Tenders (written quotations)	Loughs Agency must be invited to sit on tender panel as independent observer
£10,000 -£30,000 / € 5,000 - € 45,000	4 Tenders (written quotations)	Loughs Agency must be invited to sit on tender panel as independent observer
£30,000 up to EC Threshold £99,695 / €45,000 to €149,543	Open Tender (secured by public advertisement)	Consult with Loughs Agency regarding media advertising and invite Agency to sit on panel
EC threshold of £99,695 / €149,543 and above	European Journal	Consult with Loughs Agency



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