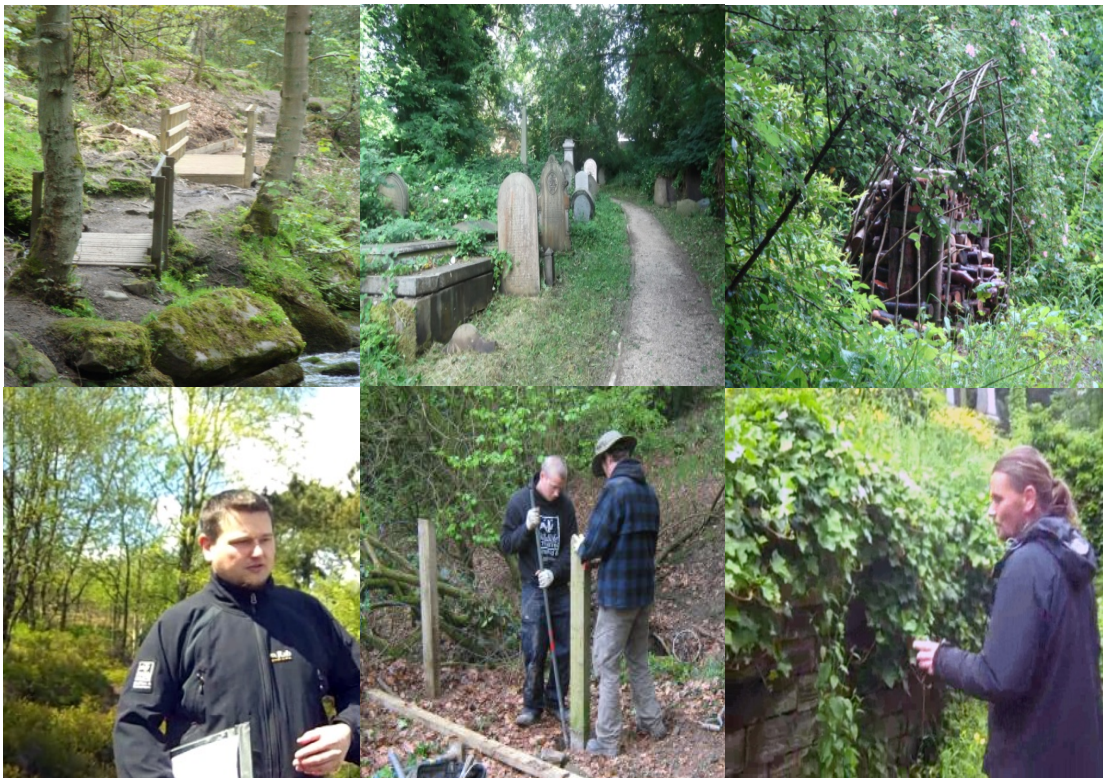University of Sheffield

Trusts

An investigation of Trust-led involvement in place-keeping

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Nb. Report cover image is: (Top left to bottom right) New Footbridge, Wyming Brook Nature Reserve, Sheffield, UK (managed by The Wildlife Trust for Sheffield and Rotherham), UK; Path maintenance, Sheffield General Cemetery (managed by Sheffield General Cemetery Trust), UK; Bug Hotel, Sheffield General Cemetery, UK; Rob Miller, Living Don Manager, The Wildlife Trust for Sheffield and Rotherham, UK; Land Management Team (Source: SWT 2012), The Wildlife Trust for Sheffield and Rotherham, UK; Michael Steadman, Landscape Co-ordinator, Sheffield General Cemetery Trust, UK (Authors' own images 2012 unless stated otherwise).

Executive Summary

In the early twenty-first century responsibilities for *place-keeping* in the United Kingdom, continue to lie predominantly with local authorities. However, as a result of the ongoing political shift towards localism and public authority budgetary cuts, local authorities have been increasingly forced to look towards new models of delivery and partnership working, including that with Trusts.

Role of Trusts in *place-keeping*

Understanding the effectiveness and transferability of Trust-led approaches to *place-keeping* is therefore a key contemporary issue. A growing body of recent evidence, including the 2010 CABE report *Community-led spaces: a guide for local authorities and community groups,* has revealed how a Trust-led approach to *place-keeping,* based on partnership working with local authorities, has proved successful in various sites across the United Kingdom.

This approach to the transference of maintenance/management responsibilities from the local authority often results in the local authorities working in partnership with community, private and other public sector organisations. As such, at an MP4 partner meeting in Bruges, Belgium in 2011, the University of Sheffield were tasked with investigating the potential of the Trust Model as an effective approach to the delivery of *place-keeping* through partnership working with Local Authorities/Municipalities. As recently as July 2012, the management and maintenance of the UK waterways was transferred to a newly formed Trust; The Canals and Riverside Trust. During the same month, a summary of the MP4 Partnership through *Place-keeping* Conference[1], Sheffield provided by Liz Ballard (Director, The Wildlife Trust for Sheffield and Rotherham) reported delegates had highlighted the need to explore the potential of a Trust-led approach to address *place-keeping* issues city-wide (*Place-keeping* through Partnership 2012).

Aim of report

The aim of this report is to provide a summary of the application of the Trust Model/Trust-led approach to *place-keeping* both in the UK and internationally. The summary will provide an overview of the background to Trusts, key features, a Strengths Weaknesses Opportunities Threats (SWOT) analysis of their effectiveness and key benefits and limitations of the Trust Model in relation to the six *place-keeping* dimensions: partnership, governance, policy, finance, evaluation and design, management and maintenance.

Key findings

Despite external threats from funding cuts, potential liability, time constraints and difficulties accessing long-term revenue, this report identifies significant opportunities and benefits regarding Trust-led approaches as a means of partnership working with local authorities in the *place-keeping* of open spaces. These include, developing a 'coalition of the willing', developing new skills, sharing knowledge with other groups, developing supportive policies and providing input into the design of open spaces which can be managed, maintained and used for the enjoyment of all.

Supporting case studies

To investigate the application of the Trust Model and Trust-led approach to *place-keeping* in practice, and the contemporary issues and experiences of those involved, research comprising two local case studies has been undertaken to support the generalised findings in this report. These are: The Sheffield General Cemetery Trust and The Wildlife Trust for Sheffield and Rotherham. The case study reports are available on the MP4 website (www.mp4-interreg.eu).

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[1] *Place-keeping* through Partnership: How can we sustain quality green & open spaces in a time of economic constraint? Conference hosted by MP4, Parks and Countryside Service, Sheffield City Council and The Research Exchange for the Social Sciences, University of Sheffield. 11th July 2012. Further information available at www.place-keeping.group.shef.ac.uk

Key Definitions

For the purposes of this report:

Place-keeping is defined as *maintaining the qualities and benefits (social, environmental and economic) of open spaces through long-term management.*

Partnership working within *place-keeping* is defined as *an association of two or more partners who have agreed a shared responsibility for place-keeping.*

(Dempsey and Burton 2012).

Part 1: Definitions and Key Features

What is a Trust?

A Trust is a legal device that provides a means of holding property or assets transferred from one party to another party, for the benefit of a third party, and which governs how these assets are utilised. They can have multiple characteristics and be involved in a number of different areas such as, education, healthcare, conservation and green spaces (Business Link 2012a).

Key Features

A Trust normally consists of a board of Trustees who manage the property of the Trust, in the interests of those for whose benefit it is set up. As legal owners, they are also liable for the Trust property. A Trust is created by a legally binding Trust Deed, which may also be known as a 'declaration', 'deed of trust' or 'deed settlement' (Charity Commission 2012a). When a Trust is established to benefit a community, an 'asset lock' may be written into the deed which protects the Trust's assets and means they cannot be used for anything other than as stated in the terms of reference (Business Link 2012b).

Why are Trusts created?

Property or assets are retained in Trusts because this transference to another party, such as an organisation, means that that property/those assets may be eligible to benefit from a greater range of financial support, particularly if the organisation becomes a charity. This is why some Local Authorities choose to utilise Trusts for open space management (see Torbay, UK example, page 9). Trusts involved in *place-keeping* generally hold either the lease, or the long-term management responsibilities of another organisation (often the relevant local authority) for a particular place or places (Business Link 2012a).

How are Trusts created?

In the UK, groups who consider creating Trusts to undertake *place-keeping* include National and Local Government, Quasi-autonomous Non-Governmental Organisations (QUANGOS) and community groups and charities including local residents (see Trust Diagram 1a).

Trust Diagram 1a: Groups who may consider creating a Trust
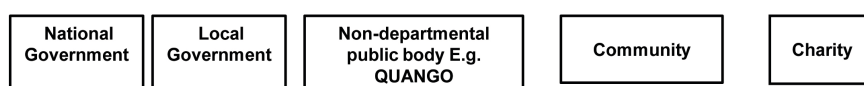
The law in England recognises two legal structures for organisations; unincorporated and incorporated, which provide a choice of structures that aim to support the needs of an organisation (see Trust Diagram 1b). Each structure has advantages and disadvantages and it is recommended that an organisation seeks professional legal advice when deciding on the most appropriate structure to go for (Voluntary Action Sheffield 2012).

Trust Diagram 1b: Deciding on a legal structure

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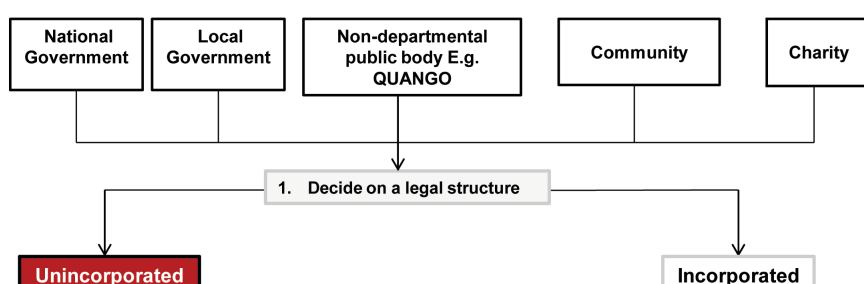
Usually, groups with a *place-keeping* focus will chose to form an unincorporated organisation. They are governed by a simple set of rules such as a constitution, and do not have a separate legal entity therefore the organisation itself cannot hold property, employ individuals or participate in lawsuits. If they wish to engage in any of these legal activities, a member of the organisation would have to do so individually and therefore would be personally liable (Business Link 2012b). Unincorporated organisations offer the advantage of being relatively easy to establish with fewer controls/accountability than incorporated organisations. They usually comprise a group of people who have agreed to work together for a particular purpose who come together, in most cases of *place-keeping*, to support a local site.

Trusts are legally recognised as a 'special type' of unincorporated organisation (Voluntary Action 2012) and are created by the completion of the Trust Deed (or a Fundats in the case of a Fond (Foundation) one of the closest equivalents to a Trust in Denmark (see page 15 for more details)) (Kjøller 2012). This is a legal document, which specifies the assets (building, money and/or land) the Trust holds when it is established and is signed and dated by the Trustees in the presence of an independent witness (Charity Commission 2012a). An unincorporated organisation such as a Friends of Group can become a Trust through the same process and may have certain reasons for doing so as explained on pages 12 and 13 (see Trust Diagram 1c). Its unincorporated legal structure means that the Trust itself still cannot legally hold property etc, but the Trustees can with the legal protection of the terms agreed in the Trust Deed.

Trust Diagram 1c: Creating a Trust
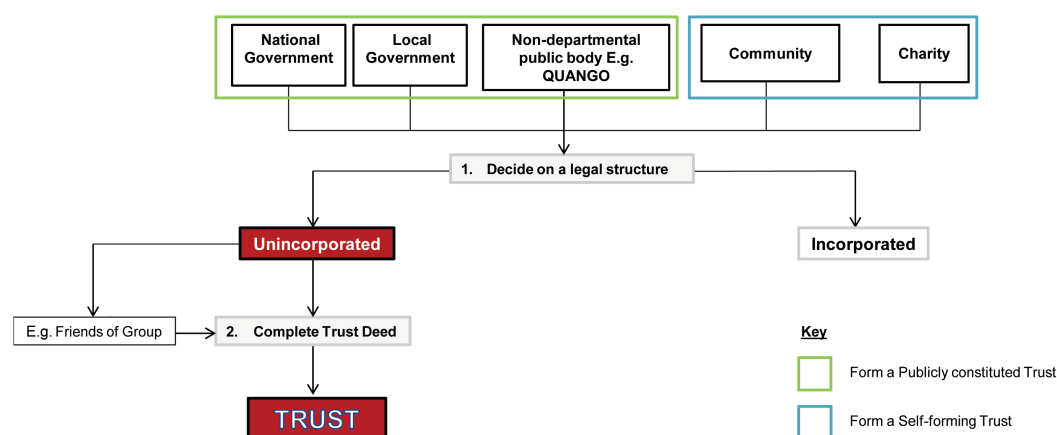
Types of Trusts

To differentiate between the types of groups who may consider forming a Trust involved in *place-keeping*, the authors have allocated the following terms (see Trust Diagram 1c):

- Publicly Constituted: Trusts established by National/Local Government or Quasi-autonomous non-governmental organisation (QUANGO); and
- Self-forming: Trusts established by local residents or a community group (e.g. Friends of Group or charity)

Publicly Constituted

A public body, such as a local authority, may find it beneficial to establish a Trust to undertake the management of certain assets they own such as leisure facilities, museums, libraries, parks and green spaces. In some local authorities these assets are all put in one Trust, in others a Trust may be set up for one type of asset alone (e.g. for leisure facilities). Local authorities may also consider working in partnership with an established independent Trust to hand over certain management responsibilities but this is not always possible due to factors such as prohibitive costs to fund *place-keeping* such as future management costs that are difficult to calculate (CABE 2010a). Working with a publicly constituted Trust can offer the public body benefits in terms of:

- income generation through membership
- charitable status helping to attract a valuable volunteer workforce
- increased partnership-working opportunities
- improved maintenance standards as a Trust is able to concentrate solely on their specific *place-keeping* aims
- helping to protect green open spaces from over development by having formalised support
- ability to secure funding which the local authority cannot itself as it is already deemed to be funded by public finances

In order to formalise the partnership, a management agreement is created outlining terms and conditions of the relationship between the two bodies (CABE 2010a).

In the UK, the Government is due to transfer *place-keeping* operations regarding rivers and canals in England and Wales from British Waterways (a government agency) to a new publicly constituted waterway charity, the Canal and River Trust which will merge with the Waterways Trust to pool strengths and resources and benefit from increased funding options (Waterways Trust 2012). At local government level, Torbay Council established Torbay Coast and Countryside Trust in 1998 to which its countryside service team consequently moved to, to manage 500 hectares of previously council-managed land with the added benefits that being a Trust brings (CABE 2010a).

Trusts can also be publicly constituted by one or more non-departmental public bodies or agencies such as the Land Trust (previously the Land Restoration Trust) that was formed by English Partnerships, Groundwork, Forestry Commission and Environment Agency (Brownfield Briefing 2012).

Self-forming Trusts

Trusts that are self-formed (see Trust Diagram 1c) usually begin life as a group of people working towards a common aim, and are either set up by passionate members of the community, are a development of a charity or a less formal group such as a Friends of Group. Like any other Trust, the Trustees (not the Trust itself) can legally own and manage land, like Heeley Development Trust which owns Heeley Millennium Park in Sheffield. They can lease land from the local authority for pepper-corn rates like The Wildlife Trust for Sheffield and Rotherham, or they can simply carry out *place-keeping* like Sheffield General Cemetery Trust (SGCT) in partnership with the local authority.

Self-forming Trusts in the UK exist at different scales including the National Trust who protect and open to the public historic houses, gardens and monuments, and are completely independent of the Government (National Trust 2012). On a smaller scale there is Sheffield General Cemetery Trust which is a development of a Friends group, managing a local authority owned site previously wholly under the local authority's management until the early 1980s.

Deciding on a legal status

Becoming a Charitable Trust

As the aim of Trusts involved in *place-keeping* is generally to benefit the community, UK Trusts, such as Sheffield General Cemetery Trust, can apply for what is termed 'charitable status' if they meet Charity Commission criteria which includes: having aims which are exclusively charitable and /or beneficial to the public (Charity Commission 2012b). This makes the Trust a Charitable Trust (see Trust Diagram 1d). It is ensured that a 'GD2' Trust Deed is completed and submitted to the Charity Commission (Charity Commission 2012c). Once again, assistance from a professional legal advisor (e.g. accountant or solicitor) is advised together with familiarisation of 'Choosing and Preparing a Governing Document', form CC22 (Charity Commission 2012a).   Charitable Trust status offers additional advantages, such as access to a wider range of funding streams and tax benefits.

Trust Diagram 1d: Becoming a CharitableTrust
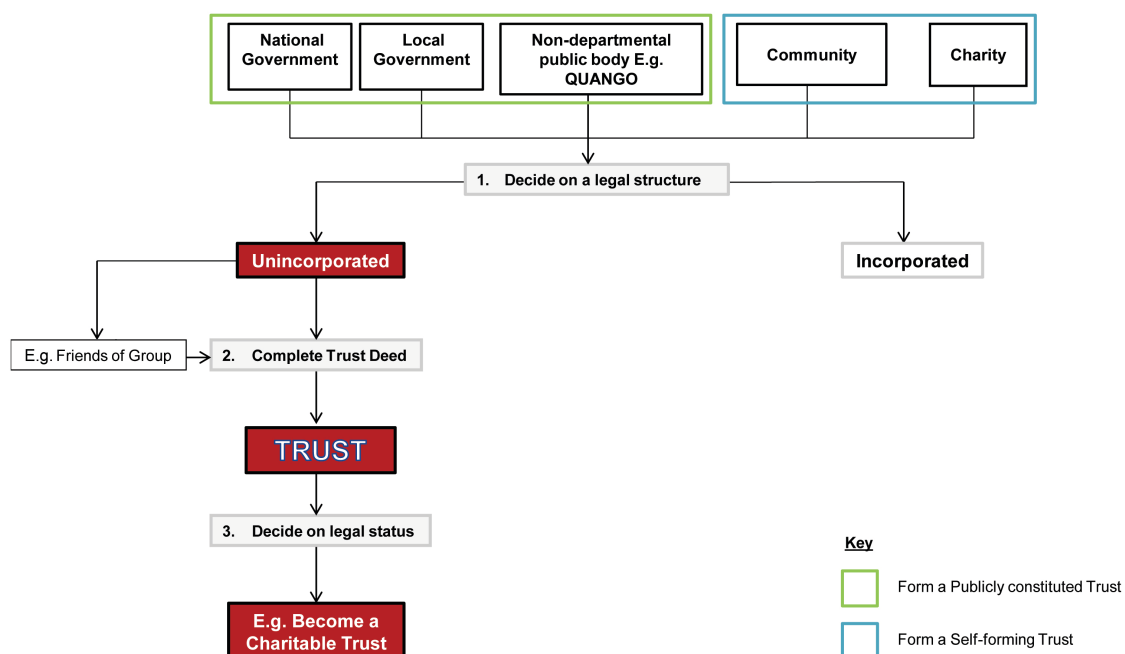
Creating an Incorporated 'Sister Organisation'

For a Trust itself (rather than the Trustees) to legally enter into contracts etc, and protect its Trustees from liability, an Incorporated 'Not for Profit' organisation is often established alongside the Trust to make the organisation liable rather than the Trustees (see Trust Diagram 1e). This 'sister organisation' can also operate as a 'trading arm' for the Trust (As Wildscapes CIC does to The Wildlife Trust for Sheffield and Rotherham), generating income, which can then be re-invested into the charitable activities of the Trust. Incorporated organisations provide Trusts with suitable 'Not for Profit' status and can come in various forms.

Trust Diagram 1e: Creating an incorporated 'sister organisation'
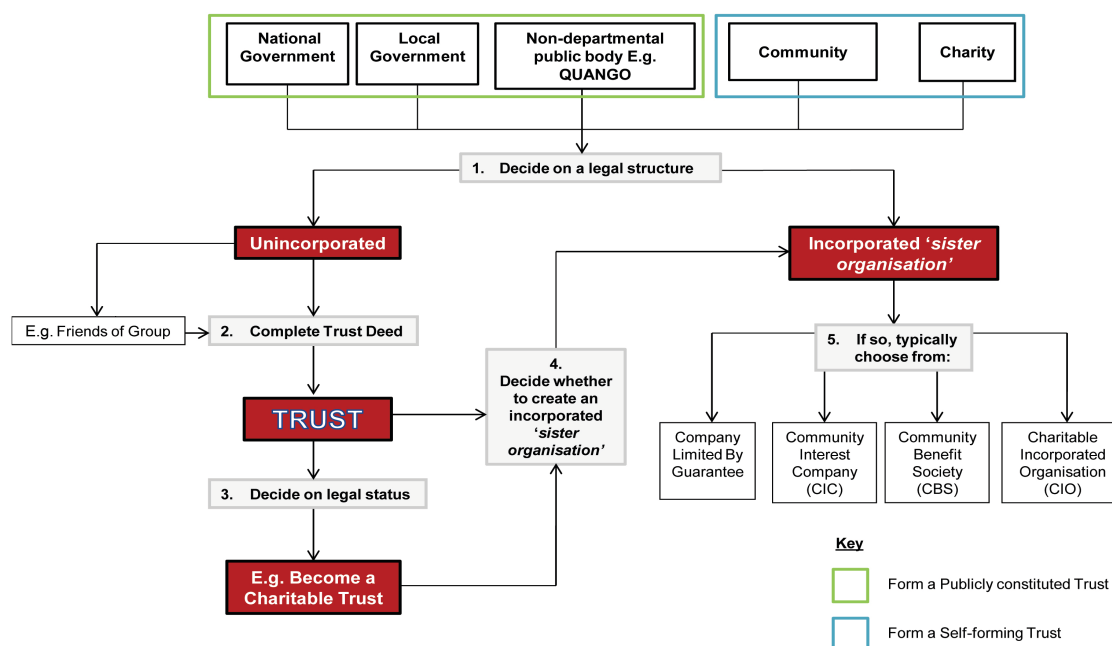
Company limited by guarantee/shares

This is the most common form of incorporated 'sister organisation formed by a Trust, giving Trustees the protection of limited liability. They are a company in law, have a corporate structure and are adaptable for most purposes. New companies of this kind cannot have a share capital, which means that they are unsuitable for commercial activity and therefore are suitable to be associated with a Charitable Trust. Instead of shared capital, the company has members who are guarantors instead of shareholders. In the event of the company being wound up the members agree to pay a nominal sum which can be as little as £1 (Voluntary Action Sheffield 2012).

Community Benefit Society (BenComs)

This is an incorporated Industrial and Provident Society (IPS), which is an organisation that undertakes business to benefit their community. Profits are returned to the community rather than being distributed amongst shareholders or members. To register as a BenCom, an organisation must demonstrate their social objectives and reasons for becoming a society and not a company. BenComs can apply for charity status and must have an asset lock to protect assets for the community. They are then known as 'exempt charities' and report to the Financial Services Authority (FSA) instead of the Charity Commission (Business Link 2012a).

Community Interest Company (CIC)

This is a form of a Company Limited by Guarantee or a Community Benefit Society, for community benefit, with an 'asset lock'. The Government set up a model under the Companies Act 2006 that has a standard set of reference that can be edited slightly and then signed off by an administrator. It is a good model for social enterprise and its suitability for not-for-profit organisations, opportunity for asset lock and ability to employ people make it a good alternative to a Trust, for groups involved in *place-keeping* (Business Link 2012b).

Charity Incorporated by Royal Charter (CIRC)

These types of Charities generally have the same liability as a company and are able to enter into contracts. The Royal Charter, which is a document which can create a corporation with a legal personality must be approved by the Privy Council (a formal body of mostly senior politicians who advise the Sovereign in the United Kingdom) before receiving Royal Assent (The Legal Dictionary 2012; RSWT 2010) Examples in the UK include the Royal Society for the Protection of Birds (RSPB) and the Royal Society of Wildlife Trusts.

Charitable Incorporated Organisation (CIO)

Introduced by the Charities Act 2006, CIOs are 'ready-made' corporate structures designed specifically for charities to provide some of the benefits of being a company but without some of the associated demands. Compared to unincorporated organisations such as Trusts, the CIO protects its members and trustees from financial liability. As the CIO is a legal entity in its own right, it is also able to conduct business in its own name rather than the trustee's name. To date, the regulations which complete the legal framework for CIOs is yet to be debated in Parliament. Once these are approved, organisations will be able to apply to register as a CIO (Charity Commission 2012c)

Why Friends of Groups become Trusts

As the roles, responsibilities and assets of an unincorporated organisation such as a Friends of Group increase (for example by taking on the acquisition and renovation of a building) some groups may find it difficult to continue to meet their remit given their limited legal structure. Therefore setting up as a Trust may offer the most suitable next step. As most unincorporated organisations are only required to adopt a constitution (a simple set of rules), they will need to create a Trust deed to become a Trust (Charity Commission 2012a). This option allows the organisation to hold property, employ individuals and participate in lawsuits, but it is the introduction of Trustees as legal owners, not a change in the organisation itself that allows it to do so. The Sheffield General Cemetery Trust (SGCT) in the UK was set up in 2003 replacing the original Friends of General Cemetery Group (FOGC) (Charity Commission 2012d). Although the aims of the SGCT remained the same but becoming a Trust provided a governance structure which reassured the local authority (landowner) and attracted new partners, such as the South Yorkshire Buildings Preservation Trust (SYBPT), who possessed the expertise and experience to undertake management and restoration work of grade II* listed buildings on-site (Dury 2012).

Although Friends of Groups and Trusts possess many common features, such as liability of Trustees or members and eligibility for Charitable Status (see Table 1), forming a Trust by creating and executing a Trust deed, provides a more formalised internal governance structure to manage Trust assets. Additionally, the minimal costs and changes in an organisation required to establish a Trust, in turn offer valuable benefits such as legal protection of assets and accountability to bodies such as the Charity Commission, UK. This often enables a Trust to provide reassurance to partners such as Local Authorities and potential investors (CABE 2010a).

Table 1: Friends of Groups and Trusts – key features

Friends of Groups (Unincorporated)	Trusts (Unincorporated)
Informal **Purpose: group working together for a particular site or issue**	**Formalised by Trust Deed** **Purpose: to hold assets** **'Special Type' of Unincorporated**
• **No legal ownership.** • **Governed by own rules- not legally binding.**	• **Assets (e.g. land, property and/or money) legally owned by Trustees** • **Established and governed by Trust Deed; a legally binding document**
• **No legal identity** • **Members liable**	• **No legal identity** • **Trustees liable**
• **Eligible for a variety of funding but constrained by limited governance and legal status in order to administer funding??**	• **Eligible for a variety of funding**
• **Can set up Asset Lock to protect assets for community benefit**	• **Can set up legally binding Asset Lock to protect assets for community benefit**
• **Can become a Charity if meet Charity Commission criteria**	• **Can become a Charity if meet Charity Commission criteria**

Scaling of UK Trusts

Unlike Friends of Groups, which tend to operate on a 'site-specific' basis, Trusts can operate at various scales including: national, regional and local, as well as at a site/issue-led level (see Diagram 2: UK Trust Scales). As can be seen from the diagram, Trusts in *place-keeping* can adopt a legal structure and status which best meets their particular aims such as, Company Limited by Guarantee or Private Limited Company.

Operating at various scales can provide p*lace-keeping* Trusts (e.g. Wildlife Trusts and Groundwork Trusts in the UK) with several advantages over organisations operating on one level**.** Trusts operating over the various scales are able to undertake various roles including strategic planning and monitoring of national initiatives, and provide support to address local site issues through their regional and local branches which act under the overall ethos of their umbrella Trusts. This 'network' within a Trust increases its capacity to support other branches, source funding (raising profile for investors and sponsors) and raise awareness, educate and change policy to promote *place-keeping* activities.

Diagram 2: Trust Scales

NATIONAL
- Countryside Restoration Trust
- Woodland Trust
- The Conservation Volunteers and BTCV
- Royal Society for the Protection of Birds (RSPB)
- The Federation of Groundwork Trusts
- National Trust
- Waterways Trust
- Land Trust
- Royal Society of Wildlife Trusts (RSWT)
- Countryside Commission (now Natural England)
- English Partnerships, Groundwork, Forestry Commission and Environment Agency **

REGIONAL
- Groundwork South Yorkshire
- Yorkshire Wildlife Trust (YWT)
- Sheffield Wildlife Trust (SWT)

LOCAL
- Peterborough Development Corporation, Peterborough City Council & Cambridgeshire County Council
- Groundwork Dearne Valley
- Groundwork Sheffield
- Wildscapes CIC

SITE/ISSUE LED
- Bewdley Development Trust CIC
- Torbay Coast and Countryside Trust
- Torbay Council
- Nene Park Trust
- Exhibition and Brandlings Parks Trust
- Newcastle City Council
- Tarvin Community Woodland Trust
- The Parks Trust, Milton Keynes
- Milton Keynes Development Corporation
- Warley Woods Community Trust Limited
- Manor and Castle Development Trust Limited
- Bankside Open Spaces Trust
- Sheffield Botanical Gardens Trust/Limited
- Sheffield General Cemetery Trust
- Potters Fields Park Management Trust
- Heeley Development Trust
- White Horse Green People Limited

KEY
- Company Limited by Guarantee
- Community Interest Company (CIC)
- Private Limited Company
- Incorporated by Royal Charter
- ● Publicly constituted
- Not registered as a charity
- Government/NDPB/NMGD/QUANGO*

*NDPB= Non-departmental public body, NMGD= Non-ministerial government department. QUANGO= Quasi-autonomous non-governmental organisation
** All organisations not registered as charities with the exception of Groundwork.

International *place-keeping* Trusts and Equivalents

Outside of the UK, a number of countries actively employ the use of Trusts for *place-keeping* or have equivalent organisations, as we will now demonstrate.

Denmark

Although the model of Trusts does not exist in Denmark, there are equivalent organisations involved in *place-keeping* including Danish fonds/selvejende institutions (Foundations) and Forenings (Associations), which acquire land generally for conservation and habitat management and maintenance. Both types of organisation are governed by legally binding documents, can manage property/land and, unlike UK Trusts which are not-for-profit, can be either for profit or not-for-profit (Kjøller 2012).

The Netherlands

A pilot of the UK Trust model is currently being tested in the Netherlands following a 2011 knowledge exchange visit by Dutch stakeholders, politicians and residents to a number of Trusts in London. This three-year project, involves assistance of the LSA (The National Partnership Focus Areas, The Netherlands) in the creation of 10-15 'Residents Businesses' (Trusts), from existing community groups across the country. This is achieved by transferring assets, buildings and responsibilities from the municipalities to the groups with the aim of supporting economic, physical and social development in their area (BewonersBedrijven 2012; KEI Platform 31 2012a; KEI Platform 31 2012b; Mous 2012).

Germany

Bürgerpark ('*People's Park'*) in Bremen, North west Germany is one of the only examples of a park in Germany of which the maintenance and management is wholly carried out by an organisation independent of the municipality; the Bürgerpark Association (*Bürgerparkverein*). In this way, it has similarities to the UK Trust. The park was founded through an initiative of merchants and representatives of the city in 1865 with the aim of creating a park accessible to all. Between 1866 and 1884 the project received no public funding and was funded by single donations from wealthy Bremen merchants (later to become part of the Bürgerpark Association). In 2000 a dedicated Trust for the preservation of the park was set up (*Gräfin Emma Stiftung*) to support activities and work in the park (Kreutz 2012)

Sweden

In Sweden, responsibilities for *place-keeping* generally lie with the government, therefore no direct equivalent of the Trust model exists. The nearest equivalent working on a national scale is the *Statens fastighetsverk* (National Property Board Sweden) which is a type of Government Agency working as a business in the protection and management of national buildings and land, for profit (differing from Trusts in the UK) and for the benefit of the people of Sweden (Statens fastighetsverk 2012)

USA

The Land Trust Alliance (LTA) in the USA represents a collection of typically not for profit organisations called Land Trusts (LTs). LTs are independent from the government and operate on a local, regional and national scale. The LTA definition of a Land Trust is *'a nonprofit organisation that, as all or part of its mission, actively works to conserve land by undertaking or assisting in land or conservation easement acquisition or by its stewardship of such land easements'* (Land Trust Alliance 2012). Conservation easements are legal agreements between the LT (easement holder) and landowner by which the landowner voluntarily limits the development of their land. The easement 'runs with the title' remaining in place regardless of who may own the land in the future (USLegal 2012). Like the UK, the USA also has a national network of *'not-for-profit environmental businesses called Groundwork Trusts'* (Groundwork USA 2012) which carry out *place-keeping* across the country. The Federation of Groundwork Trusts (more commonly known as Groundwork UK) was established in 1981, its purpose to *'build sustainable communities through joint environmental action'* (Jones 1990; Parker and Murayama 2005) and has since been transferred to various countries including USA and Japan. It comprises many independent local Groundwork Trusts which tend to support *place-keeping* through the provision of training rather than involvement in asset transfer (see page 22 for more details on Groundwork UK).

Japan

During the late 1980s, the Japanese became interested in the UK approach to *place-keeping* based on the Groundwork Trust model. This approach was seen by the Japanese as a means to build bridges between people and government in view of the economic recession they were experiencing at the time. The Japan Groundwork Association (JGA), consisting of individual not-for-profit Trusts, was established in 1995 and gave rise to numerous volunteer-based activities in the country. Today they confront local issues through building neighbourhood parks, environmental conservation, and offering social support for community enterprise (Parker and Murayama 2003; Parker and Murayama 2005; Japan Groundwork Association 2012a). In 1994 JGA and Groundwork UK signed a memorandum symbolising a shared understanding of the Groundwork approach. In 2005, the Skills Exchange Programme was launched as a way of exchanging best practice to develop both Groundworks (Japan Groundwork Association 2012b).

Part 2: Analysis of Trusts: The *Place-keeping* Dimensions

Involvement in the work of a Trust is one way by which members of the community can participate actively in the *place-keeping* of their local open space or park. The following section evaluates the Trust-led model through review of the six *place-keeping* dimensions, as described by Dempsey and Burton (2012) and based on current literature and case studies from examples of UK and international Trust-led *place-keeping*. The Trust model is additionally evaluated by means of a SWOT analysis of each *place-keeping* dimension.

Partnership

> Definition: *Partnership* describes the agreed and shared responsibility for the *place-keeping* process. Local and community groups should be involved in *place-keeping,* with the benefit of being able to share knowledge in the local context (Dempsey and Burton 2012).

At present in the United Kingdom, the responsibilities for *place-keeping* most commonly lie with the local authority, or less frequently (but becoming more prevalent) with another organisation such as a community group, Trust, private company or social enterprise. This transfer of maintenance/management responsibilities from the local authority often results in the local authority working in partnership with the organisation. Partnership working with a self-formed Trust may take place on an informal basis however a publicly constituted Trust will have a formalised arrangement with the particular public body, with details set out in Management / Service Level Agreements (CABE 2010a)

How and why *place-keeping* partnerships develop

In the case of Trusts, the partnership can take the form of a transfer of assets, for instance the lease of a space and/or transfer of long-term management responsibilities from the local authority, to either a self-forming Trust such as Bankside Open Spaces Trust, London, UK or to a Trust publicly constituted by the local authority such as Torbay Coast and Countryside Trust established by Torbay Council. Bankside Open Spaces Trust was formed in 2000 and works in partnership with Southwark Council to improve and manage various parks and community gardens in the local area, including temporary sites such as a local urban orchard (CABE 2010a).

Mutual benefits

During the asset transfer Local Authorities can provide varying levels and types of support to Trusts (e.g. financial, advice and/or supportive policies and strategies) depending on the complexity of the asset transfer, needs of the Trust and capacity of the local authority (CABE 2010a). Partnership working can provide Trusts with the support, resources and skills necessary to meet their aims and participate effectively in *place-keeping*. Likewise, Local Authorities can benefit from opportunities to attract funding and an increased recruitment of an extremely valuable volunteer workforce that a Trust can bring (CABE 2010a).

There are additional advantages to Local Authorities working in partnership with Trusts. Charitable Trusts in the UK, Land Trusts in the USA and equivalent overseas organisations, such as *Fondation du Patrimoine* in France (the French equivalent of the National Trust), can bring in financial incentives to participate in *place-keeping* as they are eligible for benefits such as tax reliefs. Transferring assets to Trusts within partnerships can also provide land owners with added protection from over development of their land. QEII National Trust, New Zealand *'an independent statutory organisation…set up in 1977 to "encourage and promote, for the benefit of New Zealand, the provision, preservation and enhancement of open space"* assists landowners in protecting *'significant natural and cultural features'* using open space covenants (QEII National Trust 2012).

Roles and Responsibilities

The roles and responsibilities of the Trust within a partnership are varied. Despite their relative size in comparison to many public organisations, Trusts can be key *place-keeping* partners as is the case with Manor and Castle Development Trust, Sheffield. In partnership with the Parks & Countryside Department at Sheffield City Council and Green Estate (a local landscape social enterprise) they managed to use their reputation to secure the freehold on all local private housing on the Manor Estate, Sheffield. This allows them to charge residents for the funding of the management and maintenance of an adjacent site earmarked for a Sustainable Urban Drainage (SuDS) project, supporting their long-term aim of providing local socio-economic and biodiversity benefits (ciria 2012). Trusts can also provide a facilitating role supporting and advising community groups such as other Trusts who want to participate actively in their local open space or park. In the UK, Groundwork Trusts support community groups in their area to manage and maintain spaces.

The strong community links and identity associated with many Trusts, developed over decades in some cases, allows them to represent and be a voice for community needs and aspirations associated with *place-keeping*. This is exemplified in Heeley Development Trust, Sheffield, UK; an independent Trust whose *place-keeping* activities benefit from their strong community links and their aim to employ local people whenever possible (Heeley Development Trust 2012). However, the experiences and challenges faced by the Heeley Development Trust to undertake their roles and responsibilities in the face of ongoing pressure to secure long-term funding, highlights that some Trusts can be too ambitious as a result of their drive to benefit their community (CABE 2010a).

Internal Partnerships

Not only do Trusts work in partnership with local government and other community groups, but they also work in partnership with the volunteers that support them. The partnership tends to be mutually supportive as a variety of opportunities and training can enable volunteers to develop personally and professionally (CABE 2010a). For instance, the Conservation Volunteers (formerly the British Trust for Conservation Volunteers, UK) offer a wide range of training courses designed to meet the needs of conservation volunteers, provide a safe and supportive work environment and ensure volunteer involvement from strategic to ground work level (The Conservation Volunteers 2012). Standards such as Investing in Volunteers (the equivalent of Investors in People) in the UK, provides structure to the volunteer role to ensure they have a successful experience (Preedy 2012).

Partnerships in international equivalents

Denmark

In Denmark, Forenings (Associations) such as some Anglers Associations have agreements with municipalities or the Danish Nature Agency to take on the responsibility for the maintenance of streams (Kjøller 2012). Grazing Guilds (Græsningslaug) such as *Fuglsang Hedes Græsningslaug* use sheep grazing on public land as a way of funding the protection of certain habitat and prevent it being overgrown by trees. In the case of this example, the land is owned by the municipality of Norddjurs who provide land and fencing to the Guild free of charge. Members of the Guild can voluntarily participate in sheep supervision, fence maintenance and mowing. It also possible to purchase shares in the ownership of the sheep (Fuglsang Hedes Græsningslaug 2012a; Fuglsang Hedes Græsningslaug 2012b)

On a national scale, there are Forenings (Associations) such as The Danish Society for Nature Conservation (*Danmarks Naturfredningsforeningen*) which are active in nature conservation, providing access to public land and purchasing land for preservation through the Danish Nature Fund (Kjøller 2012) It has employees, members and volunteers that support its *place-keeping* objectives (The Danish Society for Nature Conservation 2012) .

In terms of Danish fonds/selvejende institutions (Foundations), The Aage V. Jensen Naturfond is not-for-profit and aims to acquire and own natural areas to carry out nature conservation *'to give everyone in Denmark the opportunity to experience a rich nature'*. The foundation also carries out *place-keeping* work on land they do not own in partnership with other landowners. (Aage V. Jensen Nature Fund 2012a; Aage V. Jensen Nature Fund 2012b).

The Netherlands
In the case of the North-eastern city of Emmen in the Netherlands, Trusts ('Residents Businesses') are currently being created from community groups as part of a 3 year national pilot project, and are independent from, but facilitated by the municipality. Since 2011 the Municipality of Emmen have been working towards the use of green spaces and vacant buildings (generally former governmental buildings and spaces protected from housing development) as assets for social activities and neighbourhood wellbeing, as the municipality and private developers no longer have the funds to create new developments. Although the Trusts are predominantly concerned with buildings, Emmen are keen to transfer the model to green space management and maintenance in the near future. In the town of Zwartemeer near to Emmen, the municipality have given the responsibility of garbage and green space maintenance to the inhabitants. By selling these buildings, assets or responsibilities to the local community for a nominal price, Emmen hopes to save money in the long-term and by giving control and ownership to the communities that use the places, instigate *place-keeping* (Mous 2012).

Germany
In Germany the Bürgerpark ('People's Park') is legally owned by the City of Bremen but The Bürgerpark Association (*Bürgerparkverein)* founded in 1872, has the unlimited right to use it. All buildings and infrastructure in the park are the property of the Bürgerpark Association, apparently without any form of rent, to the City of Bremmen (Kreutz 2012)

Sweden
In Sweden, Statens fastighetsverk (SFV) (National Property Board Sweden) is governed by a Board of Directors from the government and is responsible for administering Sweden's national buildings as well as approximately one seventh of Sweden's total land area, in the form of state-owned forests and pasture land. Their objective is to protect them for the future through biodiversity conservation and future farming, by managing them in a sustainable manner. As the Swedish state represents the Swedish people, properties owned by the state are also owned by the people. It is therefore the SFV's job to manage them better. (Blomqvist 2012; Statens fastighetsverk 2012)

SWOT Analysis of Partnership dimension in relation to Trust-led involvement in *place-keeping*:

Strengths:	Weaknesses:
- Strong community links and identity - Their political independence is attractive to potential private, voluntary and public partners. - Able to form partnerships without local authority involvement.	- A lack of capacity to deliver *place-keeping* and/or manage conflict can cause partnerships (internal and external) to become fraught. - Volunteer workforce can fluctuate over the year and requires supervision
Opportunities:	**Threats:**
- To work with partners to achieve common *place-keeping* aims. - To share good practice locally, nationally and internationally. - To develop a facilitator role to support development of other *place-keeping* Trusts / community groups - Partnership working is attractive to potential funding bodies. Partners able to support each other in the process. - Association with a *place-keeping* Trust can provide promotional and financial benefits for private partners.	- Funding cuts threaten the existence of *place-keeping* partners. - Informal partnerships can cause disagreements regarding roles and responsibilities. - Partners from private, public and voluntary sectors may have conflicting aims and agendas.

Governance

> Definition: *Governance* in the case of Trusts describes the relationship between and within the range of stakeholders, usually governmental and non-governmental, involved in the decision-making process.
>
> *Community engagement* is an aspect of governance particularly relevant in Trust-led involvement in *place-keeping* (Dempsey and Burton 2012).

As assets are increasingly transferred from local authorities to community groups such as Trusts and with the emphasis on community engagement in decision making related to *place-keeping*, ensuring community groups have the capacity and resourcing for their appropriate governance has become more and more important (CABE 2010a). Good governance is an essential element to enable a Trust to carry out its *place-keeping* role whether it be a successful asset transfer and subsequent long-term management, or in wider terms, to act as an 'umbrella organisation', such as RSWT to monitor performances of individual Wildlife Trusts, strengthening a Trust's internal governance. It should be tailored to meet the unique roles, responsibilities, asset use and importantly, partnerships associated with a Trust and how this changes over time (CABE 2010a; Warren et al 2011; Dempsey and Burton 2012).

Selecting a Governance Structure

When deciding on a governance structure, publicly constituted and self-formed Trusts need to decide which legal status will best meet the aims and objectives of a project (Voluntary Action Sheffield 2012). Establishing a Charitable Trust may provide a community group with a formal structure to manage a complex project and attract certain financial benefits. In the case of Sheffield Botanical Gardens Trust, it was initially set up in 1996 purely to raise match funding to release a £5.06 million Heritage Lottery grant (Sheffield Botanical Gardens Trust 2012). Since then its aims have grown with the development of the restoration works.

Internal Trust Governance

A Trust comprises a Board of Trustees that are usually but not always elected by the Trust members. For smaller Trusts, the Board often comprises interested members of the community. For some larger Trusts such as Nene Park Trust, the Trust can comprise representatives from local, regional and national organisations (Nene Park Trust 2012). The Board delegates the day-to-day running of the Trust to the Chief Executive (CE) and Senior Management (or equivalents) who with guidance from the Trustees, ensure the aims and ethos of the Trust are met.

Compared to self-formed Trusts, it appears more important that publicly constituted Trusts, such as the Land Trust, UK are governed by independently appointed boards to ensure the Trust's community aims, values and ultimately, reputation are protected. (CABE 2010a; Land Trust 2012a). A Trust's level of accountability and commitment towards the *place-keeping* of a community space can be determined by the following factors:

- Inclusion of individuals with strong, wide-ranging community links,
- Proactive recruitment of new members,
- Holding regular elections to elect Trustees as set out by the terms written in the Trust deed,
- Ensuring decisions can only be made when a meeting is 'quorate' (an agreed number of Trustees present)
- Employing a wide range of formats to engage the community (e.g. events, newsletters, web presence)
- Working with a wide range of partners and reducing over-dependence on local authority.

(Adventure Capital Fund 2012)

Accountability

The Land Trust (formerly the Land Restoration Trust), UK is a national independent Charitable Trust that manages open spaces on behalf of and in partnership with local communities. They clearly state that they recruit Trustees who are able to provide; guidance, drive and maintain the ethics and values of the Trust. To ensure accountability, they obtain quarterly progress reports for their management agents undertaking work on their behalf and hold regular meetings to review progress and contracts (Land Trust 2012b). Like any other registered Charity, they are required to submit annual accounts to the Charity Commission, UK and maintain a minimum of 6 month's operational costs.

Trusts should review the composition of the Board of Trustees and the range of skills, experience and local knowledge they offer to ensure they are able to meet the changing needs of a project as they naturally develop over the long-term. Nene Park Trust UK and New Zealand Historical Places Trust, NZ use their respective recruitment and election processes to ensure Trustees are able to meet respective Trust aims and functions (Nene Park Trust 2012; The New Zealand Historic Places Trust 2012)

Skills and Knowledge Base

In terms of *place-keeping*, the skills needed within a Trust cover the whole spectrum associated with managing a community organisation and assets such as; managerial, administrative, landscape design, management and maintenance, fundraising and community development (CABE 2010a). Where gaps are identified, they may be filled by input from partners or by sending Trustees on relevant training courses. Charity Trustees Networks (CTN) is a registered charity that offers training and guidance for Trustees in the UK (Charity Trustee Networks (CTN) 2012). Organisations such as the National Council for Voluntary Organisations (NCVO) provide resources, training and advice for Trustees in relation to developing governance skills and have also developed a code for use by community organisations: *Good Governance: a code for the Voluntary and Care Sectors* (NCVO 2012).

External Governance Roles and Responsibilities

The Federation of Groundwork Trusts (more commonly known as Groundwork UK) is an example of a federation of independent charities (e.g. Groundwork Sheffield) working across England, Wales and Northern Ireland, which sign up to a series of common aims, objectives and processes of their parent charity, Groundwork UK. In terms of governance, Groundwork UK acts as a national voice and monitors internal agreements and contracts, making sure that they meet the Federation's common aims (Groundwork UK 2012)

Additionally, Trusts such as the individual Groundwork Trusts can facilitate the development of good governance systems and structures within other community groups, gradually withdrawing their services over a period of time as relevant expertise and confidence grows. For example, Groundwork Sheffield supports the River Stewardship Company in Sheffield who work to undertake riverside management work for owners and community projects in Sheffield (River Stewardship Company 2012). The advantage of developing governance through Trusts in this way is that they are able to focus their resources on a local area or project, unlike a local authority which may find its limited resources stretched thinly across a wide range of projects and geographical catchment (CABE 2010a).

SWOT Analysis of Governance dimension in relation to Trust-led involvement in *place-keeping:*

Strengths:	Weaknesses:
• Governed by legally binding Trust Deed and Trustees who are accountable. • Adopting good governance legally supports effective asset transfer and management.	• Trustees not always independently elected. May have their own agendas. • Trustees who may lack sufficient knowledge, experience and skills regarding governance process.
Opportunities:	Threats:
• Established Trusts can act as facilitators to share good governance practice with newly developing Trusts. • Trustees are able to develop skills through accredited training and online resources.	• Funding cuts impact on resourcing and time available to enforce good governance and/or develop skills and knowledge.

Policy

Definition: *Policy* can relate to *place-keeping* at a variety of scales: national, regional, local and site-specific. It aims to embed best practice into local planning, urban design and other related disciplines. *Place-keeping* is more often written as policy guidance than statutory legislation, however related aspects may be covered by specification legislation (Dempsey and Burton 2012).

It could be argued that the shift from governmental to community responsibility of '*place keeping*' (as exemplified in the Trust model) has in part been as a result of the changes in national policy in the UK, Europe and USA (Dempsey and Burton 2012). Although supportive policies can encourage the involvement of community groups in *place-keeping*, it is important to bear in mind that *place-keeping* is often written as policy guidance and not statutory legislation (Dempsey and Burton 2012).

UK Policy

In the UK, there have been several key National Policies and Guidance documents over the last 20 years, which have promoted and support community groups, such as Trusts, participating in open space management. Liveability policies were established in the UK in the late 1990s to promote socio-economic growth helping a community acquire the confidence, the skills and the resources to maintain and develop their future (Shaw et al 2004). In 2008, The Communities in Control White Paper called for ownership and control by communities of services and representation at decision-making level (Communities and Local Government 2008). This was followed by The Big Society manifesto by the Conservative Government in 2010 calling for redistribution of power away from the central state to local communities, guided by the three key principles of 'Empowering individuals and communities', 'Encouraging social responsibility' and 'Creating an enabling and accountable state (Cameron 2010) Finally, The Localism Act of 2011 represents the government's commitment to decentralising power to local governments, individuals and communities with the aim of increasing local democracy and individual responsibility, innovation and enterprise within public services (Communities and Local Government 2011)

Internal Trust Policy

In the UK, Trusts are governed by the terms under which they are created (Business Link 2012a). Trusts can be governed by Acts or byelaws which can be reviewed and up-dated to ensure a Trust maintains its aims to benefit the community (CABE 2010a). A Trust's terms are also usually written down in a Trust instrument or deed. (Charity Commission 2012a). If a registered Charitable organisation, the Trust will also have written policies in the form of 'Charitable Objects', which are defined as what the charity has been set up to do and may also include a description of the way in which they should be pursued or achieved (Charity Commission 2012c) For example, the Charitable Objects of Sheffield Botanical Gardens Trust are: 'To improve and refurbish the Sheffield Botanical Gardens, its collections and its buildings for the education and benefit of the inhabitants of Sheffield and its surrounding areas.' (Charity Commission 2012e)

International Policy

European Policy

In the Netherlands, the current economic crisis has encouraged the national government and some municipalities including the Municipality of Emmen to develop and write new policies which aim to support increased community involvement and the redistribution of roles and responsibilities in relation to *place-keeping.*   The policies also aim to support community groups undertaking the design and long-term management of their 'lived environment' by applying the Trust model and to support the country's current 3 year Trust pilot project (Mous 2012).

USA Policy

Since the 1990s, there has been an increase in the number of Land Trusts within the USA. This has been attributed to supportive land use policies driving use, conservation and socio-economic benefits of community spaces in the long-term (Warren et al 2011). The United States Environmental Protection Agency (EPA) led by the President's cabinet member in charge of environmental protection currently supports the National Environmental Policy Act (NEPA) which was enacted in 1969 (Council on Environmental Quality 2012). The aim of the act and which encourages the current development of Land Trusts, is to support sustainable community growth, *'and create and enhance the places that people love. Through research, tools, partnerships, case studies, grants, and technical assistance...*[help]*...America's communities turn their visions of the future into reality.'* (United States Environmental Protection Agency 2012a)

The EPA's current themes and policies which support *place-keeping* include the 'Partnership for Sustainable Communities' and 'Livability Principles'. They work in partnership with other government agencies to ensure development protects the environment in communities nationwide. Liveability principles include: valuing communities and neighbourhoods, with a focus on enhancing the unique characteristics of all communities through investment in healthy and safe neighbourhoods (United States Environmental Protection Agency 2012b).

EPA policies to support community capacity building include 'Smart Growth' and the 'Building Blocks for Sustainable Communities' programme that provides tools and resources for communities (United States Environmental Protection Agency 2012c). The 'Green Communities Program' based on the 'Community Involvement' principle, is a web-based toolkit and planning guide designed to help communities promote sustainability. Tools also include 'The Civic Index' to measure a community's planning and problem-solving capacity (United States Environmental Protection Agency 2012d).

In view of the substantial list of US policies supporting *place-keeping*, it must be said however that the values and interests of US planning staff can sometimes influence planning policies, especially in small urban towns. Additionally, some incentive based strategies such as conservation easements fund place-making rather than *place-keeping* (Warren et al 2011).

Japanese Policy

In Japan, t*he culture of borrowing* or "Hakurai-shikou" exists. The basis of this cultural approach is the belief that (modern) western methods are necessary to bring about a modernized Japan. Over the years this has led to the 'maxim wakon-yousai' approach (Japanese spirit, western technology), whereby the Japanese absorb, reproduce or transform foreign methods. This idea is exemplified in the transference of the Groundwork Trust model from the UK to Japan in 1991 and the setting up of the Japan Groundwork Association in 1995. At the time, Japan was experiencing an economic recession with subsequent aims to reduce public expenditure. Japan saw the Groundwork approach to partnership working for environmental improvement as an opportunity to build bridges between local people, government and the private sector. A number of Japanese stakeholders *'saw Groundwork as a potential mechanism for replacing, or adapting, the highly patriarchical, top down system which* [was] *beginning to break Japan'* (Parker and Murayama 2005) However, although Japan is keen to absorb foreign methods, it is said that solid policy change is still difficult due to a lack of administrative structures to promote the Groundwork approach, a lack of partnership working experience and no history of paid voluntary sector working in Japan. (Murayama and Parker 2003; Parker and Murayama 2005; Japan Groundwork Association 2012a)

Role and Responsibilities within policy development

The devolution of *place-keeping* responsibilities from governmental to community-led appears to have provided a new role for Trusts to facilitate a 'bottom-up' approach to *place-keeping* policy development in addition to the traditional, state-led 'top-down' approach (Dempsey and Burton 2012). Trusts operating on a national scale, such as The Heritage Canada Foundation (The Heritage Canada Foundation 2012), can still be involved in the top-down approach through successful encouragement of governments at all levels to adopt *place-keeping* policies. However, the Trust-led approach to *place-keeping* offers a new role of utilising local experiences and lessons learnt to highlight issues and potential solutions, driving policy change up through local and national government level with the potential to influence EU and International policy (CABE2010a, Warren et al 2011)

Generally, a robust evidence-base is an important tool to justify lobbying to develop policies (Burges-Watson and Moore 2011; Warren et al 2011). The recent Marmot Review, *'Fair Society, Healthy Lives'* (Marmot et al. 2010) identified health inequalities in England and set out objectives to put evidence into practice to address community needs, supporting the role of the communities in *place-keeping*. One of many review outcomes was the development of *Policy Objective E*. This highlights the need to improve community health and wellbeing through creation of healthy and sustainable places for communities to enjoy, and to prioritise policies and interventions and support the development of community groups to deliver the objective.

In the Netherlands, the 3 year pilot project assisting in the creation of 'Residents Businesses' (Trusts) is being partly subsidised and supported through research, advice and knowledge sharing between stakeholders initiated by the Interior Ministry, with the aim of justifying the development of policies supporting and encouraging community involvement in *place-keeping (*KEI Platform 31 2012a)

However, the experience in the UK and USA, shows that despite the aim for current policies to encourage the participation of groups such as Trusts in *place-keeping*, there are often gaps between the well intentioned aims of the policies and the realities faced by a community group. A lack of capacity to bridge these gaps can ultimately threaten a Trust's existence, resulting in some having to fold (CABE 2010a; Warren et al 2011). Larger, well established Trusts such as Groundwork UK can help bridge the policy - *place-keeping* delivery gap by undertaking the role of advisor to other Trusts (CABE 2010a). Effective Trust-led and equivalent community involvement in *place-keeping* still requires support in terms of resources and long-term finance at local and national levels for policies to be put into action.

SWOT Analysis of Policy dimension in relation to Trust-led involvement in *place-keeping*:

Strengths:	Weaknesses:
• Trust *place-keeping* activities are guided by internally developed policies. • Trusts can help to promote and develop local and national policies through a 'bottom-up' approach.	• Trustees may not be up-to-date with current national and international policies. • Trusts may lack the capacity to undertake lobbying or participate in work to develop policies.
Opportunities:	**Threats:**
• To undertake further work to support local / national policies as concept of *place-keeping* becomes established.	• Trusts may lack the capacity to bridge the gap between policies and realities of delivery. • Currently, area-based initiatives support place-making rather than *place-keeping.*

Finance

> Definition: *Finance* describes the range of financial models used for efficient long-term management. Ideally funding is in place for *place-keeping* from the outset and may come from a range of sources.
>
> It also relates to resourcing and includes staffing, training and skills (Dempsey and Burton 2012).

Generally speaking, *place-keeping* funding of public spaces mainly comes from the funding allocations via the relevant local authority departments. However as a result of recent cuts in local authority budgets, greater reliance has been placed on voluntary workers and community groups to carry out *place-keeping*. (Mathers, Molin and Burton 2012). Local authorities may transfer land to Trusts in an attempt to save money but acquiring long-term revenue funding to enable a Trust to manage and maintain an asset following an initial capital investment can prove a major challenge, particularly during economic downturns (Barber 2005; CABE 2010a; Cambridgeshire County Council 2012). For instance, Sheffield General Cemetery Trust, UK are currently applying to a number of funders to secure revenue funding for staffing and ongoing maintenance costs of capital projects such as the Gatehouse restoration, without which they cannot continue (Dury 2012).

Current situation

Obtaining sufficient funding to carry out long-term maintenance of a site to an acceptable standard can prove challenging (CABE 2010a). Finite budgets held by local authorities have placed the onus on *place-keeping* partners to consider new finance models to support the viability of Trusts. New approaches can include the development of a not-for-profit trading arm or social enterprise linked to the Trust, however their success depends on securing ongoing, rather than time-limited business contracts. For example, a social enterprise, White Horse Green People, was established by Heeley Development Trust, UK to provide local employment in the form of site maintenance jobs. One of the key factors leading to the demise of the social enterprise was the failure to secure ongoing contracts (CABE 2012a).

Funding Sources

The advantage that Charitable Trusts have over public sector bodies in the UK, is that they are eligible for a greater range of financial support such as tax reliefs, grants and funding like Heritage Lottery Funding (HLF). Bankside Open Spaces Trust secured HLF to restore Redcross Gardens in 2005 (Southwark Council 2012), and Warley Woods Community Trust together with Sandwell Council were awarded a grant of £757,000 from the Urban Parks Program of the Heritage Lottery Fund in 1999, match funded by Sandwell Metropolitan Borough Council taking the project budget to just under £1 million for restoration of the park (CABE 2010a). However, not all Trusts have charitable status and it is important to remember, that with this status comes, the constraints of State Aid. This aims to prohibit state subsidies, which would provide certain organisations with an unfair advantage and has been argued to limit financial support available to voluntary (Third Sector) organisations (European Commission 2012a). However, a reform of the State Aid programme was undertaken in May 2012 with the aim of maintaining fair competition but enabling sustainable growth for community organisations (European Commission 2012b)

Other funding options

Additional finance options are available to Trusts to support the long-term management of spaces. These include:

- Donations
- Sponsorship from local and national companies
- Fundraising
- Events (formal and informal)
- Membership fees
- Income from assets such as rents from businesses on site or use of site for events
- Trading income, if it has a Company Limited by Guarantee as a Trading Arm

For assets leased to a Trust from a local authority, additional finance options available include:

- A Management Fee/Service Level Agreement from the local authority
- Section 106 agreements between the local authority and developers
- Endowments
- Dowries

Economic downturns, poor weather and other major events such as the Olympics, can result in reduced income for the Trust from a variety of sources such as donations, membership fees, dowries and events. For example, the Countryside Restoration Trust, UK had a worrying downward trend in their 2011 financial return, possibly as a result of the current economic downturn, meaning that they had to work even harder to source limited finance (Countryside Restoration Trust 2012).

In the United States, Land Trusts (LTs) (e.g. Trust for Public Land) are mainly funded by tax benefits, however, the importance of donations to these organisations has put forward the question with regard to social equity. It has been historically noted how LTs tend to flourish in wealthier areas, benefitting from donations and legacies (Elfring 1989; Merenlender et al 2004; Warren et al 2011). A suggested solution is the 'fostering' of LTs to lower-income communities to promote, enable and sustain *place-keeping* through, for example, out-reach programmes and training (Warren et al 2011).

Volunteer Value

Volunteers provide Trusts with an extremely valuable resource in terms of supporting the management and maintenance of open spaces. A recent Green Spaces Survey estimated volunteers in England having an equivalent value of between £22 m to £28 annually (CABE 2010b). In relation to this, Trusts can reduce costs and raise funds based on their volunteer commitment and expertise known as 'Sweat Equity'. This refers to a party's contribution to a project in the form of effort as opposed to financial equity, which is a contribution in the form of capital. Within a partnership, some partners may contribute to a project through capital and others through 'sweat equity' (e.g. St Minver Community Land Trust (CLT) and Cornwall Rural Housing Association, UK). Sweat equity has been used to subsidise affordable housing (National CLT Network and Somerset, Devon and Dorset CLT Project 2011). Sweat equity can also be used as match funding to apply for maintenance costs (CABE 2010a; Network for Europe 2012).

SWOT Analysis of Finance dimension in relation to Trust-led involvement in *place-keeping*:

Strengths:	Weaknesses:
• Charitable Trusts are exempt from certain UK taxes. • Have the potential to access a range of income sources. • Valuable Volunteer workforce.	• Time needed to seek funding takes away from delivery of Trust aims. No guarantee of onward funding. • Smaller Trusts lack capacity to complete funding applications.
Opportunities:	Threats:
• Match funding against volunteer input • Income generation through assets and rents. • Establish trading arm to generate income • Develop innovative processes. Have greater flexibility, freedom and funding options compared to a local authority. • Potential to become financially self-sufficient in long-term.	• Number of grants available to Trusts are shrinking. • Increased competition with other community groups for limited amount of money. • Difficulties accessing long-term revenue funds (e.g. for daily running and staff costs) • Funding grants are restricted by terms & conditions. Trusts may lack capacity to meet these (e.g. providing evidence of outcomes)

Evaluation

Definition: *Evaluation* monitors the process and product of *place-keeping* by assessing its economic, social and environmental benefits*.* It can be achieved through regular public surveys, awards schemes to improve the quality of the space and may also be used to monitor staff development to challenge existing practices and raise standards (Dempsey and Burton 2012).

Evaluation of *place-keeping* is essential in order to improve the overall process through assessment of efficiency and effectiveness of delivery and generation of an evidence base to guide best practice and enable knowledge transfer (Dempsey and Burton 2012).   Evaluation can guide Trust governance, provide robust evidence for funding bids and maintain and attract future partners and investors. More importantly, it enables community groups, such as Trusts, to monitor the changing needs of projects and communities they serve. Some form of evaluation reporting is usually a requisite of grant funding (e.g. it is a requirement of MP4). (CABE 2010a).

Monitoring and Outcomes

Place-keeping evaluation consists of two elements: ongoing monitoring, and outcome evaluation. A variety of methods and approaches can be used such as use of site surveys, satisfaction measures and award schemes. Internationally, the Municipality of Emmen, Netherlands is currently undertaking Trust pilot projects that will be monitored and evaluated, to assess and learn from the effectiveness of community groups participating in *place-keeping* based on the Trust model (Mous 2012).   These pilots can be used as examples of how the Government can transfer *place-keeping* responsibilities to communities now and in the future. The Waterfront Regeneration Trust, Canada has produced a book as a means of evaluating the last 10 years of their work; celebrating achievement and outlining an action plan to continue the process (Benson 2002).

Award Schemes

In the UK, awards schemes, such as Green Flag Award[2], Green Flag Community Award[3] and Sheffield Telegraph Environment Award[4], aim to provide a way of evaluating sustainable contributions to green spaces by community groups. Trusts that successfully achieve the Green Flag Award (e.g. Tarvin Community Trust, UK) or the Green Flag Community Award, formerly, the Green Pennant Award (e.g. Warley Woods Community Trust, UK) have shown that, compared against national standards, they have attained a recognised level of quality. Achieving awards can provide Trusts with increased credibility, valuable feedback for ongoing development and recognise Trustees and volunteers for their hard work and commitment. Consequently, partners are reassured, potential funders are attracted to invest and members are motivated to continue (CABE 2010a).

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[2]The Green Flag Award® scheme is the benchmark national standard for parks and green spaces in the UK. Launched in 1996 to recognise and reward the best green spaces in the country. Continues to provide the benchmark against which parks and green spaces are measured. Also seen as a way of encouraging others to achieve high environmental standards, setting a benchmark of excellence in recreational green areas (Green Flag Award (2012a).

[3]The Green Flag Community Award® (formally Green Pennant Award) is a national award that recognises high quality green spaces in the UK that are managed by voluntary and community groups. The Award is part of the Green Flag Award® scheme (Green Flag Award (2012b).

[4]Sheffield Telegraph Environment Awards has been running since 2006 and is sponsored by energy supplier E.ON (www.   ) individuals can nominate people and organisations who have made outstanding contributions to protecting the environment over the previous 12 months. Underpinned by partnership working providing sustainable solutions (Sheffield Telegraph 2012b)

Evaluation Challenges facing Trusts

Participating in award schemes and carrying out evaluation may prove a challenge when considering the limited resources of some Trusts and the challenge to local authorities to maintain the standard whilst receiving no additional funds as a result of the award (e.g. for Green Flag parks). Award schemes and competitions may also become victims of current funding cuts thereby providing Trusts with fewer opportunities to gain recognition for their work. For example the recent cancellation of the Sheffield In Bloom competition previously entered by SGCT, UK; (Sheffield Telegraph 2012a). In the US, despite an assumption of the positive associations of LTs with *place-keeping*, there have been difficulties drawing comparisons between case studies, obtaining up-to-date statistics, a paucity of research and lack of monitoring methods and standards, which have prevented quality evaluation taking place (Elfring 1989; Merenlender et al 2004). Warren et al (2011) highlight the need to also evaluate the effectiveness of partnerships between community and state organisations in delivering effective *place-keeping*.

SWOT Analysis of Evaluation dimension in relation to Trust-led involvement in *place-keeping*:

Strengths:	Weaknesses:
• Can use knowledge of site, year round access, community links and involvement to undertake evaluation. • Provide central hub to co-ordinate evaluation.	• May lack capacity to undertake ongoing monitoring or outcome measurements.
Opportunities:	Threats:
• Achieving local and national awards can increase credibility of a Trust and incite motivation within the Trust and partners. • Evaluation can provide information to reassure and attract partners and funders. • Evaluation can be used to guide the development of good governance within the Trust.	• Funding cuts may reduce a Trust's capacity to undertake evaluation. • External factors such as weather, vandalism and theft are out of Trust's control and may impact on the evaluation process.

Design, Management and Maintenance

> Definition: *Place-keeping* requires the delivery of a high quality, sustainable provision based on the interrelated aspects of *design, management and maintenance.* To deliver effective, efficient long-term results, community groups such as Trusts and their partners need to apply adequate consideration, time planning and regular review of the process and product (Dempsey and Burton 2012).

Why transfer *place-keeping* responsibilities to a Trust?

Transferring open space to Trusts can provide a number of benefits including involving local people who care about the area and are aware of problems when they arise, the creation of designs based on local needs, the potential to create/enhance local employment, improve personal and professional development of staff and local people and improve local partner relationships and effectiveness. For example, in the case of Tarvin Community Woodland Trust, UK, woodland planted to screen Tarvin village from a new bypass is now managed by the community Trust as an amenity for local people (CABE 2010a). Involving Trusts in this *place-keeping* dimension, provides communities with greater choice and control over how their open spaces develop in the long-term and raises community identity, aspirations and confidence to continue achieving despite future challenges.

Type of places under Trust-led management

The range of open spaces that Trusts could take responsibility for managing long-term, reflect the diversity of communities and the physical make-up of their locality. For instance, these include:

- Community gardens (e.g. Bankside Open Spaces Trust, UK)
- Cemeteries (e.g. Independent Cemeteries Trust, Australia),
- Spaces surrounding social housing (e.g. Emmerhout, Netherlands)
- Inland waterways (e.g. Waterways Trust, UK)
- Areas of coastline (e.g. Yorkshire Wildlife Trust, UK: Yorkshire Coastline), and
- National woodland (e.g. Woodland Trust, UK)

Assessing Trust capacity to undertake *place-keeping*

Prior to taking on a site, it is essential that community groups, such as Trusts assess their capacity to undertake long-term management and maintenance (Mathers et al 2011). There needs to be a balance between Trustee 'know-how' (personal skills, experience and knowledge), contextual support (political, financial, social and cultural) and meaningfulness/achievability of the project and tasks involved (motivation, ownership) (ComEnt 2001; Dempsey and Burton 2012). To effectively participate in *place-keeping*, the capacity of a Trust to deliver must respond to the dynamic nature of design, management and maintenance (Demspey and Burton 2012). Reduced long-term financial resources may require a Trust to reduce projects and community involvement to priorities of 'must do' rather than 'would like to do' (e.g. Nene Park Trust, UK) (CABE 2010a; Warren et al 2011)

Volunteer workforce

Although an extremely valuable asset in a Trust's capacity to undertake management and maintenance, the volunteer workforce can fluctuate depending on weather, health status, specific support needs and individuals moving on to paid employment. Volunteers may only be interested in the excitement of a major place-making project but less motivated to participate in *place-keeping* activities such as litter picking. Consequently, planning projects and day-to-day management and maintenance can be problematic for Trusts. A capacity to provide adequate supervision and insurance is also a necessity for Trusts to ensure before engaging in a project (Joseph Rowntree Foundation 2003; Black and Living 2004; CABE 2010a).

Environmental factors

In recent years, changes in global climate apparently resulting in extreme and unseasonable weather conditions have added a further challenging design factor when considering long-term management and maintenance. Storm damage and drought can lead to an increase in reactive and ongoing management. Bad weather may also deter and reduce volunteer participation and numbers. The Canal and River Trust, faced undertaking lengthy and potentially costly work to clear a section of the Huddersfield Narrow Canal, near Slaithwaite, East Yorkshire. Following weeks of heavy rain, a landslide had caused debris to block the canal, leaving canal users stranded for two weeks until specialist equipment could be sourced (Ginley 2012).

Key features for successful Trust-led design management and maintenance

Successful design, management and maintenance is dependent on the appreciation and application of the interrelatedness of these aspects and the other *place-keeping* dimensions (Dempsey and Burton 2012). Trusts have succeeded when they have selected a design which is not too ambitious, have the skills and resources to maintain that design and have ensured sufficient funds are in place for the long-term. Community involvement and volunteer input increases local pride and confidence and results in reduced incidences of vandalism and damage. For instance, the Tarvin Community Woodland Trust, (UK) encouraged involvement of the whole community in their *place-keeping* activities through volunteering and funding, which fostered a sense of ownership and pride and desire to ensure work is respected and valued (CABE 2010a). On a much larger scale, the success of the Waterside Regeneration Trust's (Canada) regeneration and *place-keeping* of the 350 kilometre Lake Ontario Trail; integrating ecological health, economic vitality and a sense of community, has required the same approach to design, management and maintenance as that of smaller Trusts. These include:

- Ensuring design and planning stages are transparent
- Providing meaningful opportunities to ensure inclusion of local people.
- Investing in the best design/performance available to ensure quality is upheld and sustained.
- Being aware of local heritage: linking future design with the past.

(Benson 2002; CABE 2012a)

SWOT Analysis of Design, Management and Maintenance dimension in relation to Trust-led involvement in *place-keeping:*

Strengths:	Weaknesses:
• Strong community links and involvement can help to ensure long-term success of projects. • Projects which are meaningful to local people promote motivation and maintain long-term community commitment. • Trusts have the capacity and flexibility to alter their approach in line with community needs. • Established Trusts can use previous experience to guide design, management and maintenance.	• Previous successes on small-scale projects may cause Trusts to become over ambitious, taking on projects they lack the capacity to deliver long-term. • Planning and delivery is largely reliant on volunteers who may not possess the necessary skills or ability to commit long-term. • Pressure to source funding can take qualified staff away from their delivery and supervisory roles.
Opportunities:	**Threats:**
• To develop innovative delivery approaches within the Trust / to meet Charitable aims due to increased flexibility and freedom compared to a local authority. Lack of available resources and funding also necessitates this. • Through ongoing community involvement can change public perceptions of an issue and /or site in terms of how it can be used and community responsibilities towards its *place-keeping.*	• Current difficulty accessing long-term revenue funding may prevent Trusts from participating in *place-keeping* activities.

Benefits and Limitations of Trust-led involvement in *place-keeping*

To summarise, the key benefits and limitations of applying the Trust Model and a Trust-led approach to partnership working in *place-keeping* are highlighted in the tables below and organised in terms of the six *place-keeping* dimensions:

Table 2: Benefits of the Trust-led approach to *place-keeping*

Place-keeping Dimension	Benefits of Trust-led approach
Partnership	• Trusts have political independence with established strong partnership networks with community and a variety of other organisations. • Can establish a group of *place-keeping* partners without local authority input.
Governance	• More formalised than e.g. informal *place-keeping* groups such as Friends of Groups, with improved legal status and governance. • Can legally hold property/assets.
Policy	• Can provide a vehicle for harnessing community involvement to develop bottom-up policies. • Can benefit from the overarching policies of an umbrella organisation, if part of a larger network of Trusts. • Strong partnerships with local authority provide opportunity for their input into local policy development
Finance	• Charitable status provides eligibility for grants and funding that local authority are not able to access. • Additional income from membership fees and fundraising. • Opportunity of having trading 'sister organisation'.
Evaluation	• Site-specific Trusts work on-site, increasing their ability to undertake baseline measures, ongoing monitoring and outcomes. • Trusts operating on a regional or national scale can provide a 'central evaluation hub' to co-ordinate evaluation activity.
Design, management and maintenance	• Valuable volunteer workforce with strong community links. • Benefit from local knowledge and experience. • Greater flexibility to innovate compared to local authorities due to lesser government-posed constraints.

Table 3: Limitations of the Trust-led approach to *Place-keeping*

Place-keeping Dimension	Limitations of Trust-led approach

Partnership	• Conflict can occur between Trust and partners on internal and external levels:
	    • Internally between Trustees, staff and volunteers, especially if lack capacity to manage conflict.
	    • Externally, between Trust, public body and community if feel work is not being achieved or with other Trusts/organisations if competing for same funding.

Governance	• Can be issues concerning poor governance to support *place-keeping* if there is a lack of Trustee knowledge and/or skills in this area.
Policy	• Can be difficult to bridge gap between well intentioned aims of policies and realities faced by Trusts.
Finance	• Economic constraints can lead to a lack of capacity to devote time/expertise to completing funding bids – individuals unable to work to their strengths. • Pressure to find finances to fund their jobs rather than focus on sourcing revenue funding for *place-keeping*.
Evaluation	• Can be a lack of capacity in terms of knowledge, funding and staffing resources within a Trust to undertake evaluation on a long-term basis and disseminate to funders, partners.
Design, management and maintenance	• Can be reliance on volunteers to undertake a large part of work. • Economic constraints may prevent funding of skilled paid staff to manage delivery or supervise volunteers or employ external experts to assist with design and delivery.

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Web links

UK

Bankside Open Spaces Trust, London, UK: http://www.bost.org.uk/

Canal and Rivers Trust, The, UK: http://www.canalrivertrust.org.uk

Community Land Trust, UK: http://www.communitylandtrusts.org.uk

Conservation Volunteers, The (previously the British Trust for Conservation Volunteers): www.tcv.org.uk/

Countryside Restoration Trust, UK: http://www.countrysiderestorationtrust.com/

Exhibition and Brandling Parks Trust: www.healthycity.org.uk/pages/newcastle-healthy-city/who-we-are/history/exhibition-and-brandling-park-trust.php

Groundwork Sheffield, UK: http://www.yorkshire.groundwork.org.uk/sheffield/

Groundwork South Yorkshire: http://www.yorkshire.groundwork.org.uk/sheffield.aspx

Groundwork, UK: http://www.groundwork.org.uk/

Heeley Development Trust, Sheffield, UK: http://www.heeleydevtrust.com/Pages/links.htm

Land Trust, The (formerly the Land Restoration Trust), UK: http://www.thelandtrust.org.uk/

Manor and Castle Development Trust, Sheffield, UK: http://www.manorandcastle.org.uk/

Milton Keynes Parks Trust: http://www.theparkstrust.com/

National Trust, UK: http://www.nationaltrust.org.uk/

Nene Park Trust, UK: http://www.neneparktrust.org.uk/

Potters Fields Park Management Trust: www.pottersfields.co.uk

Royal Society for the Protection of Birds, UK: http://www.rspb.org.uk/

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Sheffield Botanical Gardens Trust: http://www.sbg.org.uk/trust.asp

Sheffield General Cemetery Trust, The, UK: http://www.gencem.org

South Yorkshire Buildings Preservation Trust http://southyorkshirebuildingspreservationtrust.org/

Tarvin Community Woodland Trust, UK: http://www.tarvincommunitywoodland.org/

Torbay Coast and Countryside Trust established by Torbay Council: http://www.countryside-trust.org.uk/

Warley Woods Community Trust: http://www.warleywoods.org.uk/

Waterways Trust, UK: http://www.thewaterwaystrust.org.uk/

Wildlife Trust for Sheffield and Rotherham, The, UK: http://www.wildsheffield.com/

Wildscapes CIC, UK: http://www.wildscapes.eu/

Woodland Trust, UK: http://www.woodlandtrust.org.uk/en/Pages/default.aspx

Yorkshire Wildlife Trust, UK: http://www.ywt.org.uk/

Europe

The Aage V. Jensen Nature Fund: http://www.avjcf.org/

Bürgerpark Association, Bremen, Germany: http://www.buergerpark.de/unterstuetzung/verein/

Danish Society for Nature Conservation, The (Danmarks Naturfredningsforeningen): http://www.naturstyrelsen.dk/International/English/

Fondation du Patrimoine: http://www.fondation-patrimoine.org/

Fuglsang Hedes Græsningslaug: http://www.fuglsanghede.dk

Residential Business Pilot Project, Netherlands: http://www.bewonersbedrijven.nl

Statens fastighetsverk (National Property Board Sweden): http://www.sfv.se

Outside Europe

Groundwork USA: http://groundworkusa.org

Heritage Canada Foundation (National Trust for Canada): http://www.heritagecanada.org/

Independent Cemeteries Trust, Australia: http://www.rookwoodindependent.com.au/

Japan Groundwork Association, The (JGA): http://www.groundwork.or.jp/english/uk.html

Land Trust Alliance, USA: http://www.landtrustalliance.org/

The New Zealand Historic Places Trust, New Zealand: http://www.historic.org.nzQEII National Trust, New Zealand: http://www.openspace.org.nz/

Waterfront Regeneration Trust, Canada: http://www.waterfronttrail.org/