

GRANTS DETERMINATION (CABINET) SUB-COMMITTEE SUPPLEMENTARY AGENDA

MAYOR

Mayor John Biggs

MEMBERS

Councillor Sirajul Islam	(Statutory Deputy Mayor and Cabinet Member for Housing)
Councillor Rachael Saunders	(Deputy Mayor and Cabinet Member for Health & Adult Services)
Councillor Asma Begum	(Cabinet Member for Community Safety)

Deputies:

Councillor David Edgar (Cabinet Member for Resources)

[The quorum for the meeting is 3 Members]

MEETING DETAILS

Monday, 10 July 2017 at 6.00 p.m.

Room MP702, 7th Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG

The meeting is open to the public to attend.

Further Information

The public are welcome to attend meetings of the Grants Determination Sub-Committee.

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7.7 School Clothing Grants: 2017/18 Academic Year (Pages 1 - 8)

8. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

8.1 Community Buildings Review - Extended Scope (Pages 9 - 14)

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Grants Scrutiny Sub-Committee 3rd July 2017	
Grants Determination Sub-Committee 10th July 2017	Classification: Unrestricted
Report of: Debbie Jones, Corporate Director, Children's	
School Clothing Grants: 2017/18 academic year	

Originating Officer(s)	Christine McInnes
Wards affected	All wards
Key Decision?	Yes
Community Plan Theme	A Prosperous Community

Reasons for Urgency

The Clothing Grant is an important practical way that the Council supports lower income families to ensure their children have the appropriate school uniform at the beginning of the school year.

Last year the decision was made late which meant that families were not issued with the grant until late in August which caused them undue stress and resulted in reputational damage to the Council.

The work around enabling the payment of the grants straddles two directorates and due to staff changes it was not appreciated that Education and Partnerships Division should lead on drafting the report. This has meant that the report has not been prepared sooner. It is requested that the report is considered at the 10th July meeting of the Grants Determination (Cabinet) Sub Committee (GDSC) to ensure timely payment is made to families.

Executive Summary

This report seeks approval for the continuation of the school clothing grant. The policy was formerly approved by Commissioners for 2016/17, and the award agreed for 2016/17. This seeks approval for the school clothing grant for the 2017/18 year.

Recommendations:

The Grants Committee are recommended to:

- 2.1 Approve the provision by the Council of school clothing grants in 2017/18 within the budget specified in paragraph 5.1 of this report.
- 2.2 Authorise the Corporate Director Resources or her duly authorised representatives to be able to determine the granting of funds from that

budget on a time for time basis for the purposes of carrying out the activities described in this report.

1. REASONS FOR THE DECISIONS

- 1.1 The amount of £201,000 was allocated for the purpose of school clothing grants in this year's budget. This allows the Directorate to direct funds towards areas of identified need, and is the recommended option.
- 1.2 Grants Committee are asked to review and renew this aspect of discretionary award scheme with regard to school clothing grants. The policy given in Appendix 1 is as approved on 28th May 2015, updated with an appropriate closure date for 2017 within section 4.1

2. ALTERNATIVE OPTIONS

- 2.1 The policy to disburse these grants was agreed by Commissioners on 28th May 2015. The alternative would be to not provide grants. This would have a negative impact on the ability of families in receipt of welfare benefits in the borough to provide uniform and related items for their children and thereby possibly limit their involvement in the school curriculum.

3. THE DIRECTORATE'S PROPOSED DISCRETIONARY AWARD FOR CLOTHING, 2017/18 ACADEMIC YEAR

3.1 School Clothing Grant Policy

- 3.2 The Council has power under section 518 of the Education Act 1996 and the Local Education Authority (Payment of School Expenses) Regulations 1999 to pay expenses to enable a child attending a maintained school to take part in any school activity. The Council may make such a payment where satisfied that it should be made to relieve financial hardship, but the payment must be related to the means of the child's parents. The 2012 awards were made under this scheme in the 2014/15 academic year, awards were made under the scheme in the 2015/16 and 2016/17 academic years.
- 3.3 The School clothing Grants policy is attached at Appendix 1. A minor revision has been made to paragraph 2.4.1 of the policy to take account of Universal Credit which was introduced to Tower Hamlets in the 2015/16 financial year.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 The funding allocated the school clothing Grant is £201,000 for the academic year 2017/18. There are no new financial implications arising from the recommendations in this report.

5. Legal Comments

- 5.1 The Council has power to make the grants under section 1 of the Localism Act 2011 which gives the Council the general power of competence. This means that the Council has the power to do anything which an ordinary human being could do, unless statute specifically restricts the Council from acting in the way it wishes. It appears that there is no specific legislation prohibiting the making of the grant itself.
- 5.2 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty. This means that it will have to ensure that any grant is made under terms that enable the proper monitoring of outcomes to demonstrate that the money achieves the intended results.
- 5.3 To this end the Council should also ensure that it has proper resourcing in place to monitor the use of the grant payments. The Council could consider requiring repayment of the grant in the event that the funds are used for a purpose for which it was not originally intended.
- 5.4 The Council must operate a fair and open application procedure to process a request to obtain funding. Requests for grant funding should ordinarily be measured against a predetermined set of criteria and the criteria themselves must be fair and transparent. The criteria must also reflect any statutory restrictions and imperatives.
- 5.5 In any event the Council must apply its School Clothing Grant Policy equally in respect of all recipients of the grant in order to demonstrate that a reasonable and rational process has been followed. The 2016/17 School Clothing Grant Policy is at Appendix 1.
- 5.7 When making decisions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). A level of equality analysis is required in order for the Council to properly understand the implications of its decisions in respect of persons who have a protected characteristic to discharge the duty.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Education is crucial in allowing people to compete successfully in society. The adoption of the power to make discretionary awards will help to ensure equality of opportunity by mitigating financial barriers to education and thereby assisting equality of access to all residents regardless of race, gender, disability, sexual orientation, and religion/beliefs. This will assist the work of building aspiration among Tower Hamlets students at a time when

the lack of economic opportunity means that competition for jobs is ever greater.

- 6.2 Equalities Analyses were carried out on the Discretionary Awards Schemes shown in this report for previous academic years and the scheme was found to have an overall positive effect on breaking down barriers to participation and on the protected groups concerned. There is no significant change proposed to the scheme and information gathered during 2016/17 has not suggested any adverse equalities impact. In the circumstances the last equalities analysis is still considered to be relevant.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 This money is administered by our Benefits team using their established systems and procedures, thereby minimising administration costs. Families will typically already qualify for benefits and so will be known to the staff administering the scheme, ensuring a high degree of reach.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no SAGE issues arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The discretionary award policies are cash limited wherever possible and an overspend in one can be compensated by an underspend in another. Reputational risk is guarded against by the annual review of the policies which seeks to ensure that they respond to need.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 Cutting crime and anti-social behaviour is about improving quality of life. The discretionary award policies do this by obviating financial need where possible, by allowing young people to fulfil their potential by channelling their energies in a positive way and in some cases by focussing on early intervention.

11. SAFEGUARDING IMPLICATIONS

- 11.1 There are no safeguarding implications. However, these grants ensure that children from our poorest families are able to afford basics of school uniform, potentially freeing-up family funds for use elsewhere in the family budget.

12. APPENDICES

Appendix 1 – updated School Clothing Grant Policy 2017/18

None

N/A

1 School Clothing Grant

- 1.1 The School Clothing Grant is a single payment of £110 made on one occasion where a pupil transfers from primary to secondary school for pupils from low income families. The grant is made for the academic year in which the pupil reaches the age of 12.
- 1.2 Grants will be made wherever possible in advance of the start of the Autumn term so that parents have access to the money when most needed.

2. Conditions of eligibility

- 2.1 Applicants **must** satisfy the following requirements of the policy to be eligible for a School Clothing Grant:
- age;
 - residence;
 - school;
 - income.

2.1 Age limits

- 2.1.1 Pupils can be considered for a School Clothing Grant for the academic year in which they become 12 years old. Overage and underage pupils may also qualify where their secondary transfer has been approved by the Educational Psychologist and School Development Adviser.
- 2.1.2 The start of the academic year is defined as 1st September.

2.2 Residence requirements

- 2.2.1 The Authority will consider applications from parents and carers living within its area.

2.3 Approved institutions

- 2.3.1 School Clothing Grants will be made to pupils attending courses of secondary education at maintained and private sector secondary schools.

2.4 Benefit requirement

- 2.4.1 To be eligible for a School Clothing Grant the parents or carer must receive one of the following:
- income based Job Seekers Allowance;
 - Income Support;
 - Income related Employment Support Allowance
 - Guaranteed Pension Credit
 - Universal Credit with assessable earnings of less than £16,190 per annum

or

- Have a total income of less than £16,190 (excluding child tax credit and child benefit, but including any Working Tax Credit you may receive).

2.4.2 Pupils whose parents or carers are asylum seekers will be eligible to be considered for a School Clothing Grant where their parents or carers receive NASS (National Asylum Support Service) support under part IV of the Immigration and Asylum Act 1999.

2.4.3 The applicant, their parents or guardians must receive a qualifying benefit at the time of applying.

3. Administration of the payment

3.1 The School Clothing Grant is paid as a single cheque of £110 or bank transfer to the parent or carer of the pupil.

4. Closing dates

4.1 The School Clothing Grant application forms for the academic year must be received by the Housing Benefits Team by **5pm on the last working day of September.**

5 Exceptional circumstances


5.1 Applications for School Clothing Grants received after the closing date will only be accepted in exceptional circumstances where the pupil and family meet all the criteria of this policy other than having made an application on time.

5.2 Parents applying on exceptional grounds will be asked to provide supporting evidence from a relevant professional, for example an Attendance and Welfare Adviser or Lead Professional.

6 Appeals

6.1 Appeals must be made in writing and will be considered by a panel comprised of at least two senior officers from Pupil and Student Services. Appeals must be accompanied by evidence that the parent or guardian was in receipt of an appropriate benefit as described on paragraph 2.4.1 and 2.4.2 at the time of applying.

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<p>Grants Determination (Cabinet) Sub-Committee</p> <p>10th July 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Zena Cooke, Corporate Director of Resources</p>	<p>Classification: Unrestricted</p>
<p>Community Buildings Review – Extended Scope</p>	

Lead Member	Cllr David Edgar, Cabinet Member for Resources
Originating Officer(s)	David Freeman, Strategy Manager, Voluntary and Community Sector Emily Fieran-Reed, Service Manager, Community Cohesion, Engagement and Commissioning
Wards affected	All wards
Key Decision?	No
Community Plan Theme	A Great Place to Live

REASONS FOR URGENCY

This report was submitted within the publication timescales specified under Access to Information Rules, however due to a clerical error it was omitted from the agenda. The document has been published as soon as the error was detected.

Executive Summary

This report seeks approval for officers to undertake further work within the scope of the recommendations agreed by Cabinet on 1 November 2016 set out in paragraph 3.1 of this report. This work will include all Council owned premises occupied by voluntary and community sector (VCS) organisations.

The report also seeks approval for officers to review the process and criteria for reduced rent agreed by Cabinet. This will be undertaken in order to ensure they are appropriate in the context of the wider reviews of the Council's support to the voluntary and community sector being undertaken as the delivery of the VCS Strategy Action Plan progresses. In addition, this report seeks agreement for officers to explore these possibilities and develop options to mitigate potential unintended consequences for local VCS organisations.

Recommendations:

Grants Determination (Cabinet) Sub-Committee is recommended to:

1. Agree to extend the scope of the review of Council owned community buildings occupied by voluntary and community sector (VCS) organisations agreed by Cabinet on 1 November 2016 to include all Council owned buildings occupied by VCS organisations;
2. Agree that the process and criteria for reduced rent agreed by Cabinet on 1 November 2016 be extended to apply to all Council buildings and reviewed to ensure they are appropriate in the context of the wider review of Council support to the VCS; and
3. Agree that further work is carried out to explore the potential unintended consequences for local services of implementing the new arrangements and ways of mitigating the impact, including exploring possible transitional arrangements for organisations affected by the changes, where appropriate.

1. REASONS FOR THE DECISIONS

- 1.1 On 1 November 2016, Cabinet agreed a number of recommendations set out in paragraph 3.1 below, intended to provide a fair, open and transparent framework to guide the Council's future relationship with voluntary and community sector (VCS) organisations occupying its premises. The report focussed on premises held within the Council's community building portfolio. However, there are a number of Council owned buildings used by VCS organisations which do not fall within that portfolio. In order to ensure consistency of the Council's approach to organisations using its premises, it is necessary to extend the premises review to include all such premises.

2. ALTERNATIVE OPTIONS

- 2.1 The Council could continue with the review as previously agreed by Cabinet. This would not be in keeping with the aims of the Council's Voluntary and Community Sector Strategy and the Council's wider commitment to transparency and fairness.

3. DETAILS OF REPORT

- 3.1 On 1 November 2016 Cabinet received a report from the Cabinet Member for Resources setting out recommendations relating to the Council's provision of premises to support the work of voluntary and community sector (VCS) in the borough. Cabinet agreed:

1. That a network of community hub buildings be established throughout the borough;
 2. The key terms for leases as set out in paragraph 5.3 of the report;
 3. That where community groups are to remain in existing accommodation, that this accommodation will be on the basis of a formal lease with a community rent;
 4. That, in some cases, THH-recognised tenants and residents associations (TRAs), who can demonstrate intensive use of the property, may be issued with a lease based on a peppercorn rent for their TRA activities;
 5. The community benefit rent reduction policy, which affords eligible organisations a subsidy of 80% of their market rent, as set out in section 13 of the report;
 6. The proposed criteria, independent assessment tools and process and the monitoring and reporting arrangements for the community benefit rent reduction policy as set out in paragraphs 13.8 to 13.24 of the report;
 7. The proposed plan and approach for implementing the community benefit rent reduction policy, working with Tower Hamlets Council for Voluntary Service (THCVS) to support the voluntary and community sector organisations; and
 8. To note that the additional capital and revenue resourcing required for the delivery of the community buildings policy will be considered as part of the Council's Medium Term Financial Strategy.
- 3.2 Officers have been working to implement the recommendations agreed by Cabinet. To date, officers have;
- i. Transferred those community buildings identified as vacant to alternative use;
 - ii. Agreed heads of terms with the majority of premises identified as being used as nurseries, and
 - iii. Begun the process of negotiating heads of terms with the remaining premises i.e. those identified within the portfolio as "community halls".
- 3.3 Tower Hamlets' VCS Strategy and the premises policy itself seek to promote transparency and parity of treatment of VCS organisations. We will therefore be reviewing these new arrangements in relation to how they should also apply to VCS organisations which use Council owned premises not designated within the portfolio as community buildings. The review will also make any further procedural changes deemed beneficial.
- 3.4 The initial review included the 74 buildings within the Council's portfolio designated as 'community buildings'. However, there are approximately 30 other buildings owned by the Council where VCS organisations may have substantial or exclusive use. Widening the scope of the review will see the introduction of more consistent formal arrangements to regularise use by the VCS in relation to the Council portfolio as a whole.

- 3.5 As the delivery of the VCS Strategy Action Plan progresses, there will be reviews of the ways in which the council supports services provided by the VCS, particularly through commissioning and grants. It is therefore important that the standards required of VCS organisations across all forms of financial and wider support are consistent and proportionate. The criteria for reduced rent will need to be consistent and therefore may need amendment. It is therefore proposed that the rent reduction policy is widened to apply VCS organisations in all types of Council buildings.
- 3.6 It is proposed that further work be done to explore potential consequences and how they may be mitigated by, for instance, transitional arrangements. This will consider how organisations will be affected, in particular, viability issues where there could be the unintended consequence of loss of valuable services to the community.
- 3.7 It is now proposed that, while retaining the principles agreed by Cabinet:
1. The scope of the review is extended to include all Council owned buildings occupied by VCS organisations;
 2. The process and criteria for reduced rent is extended to VCS organisations in council buildings not designated as community buildings and be reviewed to ensure they are appropriate in the context of the wider review of Council support to the VCS; and
 3. Further work is carried out to explore the potential consequences for local services of implementing the new arrangements and ways of mitigating any impact, including exploring possible transitional arrangements for organisations affected by the changes, where appropriate.
- 3.8 The extended review will commence in July. The initial review to establish how the new arrangements may also apply to VCS organisations which use Council owned premises not designated as community buildings should be completed by the end of the summer and it is anticipated that the full review will be complete by 31 December 2017 so that it can be implemented with effect from 1 April 2018.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report follows on from the 'Community Buildings Review' report considered by Cabinet on the 1st of November 2016.
- 4.2 Where the broadening of the review to encompass other Council buildings results in proposals for either a reduced rental yield or transitional support to mitigate what are described as unintended consequences, these will require further approval including the identification of appropriate resources.
- 4.3 The cost of the work detailed within this report can be carried out within existing resources.

5. LEGAL COMMENTS

- 5.1 The report seeks authority for officers to undertake a wholesale review of the Community Benefit Rent Reduction policy, agreed by Cabinet on 1 November 2016.
- 5.2 There are no direct legal implications arising from the decision to undertake a review. However, legal advice should be sought as part of the review process.
- 5.3 The Council is required under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvements in the way in which its functions are exercised, having regard to a combination of economy efficiency and effectiveness”. Best value can include consideration of community or social value and this will be considered at the appropriate juncture.
- 5.4 In accordance with the Equality Act 2010, the Council must have due regard to the need to eliminate unlawful conduct, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. Given the nature of the organisations to whom the policy applies, further equality impact analysis may need to be undertaken in order to assess and mitigate any likely impact of the criteria/policy on groups who share a protected characteristic.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The 1 November Cabinet report identified that supporting the VCS will increase social capital as well as foster and strengthen community cohesion. It also highlighted the role of the VCS in helping to reduce poverty.
- 6.2 The full equalities analysis appended to the report concluded that the proposed community benefit rent reduction policy does not appear to have any adverse equalities impact on people who share protected characteristics and no further actions were proposed other than those already set out in the action plan
- 6.3 Further equalities analysis will be included in the proposed extended review.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The 1 November Cabinet report identified how the proposed changes would align with the council’s Best Value Action Plan through:
- a. Better utilisation of council assets through the establishment of community hubs;
 - b. Properties will be occupied on the basis of formal leasing arrangements setting out clearly the respective responsibilities of landlord and tenant;
 - c. Through the rent reduction scheme, the council will be demonstrating a tangible benefit for rental income foregone.

7.2 The proposals set out in this report will similarly align with the Best Value Action Plan.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no immediate and significant sustainability implications arising from this report.

9. RISK MANAGEMENT IMPLICATIONS

9.1 Having a clear, consistent and transparent policy relating to the use of all council owned premises by VCS organisations will reduce the risk of challenge on decisions the council may take in these matters.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no immediate crime and disorder reduction implications arising from this report.

11. SAFEGUARDING IMPLICATIONS

11.1 There are no immediate safeguarding implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- Cabinet Report 1 November 2016 Community Buildings Review – Recommendation Report

Appendices

- None

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

Officer contact details for documents:

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