

COMMISSIONERS' DECISION MAKING MEETING

Wednesday, 20 May 2015 at 2.00 p.m.

C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

The meeting is open to the public to attend.

Members:

Sir Ken Knight (Chair)	(Commissioner)
Chris Allison	(Commissioner)
Max Caller	(Commissioner)
Alan Wood	(Commissioner)

Public Information:

The public are welcome to attend these meetings.

Contact for further enquiries:

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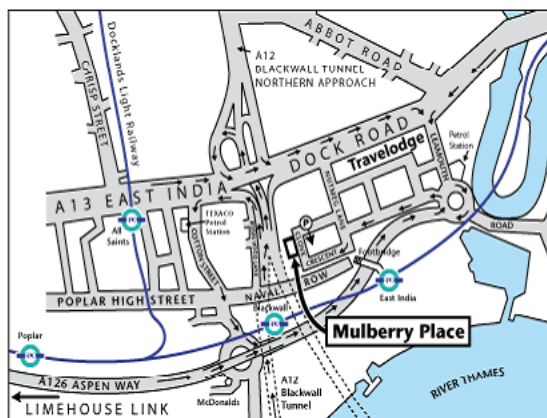
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A Guide to Commissioner Decision Making

Commissioner Decision Making at Tower Hamlets

As directed by the Secretary of State for Communities and Local Government, the above Commissioners have been directed to take decision making responsibility for specific areas of work. These include examples such as the disposal of properties, awarding of grants and certain officer employment functions. This decision making body has been set up to enable the Commissioners to take their decisions in public in a similar manner to existing processes.

Key Decisions

Executive decisions are all decisions that are not specifically reserved for other bodies (such as Development or Licensing Committees). Most, but not all, of the decisions to be taken by the Commissioners are Executive decisions. Certain important Executive decisions are classified as **Key Decisions**.

The constitution describes Key Decisions as an executive decision which is likely

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the borough.

Upcoming Key Decisions are published on the website on the 'Forthcoming Decisions' page through www.towerhamlets.gov.uk/committee. The Commissioners have chosen to broadly follow the Council's definition in classifying their determinations.

Published Decisions

After the meeting, any decisions taken will be published on the Council's website.

- The decisions for this meeting will be published on: **Friday, 22 May 2015**

LONDON BOROUGH OF TOWER HAMLETS
COMMISSIONERS' DECISION MAKING MEETING

WEDNESDAY, 20 MAY 2015

2.00 p.m.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

To note any declarations of interest, including those restricting voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

3. DECISIONS OF THE PREVIOUS MEETING

To note the decisions of the meeting held on 13 May 2015.

4. CONSIDERATION OF PUBLIC SUBMISSIONS

Consideration of any comments received from members of the public in relation to any of the reports on the agenda.

[Any submissions should be sent to the clerk listed on the agenda front page by 5pm the day before the meeting]

5. REPORTS FOR CONSIDERATION

5.1 Stepney City Farm Educational Facilities

5 - 14

**Stepney
Green**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-


- Meic Sullivan-Gould, Interim Monitoring Officer, 020 7364 4800
- John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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<p>Commissioner Decision Report 20th May 2015</p>	
<p>Report of: Aman Dalvi Corporate Director, Development and Renewal</p>	<p>Classification: Unrestricted</p>
<p>Stepney City Farm Educational Facilities Match Funding</p>	

Originating Officer(s)	Jonathan Taylor
Wards affected	Stepney
Key Decision?	Yes
Community Plan Theme	A Great Place to Live; A Prosperous Community
Reasons for Urgency	The educational facility will deliver a new indoor space (Ecopod) providing a bigger teaching area and also include an outdoor kitchen area to provide an additional teaching zone and alternative resource. The new facilities need to be delivered over the summer months to allow Stepney City Farm the ability to expand the current lesson and tour programme for the new school term 2015/2016. The Ecopod class room can only be delivered through Pod Living Ltd as they are the sole supplier of the Ecopod. However the build date is insecure as no agreement has been signed due to the lack of written confirmation of the funding. The last possible day that the windows and doors can be ordered (they are made to measure) in order for the build to go ahead on the 15th June is the 28th May, but formal approval is required now in order to sign the build contract and for this to go ahead.

Executive Summary

This report relates to the release of £50,000 to Stepney City Farm to deliver an improved educational facility. The £50,000 is match funding to the Farm who have successfully secured £50,000 from the Reaching Communities, Big Lottery Fund.

Stepney City Farm is a working farm and community meeting place and provides opportunities for children and adults a chance to meet farm animals, learn how to grow food and try out arts and crafts. The farm also hosts school groups four days a week during term time as well as activities during the holiday. Local residents formed the charity Stepney City Farm in 2009 and lease the land from the Council. The farm is on land owned by the Council as trustee for the King Georges Fields, Mile End charity.

The proposed educational facility will meet an identified shortage of appropriate indoor space at the Farm to deliver the current and future educational programme. This will enable the Farm to provide an improved service to the local community, primarily school children and volunteers, but also the elderly and disabled who utilise the farm services.

The £50,000 proposed for the educational facility is to be funded through a section 106 contribution. The proposals comply with the terms of Paragraph 1, Schedule Eighteen of the s106 agreement relating to the Ocean Estate redevelopment (planning ref PA/09/02584 and PA/09/02585 and PA/11/01294) as varied on 6th February 2014 (ref PA/13/00730).

The Planning Contributions Overview Panel (PCOP) approved the project on 26th March 2015 following development of a project initiation document.

Recommendations:

The Commissioners are recommended to:

1. Note the improvements proposed at Stepney City Farm
2. Note the monies secured by alternative funding (Big Lottery Fund)
3. Agree a grant of £50,000 to Stepney City Farm from section 106 monies to fund construction of new educational facilities

1. REASONS FOR THE DECISIONS

1.1 The approval of this report which includes match funding for improved educational facilities at Stepney City Farm will provide the following benefits:

- The release of £50,000 from the s.106 contribution provides Stepney City Farm with the funding they require to deliver the Ecopod educational facility
- It will ensure Stepney City farm are able to access the Big Lottery Fund grant (£50,000)
- It will provide a new indoor space (Ecopod) providing a larger indoor teaching area and also include an outdoor kitchen area to provide an additional teaching zone and alternative resource.
- It will allow Stepney City Farm the ability to expand the current lesson and tour programme, in particular to offer secondary school workshops. This will allow Stepney City Farm to increase the number of schools associated with the Farm and increase pupil numbers attending the Farm
- The improved indoor teaching area will allow a year round volunteer

programme to be provided

- It will enable the Farm to provide an improved service to the local community, school children and volunteers
 - The project will help to increase visitor numbers to the Stepney City Farm and the wider borough area adding to existing visitor attractions and facilities in this area.
 - The improved educational space and Ecopod classroom has the potential to enhance the ability to further the charitable objectives of the Farm as well as improve the amenity value of the land.
 - It will ensure that the finances are spent in accordance with the S106 obligation and deliver the projects as agreed with the s106 contributors
- 1.2 The project to provide the educational space has been identified and agreed with the s106 contributors, prior to release of the funds to Tower Hamlets in accordance with the S106 agreement. Approval was granted September 2014 and the s106 contribution received by the Council October 2014.
- 1.3 The project was approved by PCOP and Owen Whalley, Head of Planning & Building Control at the PCOP meeting on 26th March 2015.

2. ALTERNATIVE OPTIONS

- 2.1 The finances have been secured through the s106 process with the deliverable projects identified and agreed with the s106 contributors prior to release of the finances to the Council. No alternative projects have been considered for the £50,000.

3. DETAILS OF REPORT

- 3.1 Stepney City Farm is a working farm and community meeting place and provides opportunities for children and adults a chance to meet farm animals, learn how to grow food and try out arts and crafts. The farm also hosts school groups four days a week during term time as well as activities during the holiday.
- 3.2 The current educational space on site is considered too small for the expanding educational programme and a dedicated education centre is considered essential to continue to deliver the programme which includes:
- Provision for the two Education Officers
 - Accommodate school groups four days a week
 - Continue to work with 22 schools and over 2,620 primary children per

year

- 3.3 The proposed educational facility will meet an identified shortage of appropriate indoor space at the Farm to deliver the current and future educational programme. This will enable the Farm to provide an improved service to the local community, primarily school children and volunteers, but also the elderly and disabled who utilise the farm services.
- 3.4 The educational facility will deliver the new indoor space (Ecopod) providing a bigger teaching area and also include an outdoor kitchen area to provide an additional teaching zone and alternative resource.
- 3.5 The £50,000 proposed for the educational facility is to be funded through s106 contribution. The proposals comply with the terms of Paragraph 1, Schedule Eighteen of the s106 agreement relating to the Ocean Estate redevelopment (planning ref PA/09/02584 and PA/09/02585 and PA/11/01294) as varied on 6th February 2014 (ref PA/13/00730).
- 3.6 The variation undertaken in February 2014 was a result of the Developer inability to fulfil the sustainability requirements of the planning permission.
- 3.7 The February 2014 agreement obliged the Developer to pay the Council £250,000 'Ben Johnson Road Contribution' for carrying out Ben Johnson Road Improvement Works: "*improvement works to Ben Johnson Road or other improvement works in the vicinity (within or adjacent to Ocean Estate) to be carried out by the Council in accordance with a scheme to be approvedin accordance with Schedule 18 of this agreement*".
- 3.8 Schedule 18 required the Council to prepare a proposed scheme and submit for approval by the s.106 Contributors. The financial contribution was paid to the Council in two £125,000 equal shares from each developer on approval of the proposed scheme, which reflected the intentions of all parties for the contribution to be used towards sustainability projects. The £50,000 funding for the Stepney City Farm educational facility will be drawn down from the £250,000 contribution.
- 3.9 The proposed scheme was approved by both parties in September 2014 and the Council received payment totalling £250,000 in 2 x £125,000 by the developers on 15/10/2014 and 31/10/2014.
- 3.10 The scheme to provide the educational space has therefore been identified and agreed with the s.106 contributors prior to the funds being released to the Council. This was undertaken and an outline of proposed works submitted to the parties for agreement Approval was granted September 2014 and the s106 contribution received by the Council October 2014.
- 3.11 The £50,000 proposed is match funding to the Farm who have successfully secured £50,000 from the Reaching Communities, Big Lottery Fund.

- 3.12 Planning permission for the Ecopod was granted by Tower Hamlets in April 2014 under reference - PA/14/00249.
- 3.13 The urgency for undertaking a decision on this is due to the timing of the build over the summer months. This would allow Stepney City Farm the ability to expand the current lesson and tour programme for the new school term 2015/2016.
- 3.14 The Ecopod classroom can only be delivered through Pod Living Ltd as they are the sole supplier of the Ecopod. The Ecopod is currently proposed to be built in June 2015 and the final order is required to be placed by 28th May.
- 3.15 To finalise the order the Farm require confirmation from the Council that they are allocated the match funding. If the Farm is unable to make the order by 28th May then Pod Living Ltd cannot deliver the Ecopod until October 2015. Therefore Stepney City Farm would not be able to expand their current offering for this academic year. This would have a knock on effect to the young and adult volunteers:
- No indoor volunteer training (more important in winter and would not be able to do this due to the lack of classroom)
 - Unable to offer secondary school workshops as planned
 - Young volunteer sessions would be limited as inside space required for rainy days and project work (activity room is hired out over the weekends)
 - Volunteers would not have a break/study area over winter, which is extremely detrimental to volunteer program - as the main benefits are social and increasing skills.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report seeks Commissioner approval to release funding of £50,000 of specific Section 106 resources to Stepney City Farm as a contribution towards the provision of an enhanced educational facility. The Section 106 contribution will match fund resources secured from the Big Lottery Fund to develop an Ecopod classroom on the site.
- 4.2 This proposal will utilise an element of the Section 106 resources that have been secured in relation to a specific development on the Ocean Estate. The developers have met their Section 106 obligations and as a result resources totalling £250,000 are held by the Council to be applied in accordance with the terms of the Section 106 agreement. As part of the process, the proposed use of resources has been approved by the Section 106 contributors.
- 4.3 As a Section 106 payment in respect of a capital project, in order that the funds can be released this scheme will need to be included within the capital programme in accordance with the Council's Financial Regulations. As the sum is below the threshold of £250,000 delegated to the Corporate Director, if

the proposal is approved, the capital estimate can be adopted via a Corporate Director's Action.

5. LEGAL COMMENTS

- 5.1. The power of the commissioners to make decisions in relation to grants arises from directions made by the Secretary of State on 17 December 2014 pursuant to powers under sections 15(5) and 15(6) of the Local Government Act 1999 (the Directions). Paragraph 4(ii) and Annex B of the Directions together provide that, until 31 March 2017, the Council's functions in relation to grants will be exercised by appointed Commissioners, acting jointly or severally. This is subject to an exception in relation to grants made under section 24 of the Housing Grants, Construction and Regeneration Act 1996, for the purposes of section 23 of that Act (disabled facilities grant).
- 5.2. A grant is proposed to Stepney City Farm to enable it to construct a classroom. This will enable the farm to continue to provide an educational programme for school groups, but also to offer services to the community, including a community meeting place. The making of the grant should be supported by and consistent with the Council's statutory powers. Relevantly, the Council is required by section 507B of the Education Act 1996 to secure sufficient educational and recreational leisure-time activities for young people in Tower Hamlets.
- 5.3. The grant may also be supportable by the Council's general power of competence. Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes. This general power of competence may support the giving of grants to community groups, provided there is a good reason to do so. There may be a good reason for giving a grant if it is likely to further the Council's sustainable community strategy under section 4 of the Local Government Act 2000, which is contained within the Tower Hamlets Community Plan. The report identifies that the grant may support community cohesion.
- 5.4. The funding for the grant is to come from monies paid pursuant to an agreement entered into under section 106 of the Town and Country Planning Act 1990. The agreement relates to planning permission granted pursuant to the following planning applications: PA/09/02584, PA/09/02585 and varied by PA/11/01294. The proposed payment reflects the parties intentions that £250,000 would be used towards sustainability projects.
- 5.5. The Council is obliged, 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 the Council's best value duty and arises under section 3 of the Local Government Act 1999. In this instance, there is no evidence that the grant was subject to competition. In the circumstances, discharge of the best value duty depends on consideration of advice from officers as to value for money of the project.

There is some information concerning the amount of work done with schools and there is also the fact that the grant will only partly fund the construction, due to match funding from the Big Lottery Fund.

- 5.6. The report is marked as a key decision for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. A decision may relevantly be a key decision for either or both of the following reasons: (1) it involves significant expenditure having regard to the Council's budget for the service or function in question (the financial test); or (b) it will have a significant effect on communities living or working in an area comprising two or more wards in the borough (the community impact test). In relation to community impact, whilst the farm itself may impact significantly upon communities in Tower Hamlets, giving a grant to part fund a classroom is not considered to directly have such an effect.
- 5.7. In carrying out its functions, 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 don't (the public sector equality duty). The report contains some information relevant to these considerations.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. The proposed educational facility will meet an identified shortage of appropriate indoor space at the Farm to deliver the current and future educational programme. This will enable the Farm to provide an improved service to the local community, school children and volunteers, but also the elderly and disabled who utilise the farm services. The new education facility will promote community cohesion.
- 6.2. The proposals will benefit the whole community with a new space to:
- Provide teaching programmes for both adults and children including gardening, permaculture and sustainable living.
 - Increase the number of schools currently working with the Farm (currently work with 22 local schools and over 2500 pupils per year).
 - Increase the ability to offer work experience placements, individuals and groups, including those with special educational needs.
 - Increase the number of CV workshops offered, which is an important target for helping people back into employment.
 - Offer skill share sessions and group activities, to develop employment skills, knowledge of farming and sustainable living.
 - Provide a place for local people with the chance to experience rural life and engage in educational, environmental and creative projects. A 2013 survey (tube station survey) showed that 47% of local people have visited the farm.

- 6.3. The proposals would not adversely effect people with Protected Characteristics and will deliver a facility for the entire community to enjoy and benefit.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 The proposals include the delivery of an Ecopod classroom on site along with an outdoor teaching space and outdoor kitchen. The Ecopod would primarily be used for curriculum linked lessons and by the adult volunteers for skill share sessions and completing accredited training in animal care, horticulture and the environment.
- 7.2 The weekend proposals for the new space are to run courses in sustainable living and wellbeing. This would provide an opportunity to engage with the local community on sustainable practices and lifestyles.
- 7.3 The Ecopod design uses sustainable building techniques and materials, and extremely energy efficient with low ongoing energy requirements:
- it is made using FSC timber and recycled wood fibre insulation
 - It exceeds building regulations and is expected to achieve an A+ EPC
 - It is 99% recyclable should it need to be dismantled at a later date
- 7.3 The cedar clad exterior and green roof will integrate within the existing landscape and increase the potential for vertical growing for climbers. The building will therefore be beneficial to wildlife through providing additional and varied habitat and potential for crops to harvest for the café and farm shop.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1. There is a risk that if the project is not approved the benefits identified in section 1.0 and 3.10 will not be realised to the detriment of the local community, visitors and volunteers.
- 8.2. The match funding has been secured through the s106 process and without approval of the project the s106 obligations would not be met.
- 8.3. The risk of Stepney City Farm not delivering the proposed project are considered extremely limited as the Ecopod is being supplied from Podliving, who have provided the quotes for the Ecopod, and the costs would be fully covered by the Big Lottery Fund and LBTH match funding.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no crime or disorder implications.

10. BEST VALUE

- 10.1 The delivery of this project ensures the Council meets its s106 obligations.
- 10.2 The match funding ensures the Big Lottery Fund money is secured and the project is fully funded through a Big Lottery Fund grant and an s106 Contribution.
- 10.3 The creation of a new educational resource to benefit the whole community funded through a grant and s.106 contribution is considered to offer excellent value for money.

11. SAFEGUARDING IMPLICATIONS

- 11.1 The Stepney City Farm is an established community asset and a registered charitable organisation.
- 11.2 There are no safeguarding implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

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

- NONE

Officer contact details for documents:

- NONE

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