

# GRANTS SCRUTINY SUB-COMMITTEE

Wednesday, 29 June 2016 at 5.30 p.m.

Room C1, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

## SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

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agenda:

For further information including the Membership of this body and public information, see the main agenda.

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# Agenda Item 6a

## Grants Scrutiny Sub-Committee

29 June 2016

A number of reports listed under item 6 of the agenda were not completed in time for publication on 21 June 2016. These were:

- 6a Local Affordable Housing Grants
- 6b Whitechapel Road
- 6d Can Do Outcomes
- 6e MSG 2015/18 Performance Report

Additionally, a number of reports were advised after publication of the main agenda and therefore are not listed on the main agenda. These were:


- 6f Exercise of Commissioners' Discretion
- 6g Grants Review – Commissioning intentions
- 6h Grants decision-making – transitional arrangements
- 6i Grants forward plan
- 6j Adult Services Small Grants

### Reasons for Urgency

The Chair is of the opinion that these items should be considered at the meeting as a matter of urgency in order to enable the Sub-Committee to undertake pre-decision scrutiny.

The reports were unavailable for public inspection within the standard timescales set out in the Authority's Constitution, because of continuing work to finalise the reports.

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<p><b>Commissioner Decision Report</b></p> <p><b>5 July 2016</b></p>	
<p><b>Report of:</b> Zena Cooke, Corporate Director Resources</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Exercise of Commissioners Discretion</b></p>	

<b>Lead Member</b>	Rachel Saunders
<b>Originating Officer(s)</b>	Mohammed Ahad
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Community Plan Theme</b>	<b>One Tower Hamlets</b>

**EXECUTIVE SUMMARY**

This report sets out details of decisions made under the exercise of Commissioners Discretion. Such decisions are required to be the subject of a noting report at a subsequent Commissioners Decision Meeting in public.

**RECOMMENDATIONS:**

The Commissioners are recommended to:

1. Confirm their decisions under Commissioners Discretion as set out in appendix 1.

**1. REASONS FOR THE DECISIONS**

- 1.1 The Council's procedures require that reports are submitted to Commissioners Decision Meetings in public to confirm and note grant funding decisions taken under Commissioners Discretionary powers.
- 1.2 The reporting of decisions taken under Commissioners Discretion assists in ensuring that Members and the public is made aware of, and therefore able to scrutinise Commissioners decisions.

**2. ALTERNATIVE OPTIONS**

- 2.1 To deviate from the approved procedure would require a sound reason. It is not considered that there is any such reason, having due regard of the need to ensure that all Members are kept informed of all decisions made by Commissioners under their discretionary powers.

**3. DETAILS OF REPORT**

- 3.1 The decisions made under Commissioners discretion are set out in the attached appendix 1. These decisions relate to Emergency Funding and Home Repairs Grant applications considered outside of Decision Making Meetings in Public.
- 3.2 These decisions were taken outside of scheduled meetings in public in order that grants awarded to organisations that are facing emergencies can be made in a timely manner.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The decisions set out in the attached appendix have already been made under the Commissioners discretionary powers.
- 4.2 In taking their decisions the Commissioners are provided with a report setting out the relevant information to inform their decision and which includes specifically the financial implications of the proposed decision together with financial and legal comments provided by the Chief Finance Officer and the Monitoring Officer respectively.

#### **5. LEGAL COMMENTS**

- 5.1. Whilst the Commissioners are empowered to exercise their discretion in private, agreed procedures require that such decisions should be reported to Commissioners Decision Meetings in public for ratification. This self-imposed procedure has been implemented in the interests of transparency.
- 5.2. There are no immediate legal implications arising from this report.

#### **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1. This report is concerned with the notification of Commissioners decisions under their discretions; and as such has no direct One Tower Hamlets implications. The extent to which there are One Tower Hamlets considerations arising from the original recommendations, these would have been addressed as part of those considerations.

#### **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 Best Value implications associated with each of the Commissioners discretions as set out in Appendix would have been identified and evaluated as an integral part of the process which led to the decisions.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There is no sustainable action for a greener environment implications arising from this report.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The risk management implications associated with each of the Commissioners discretions as set out in Appendix 1 would have been identified and evaluated as an integral part of the process which led to the decisions.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 Crime and disorder reduction implications, if any, associated with the decisions as set out in Appendix 1 would have been an integral part of the process which led to the decisions.

## **11. SAFEGUARDING IMPLICATIONS**

- 11.1 Safeguarding implications including risks or benefits, if any, associated with each of the decisions as set out in Appendix 1 would have been identified and evaluated as an integral part of the process which led to the decisions

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix 1 – details of the decisions made under the Commissioners discretionary powers

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

- None

#### **Officer contact details for documents:**

- N/A

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## EXERCISE OF COMMISSIONERS DISCRETION

The following decisions were made by Commissioners outside of a meeting in public. In accordance with agreed procedure this information is being formally presented to the Commissioners Decision In Public Meeting of 05 July 2016.

<b>Date Considered</b>	<b>Name of Grant &amp; Description</b>	<b>Organisation / Recipient</b>	<b>Decision</b>	<b>Grant Requested</b>	<b>Amount Awarded</b>	<b>Directorate</b>	<b>Officer Contact</b>
31 May 2016	Home Repairs Grants	7 x individual grants as set out below:	Agreed				
		1 - Mr A of E1 in the sum of £924.84 to fund replacement of defective shower unit and repairs to leaking pipework to wash hand basin	Agreed	£924.84 inclusive fees	£924.84	D & R	Martin Ling X 0469
		2 - Mrs V of E3 in the sum of £1,038.40 to remedy of leaks in wet floor showering area.	Agreed	£1,038.40 inclusive fees	£1,038.40	D & R	Martin Ling X 0469
		3 - Mr B in the sum of £2,598.36 to fund the installation of a hot water immersion heater along with 3x storage heaters.	Agreed	£2,598.36 inclusive fees	£2,598.36	D & R	Martin Ling X 0469

Date Considered	Name of Grant & Description	Organisation / Recipient	Decision	Grant Requested	Amount Awarded	Directorate	Officer Contact
		4 - Mrs D in the sum of £3,628.50 to fund the installation of a new combination boiler.	Agreed	£3,628.50 inclusive fees	£3,628.50	D & R	Martin Ling X 0469
		5 - Ms T in the sum of £2,300.00 for the installation of a new hot water cylinder.	Agreed	£2,300.00 inclusive fees	£2,300.00	D & R	Martin Ling X 0469
		6 - Ms B in the sum of £547.52 for ceiling track hoist warranty.	Agreed	£547.52 inclusive fees	£547.52	D & R	Martin Ling X 0469
		7 - Ms M in the sum of £285.18 for Stair lift warranty.	Agreed	£285.18 inclusive fees	£285.18	D & R	Martin Ling X 0469

Date Considered	Name of Grant & Description	Organisation / Recipient	Decision	Grant Requested	Amount Awarded	Directorate	Officer Contact
14 June 2016	Emergency Funding	East London Asian Family Counselling	Approved – original grant award decision from 07/10/2015 Commissioner meeting be implemented	£20,000	£12,250	Resources	Mohammed Ahad 020 7364 2762

<p><b>Commissioner Decision Report</b> 5 July 2016</p>	 <b>TOWER HAMLETS</b>
<p><b>Report of:</b> Zena Cooke, Corporate Director Resources</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Grants Review – Commissioning Intentions</b></p>	

<b>Originating Officer(s)</b>	Mohammed Ahad – Community Programmes Officer
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	One Tower Hamlets

## Executive Summary

A key action within the refreshed Voluntary and Community Sector (VCS) Strategy is to move Council grants, where appropriate, to an outcome based commissioned approach. A comprehensive review of all existing grants is being undertaken to identify which grants could become commissioned services and to establish the timeframe within which that would happen.

## Recommendations:

The Commissioners are recommended to:

1. To note the report and that the outcome of the review will be reported to the next meeting.

## 1. REASONS FOR THE DECISIONS

- 1.1 A review of existing Council grant streams is required in order to identify which streams are to be commissioned in future. This review is necessary in order to meet some of the actions within the VCS Strategy Action, including identifying *“clear processes for transitioning specific grant funding streams to commissioning”*

## 2. ALTERNATIVE OPTIONS

- 2.1 Refreshing the VCS Strategy and developing a new action plan was a requirement within the Best Value Action Plan. Work has now commenced on delivering against the VCS Strategy action plan, including moving towards an outcomes based commissioned approach, where appropriate. No alternative options are proposed.

### **3. DETAILS OF REPORT**

3.1 After extensive consultation with the Tower Hamlets Council for Voluntary Services, The Voluntary and Community Sector, Businesses, Council staff, elected members and Commissioners the refreshed VCS Strategy and Action Plan was approved by the Mayor in Cabinet on 5<sup>th</sup> April 2016.

3.2 A key part of the strategy is a move from grant funding to commissioned services. In particular the Strategy highlights:

*“All council funding to the VCS will be reviewed to ensure it is contributing to priority outcomes and with a general preference for commissioning rather than grants. The model will ensure that funding processes are transparent and fair and are clear on how provision is contributing to outcomes. There will be a coordinated process for transition from grants to commissioning for particular funding streams, which will be transparent and communicated in a clear and timely way to grant funded organisations.”*

Grant funding will however remain appropriate in some circumstances, for specific purposes, where there is a clear case for funding to be provided by grant rather than commissioning and a clear benefit to the service being funded.

3.3 The Council will be using its grants register as a mechanism to identify which grants could be commissioned in future. The relevant grant leads in Directorates are reviewing their existing grants to confirm the future arrangements for each grant and the timeframe for those that will become commissioned services. The review will be completed by the end of July 2016.

3.4 A further report detailing the outcome of the review will be presented to the next Commissioners Decision Making Meeting on 27<sup>th</sup> September 2016.

### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

4.1 The Council is undertaking an Outcomes Based Budgeting approach to the delivery of its Medium Term Finance Strategy. The proposals set out in this report are therefore consistent with that approach and will assist in ensuring that the Council focusses its limited resources on its priority outcomes and maximises value for money.

4.2 There are no direct financial implications from this report.

### **5. LEGAL COMMENTS**

5.1 The Tower Hamlets Community Plan sets out the vision and priorities for the borough which have been set by the Council and its partners. Having regard to the Community Plan, the Council has developed an updated VCS Strategy and Action Plan and which was approved by the Mayor in Cabinet on 5<sup>th</sup> April 2016.

5.2 The Council has a range of specific statutory powers and duties which provide for partnership and community arrangements. In addition Section 111 of the Local Government Act 1972 permits the Council to do things (whether or not

involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) calculated to facilitate, or conducive or incidental to, the discharge of any of its functions. Section 1 of the Localism Act 2011 gives the Council general power of competence to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes. It may be considered that development of a strategy to support the VCS is something an individual may do and thus also something that the Council may do. The development and delivery of a Voluntary and Community Sector Strategy is within the powers of the Council.

- 5.3 As stated, a key part of the strategy is a move from grant funding to commissioned services. In particular the Strategy highlights:

*“All council funding to the VCS will be reviewed to ensure it is contributing to priority outcomes and with a general preference for commissioning rather than grants. The model will ensure that funding processes are transparent and fair and are clear on how provision is contributing to outcomes. There will be a coordinated process for transition from grants to commissioning for particular funding streams, which will be transparent and communicated in a clear and timely way to grant funded organisations.”*

- 5.4 It is recognised however, that grant funding will be appropriate in some cases where there is a clear case for funding to be provided by grant rather than commissioning and a clear benefit to the service being funded.
- 5.5 In reviewing these grants schemes ,the Council must comply with its obligation as a best value authority under section 3 of 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 addressed further in paragraph 7 below.
- 5.6 In exercising 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 do not. Equality analysis will be required as identified in paragraph 6 below.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1. The Council’s support of the voluntary and community sector through grants contributes to the delivery of One Tower Hamlets priorities and objectives.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 Refreshing the VCS Strategy was an action within the Best Value Action Plan. This noting report is related to implementing a component of the VCS Strategy Action Plan regarding Moving grants to a commissioned approach.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

8.1 There are no immediate sustainable or environmental issues arising from this report.

**9. RISK MANAGEMENT IMPLICATIONS**

9.1 The recommendations made in this report will minimise the risk of failing to implement the actions agreed in the VCS Strategy and Action Plan.

**10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

10.1 There are no immediate Crime and Disorder reduction implications.

**11. SAFEGUARDING IMPLICATIONS**

11.1 There are no safeguarding risks or benefits from the proposals detailed in the report.

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**Linked Reports, Appendices and Background Documents**

**Linked Report**

- **Cabinet 5 April 2016:** Voluntary and Community Sector Strategy

**Appendices**


- NONE

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

- NONE

**Officer contact details for documents:**

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<p><b>Commissioner Decision Report</b> 5 July 2016</p>	 <b>TOWER HAMLETS</b>
<p><b>Report of:</b> Zena Cooke, Corporate Director Resources</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Grants Decision Making – Transitional Arrangements</b></p>	

<b>Originating Officer(s)</b>	Steve Hill - Head of Benefits Services
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	One Tower Hamlets

## Executive Summary

The Council's arrangements for allocation of grants lacked rigour in a number of areas which led to weaknesses in internal control and a failure to comply with the council's best value duty. Key concerns included a lack of transparency over the rationale for decision making on grant awards and ineffective governance and scrutiny arrangements.

The Council's Grants' Best Value Action Plan (BVAP) was produced to acknowledge and address the failings that were identified and to respond to the requirements of the Directions issued in December 2014. The purpose of the BVAP was to set out the specific actions that were considered necessary to deliver improvements in the grants decision making arrangements and to provide clarity in terms of the timeframe within which those actions would be delivered.

A key action within the BVAP was the need to put in place a Mayor and cross-party consultation and review forum as a pre-cursor for the Council taking back full responsibility for decision making in this area. This priority action was to ensure and embed open and transparent decision making in the award of grants.

Substantial progress has now been made in implementing the actions contained within the BVAP. Commissioners and the Overview and Scrutiny Committee have endorsed the establishment of the Overview and Scrutiny Grants Sub-Committee as the 'cross party consultation and review forum'. The Sub-Committee has met on three occasions to scrutinise officer recommendations prior to their consideration at a Commissioners' Decision Making Meeting.

At the Commissioners' Decision Making meeting on 24<sup>th</sup> May 2016, Commissioners also agreed arrangements for making decisions on grants once they have withdrawn, where a model of the Executive Mayoral decision in Cabinet would replace the current Commissioners' Decision making meetings. Both the establishment of the grants scrutiny sub-committee and the model of the Executive Mayoral decision in Cabinet promote and ensure transparency and strengthen governance arrangements.

This report sets out for consideration, transitional arrangements for grants' decision making before the recommendations contained in the 24<sup>th</sup> May report are fully implemented.

## **Recommendations:**

The Commissioners are recommended to:

1. Consider and agree the proposed transitional arrangements for Grants Decision Making as set out in paragraphs 3.11 and 3.12 of this report.
2. Agree that the Secretary of State be asked to withdraw the Direction of 17<sup>th</sup> December 2014 in so far as it relates to grants and that, if he considers necessary impose a new Direction returning the grants function to the Council but with Commissioner oversight,

### **1. REASONS FOR THE DECISIONS**

- 1.1 The Council has implemented a number of actions to significantly improve the way the Council makes decisions in relation to grant making. This includes a number of actions that will ensure that Members of the Council have timely, transparent and informed input into the decision making process for the allocation of grants.
- 1.2 An Overview and Scrutiny Grants Sub-Committee has been established to oversee grant allocations. The Council is also clear about the processes that will operate once the Commissioners have withdrawn from this area. Together these arrangements provide a cross-party forum for grants scrutiny; ensuring the objectives of the grant schemes are reviewed and are being met; and that a fair geographical distribution of funding and community needs are delivered.
- 1.3 The transitional arrangements will allow the Council to complete delivery of the actions set out in the Best Value Action Plan (BVAP) in relation to governance and decision making and provide the mechanism for the Council to take back full responsibility for grants decision making.

### **2 ALTERNATIVE OPTIONS**

- 2.1 Commissioners may decide to continue with the existing arrangements or suggest alternative or additional approaches.

### **3. DETAILS OF REPORT**

- 3.1 The Council's arrangements for grant making lacked rigour in a number of areas which led to weaknesses in internal control and a failure to comply with the Council's best value duty. Key concerns included a lack of transparency over the rationale for decision making on grant awards and ineffective governance and scrutiny arrangements.
- 3.2 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 ('the Directions'): specifically paragraph 4(ii) and Annex B of the Directions together



provide that, until 31<sup>st</sup> 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). . In addition to this, paragraph 9 of Annex A of the Directions required the Council to provide their views on specific grants as requested by Commissioners. The Commissioners have discharged the functions in relation to grants by establishing a Decision Making Meeting which meets in public and it is at this meeting where the vast majority of grant decisions are made. The exception to this has been emergency funding decisions which require urgent action and details of every decision taken outside the public meeting are now reported to the next public meeting for noting.

- 3.3 The Council's Grants' Best Value Action Plan (BVAP) was produced to address the failings that were identified and to respond to the requirements of the Directions. The purpose of the BVAP was to set out the specific actions that were considered necessary to deliver improvements in the arrangements for allocating grants and to provide clarity in terms of the timeframe within which the actions would be delivered.
- 3.4 The BVAP on Grants includes within the heading "*Governance Arrangements*" two recommendations that relate specifically to a transparent, executive and cross party decision making process. The two recommendations are as follows:
1. Ensure and embed open and transparent decision-making
  2. Review arrangements post Commissioners for future executive decision making.
- 3.5 Significant progress has been made in implementing actions which meet these recommendations. At their Decision Making Meeting on 1st March 2016, the Commissioners considered a report on the establishment of governance arrangements that included a "cross-party forum" to review and input to the grants decision making process and agreed the recommendations set out in that report. Subsequently on 4<sup>th</sup> April 2016 the Overview and Scrutiny Committee established the Overview and Scrutiny Grants Sub-Committee as the cross-party forum to review Officers' recommendations on grants prior to their consideration at Commissioners' Decision Making Meetings. Overview and Scrutiny Committee agreed the following:
- Any decision relating to the composition of the Grants Sub-Committee should be made independently of any political bias;
  - the Grants Sub-Committee should also include in its membership co-opted non-voting members as required;
  - Training would be required to promote and maintain high standards of conduct by Elected and Co-opted Members; and
  - Nominees would be sought from the Leaders of the 3 political groups for members of the Sub-Committee.
- 3.6 Terms of reference have been developed and agreed by the Overview and Scrutiny Grants Committee and noted by the Sub-Committee. Training has

been delivered and the Grants Sub-Committee has now met on three occasions to scrutinise officer recommendations prior to their consideration at a Commissioners' Decision Making Meeting. As previously agreed the Sub-Committee will also be working to the Centre for Public Scrutiny Standards.

- 3.7 Following Overview and Scrutiny Committee's decisions on grants scrutiny arrangements, at the Commissioners Decision making meeting on the 12<sup>th</sup> April 2016, the Commissioners advised that they would be writing to the Mayor to invite the Mayor and/or his delegate to be part of future Commissioners' Decision Making Meetings in a non-voting capacity. In addition, The Chair of the Overview and Scrutiny Grants Sub-Committee was invited to attend in his scrutiny role, to provide feedback from the Grants Sub-Committee arising from the review of officer recommendations on grants.
- 3.8 A further report was also considered and agreed by Commissioners at their Decision Making Meeting on 24<sup>th</sup> May 2016 on the Post Commissioner Grants' Decision Making and Scrutiny Arrangements. The report states that the current arrangements for grant decision making would be maintained once the Commissioners have withdrawn. The Overview and Scrutiny Grants Sub-Committee will continue to provide cross-party pre-scrutiny and feedback on grant recommendations and report back to the Mayor in Cabinet prior to a decision being made to award a grant. This model of Executive Mayoral decisions in Cabinet will replace the current Commissioners Decision making meetings. The arrangements will ensure the continuation of an open and transparent process and will require minimal change in terms of both the governance and administrative arrangements.
- 3.9 As the Overview and Scrutiny Grants Sub-Committee is now established and fully operational and the arrangements for how grants decisions will be made in the future have been set out and agreed, the Council has delivered the actions as set out within the Best Value Action Plan for Grants relating to "*Governance Arrangements*".
- 3.10 The Council now considers it is in a good position to propose transitional grants' decision making arrangements, pending the return to the Council of all powers relating to the making of grants under statutory powers.
- 3.11 The proposed transitional arrangements would see the Mayor (or his delegate) chair the Decision Making Meetings in Public to consider officer recommendations on grants. The meetings would operate as a Committee of the Executive with the Mayor (or his delegate) making the decision in public in the presence of a Commissioner. The Commissioner will not be a formal member of the Committee, but will be given the opportunity to ask questions or make observations prior to the decision being made. The Commissioner will be asked to confirm that the decision taken has been done so to the satisfaction of the Commissioner. The Council also has the ability to call extraordinary Committee of the Executive in public should the need arise.
- 3.12 It is proposed that all decisions will be made in public with the exception of those decisions relating to Emergency Fund applications, as is currently the case. Emergency Fund applications can be made at any time and are considered by officers against a strict set of criteria which are limited to cases of

genuine emergency. These applications may require a decision in a very short timeframe. In order to ensure transparency of decision making it is proposed that a written report will be presented to the Mayor setting out the officer recommendation in relation to the Emergency Grant Fund application. The report will also be sent to the Chair of the Grants Sub-Committee. The report will be considered by the Mayor in the normal way and the decision made will be considered and endorsed by the Commissioners. The report and decision will be formally noted at the following decision making meeting in public.

- 3.13 The proposed transitional arrangements for grants' decision will require the Direction of 17<sup>th</sup> December 2014 in so far as it relates to grants to be withdrawn. The Secretary of State can issue a fresh Direction returning the function to the Council but with Commissioner oversight if considered necessary.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The Chief Finance Officer has been consulted in the preparation of this report. There are no direct financial implications arising from this report given that the proposed governance arrangements will be undertaken from within existing resources.
- 4.2 However, the value of grants that will be allocated through the proposed process is significant and it is imperative therefore that the arrangements provides the appropriate level of scrutiny and transparency of decision making to demonstrate that Value for Money is being achieved through the grant allocation process.

#### **5. LEGAL COMMENTS**

- 5.1 Where the Secretary of State is satisfied that an authority is not meeting its best value duty, the Secretary of State may: (1) direct the authority to take action to bring itself into compliance with that duty; (2) direct that specified functions be carried out by the Secretary of State or a nominee and that the authority follow the Secretary of State's instructions and provide such assistance as may be required.
- 5.2 In accordance with this power the Secretary of State gave directions to the Council and it is from the directions that the power of the commissioners to make decisions in relation to grants derives. Specifically, paragraph 4(ii) and Annex B of the Directions together provide that, until 31<sup>st</sup> 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).
- 5.3 The Secretary of State will be required to withdraw that part of the Direction of 17<sup>th</sup> December 2014 relating to grants and, if considered necessary, to issue a

fresh Direction returning the function to the Council but with Commissioner oversight.

- 5.4 Any Committee where the Mayor is taking a decision will be an Executive Committee of the Council and Terms of Reference for that Committee will have to be prepared and then adopted in the normal way.
- 5.5 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 proportionate level of equality analysis is required to discharge the duty and information relevant to this is contained in the One Tower Hamlets section of the report.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1. The Council's support of the of the voluntary and community sector through grants contributes to the delivery of One Tower Hamlets priorities and objectives, particularly those relating to reducing inequalities and promoting cohesion. To ensure responsibility for grants decision making returns to the Council promotes the community leadership aspect of One Tower Hamlets.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 Best value implications are detailed within the report, in particular how the recommendations support the implementation of actions within the Grants Best Value Action Plan.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no immediate sustainable or environmental issues arising from this report.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The recommendations made in this report will minimise the risk of failing to implement the actions agreed in the Best Value Action Plan on grants and the requirements of the Directions made by the Secretary of State.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no immediate Crime and Disorder reduction implications.

## **11. SAFEGUARDING IMPLICATIONS**

- 11.1 There are no safeguarding risks or benefits from the proposals detailed in the report.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- **Commissioners Decision Making Meeting 1 March 2016:** Initial Proposals for a Cross Party Forum on Grants
- **Overview and Scrutiny Committee 4 April 2016:** Establishment of an Overview and Scrutiny Grants Sub-Committee
- **Commissioners Decision Making Meeting 24 May 2016:** Post Commissioner Grants Decision Making and Scrutiny Arrangements

### **Appendices**

- NONE

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

- NONE

### **Officer contact details for documents:**

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**Grants Forward Plan 2016/17**

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<b>16 August 2016 – Commissioners Decision Making Meeting in Public - Cancelled</b>				
	<b>Report Title</b>	<b>Lead Officer</b>	<b>Officer Confirmation</b>	<b>Notes</b>
				<b>Meeting cancelled.</b>

<b>27 September 2016 – Commissioners Decision Making Meeting in Public</b>				
	<b>Report Title</b>	<b>Lead Officer</b>	<b>Officer Confirmation</b>	<b>Notes</b>
<b>1</b>	<b>MSG Quarterly Monitoring Report</b>	Steve Hill / Zena Cooke		
<b>2</b>	<b>Exercise of Commissioners Discretion</b>	Steve Hill		
<b>3</b>	<b>Resolution of Grant Payments: Children's Services (Educational Maintenance Allowances)</b>	Terry Parkin		
<b>4</b>	<b>Tower Hamlets Education Partnership</b>	Kate Bingham		
<b>5</b>	<b>MSG Cohesion Grant Funding – how it will be commissioned</b>	Emily Fieran-Reed		
<b>6</b>	<b>Exercise of Commissioners Discretion</b>	Steve Hill		
<b>7</b>	<b>Grants Forward Plan</b>	Steve Hill		



**8 November 2016 – Commissioners Decision Making Meeting in Public**

	<b>Report Title</b>	<b>Lead Officer</b>	<b>Officer Confirmation</b>	<b>Notes</b>
<b>1</b>	<b>Event Fund Applications</b>	Shazia Hussain		
<b>2</b>	<b>MSG Quarterly Monitoring Report</b>	Steve Hill / Zena Cooke		
<b>3</b>	<b>Exercise of Commissioners Discretion</b>	Steve Hill		
<b>4</b>	<b>Grants Forward Plan</b>	Steve Hill		

<b>20 December 2016 – Commissioners Decision Making Meeting in Public</b>				
	<b>Report Title</b>	<b>Lead Officer</b>	<b>Officer Confirmation</b>	<b>Notes</b>
<b>1</b>	<b>Exercise of Commissioners Discretion</b>	Steve Hill		
<b>2</b>	<b>Grants Forward Plan</b>	Steve Hill		

**14 February 2017 – Commissioners Decision Making Meeting in Public**

	<b>Report Title</b>	<b>Lead Officer</b>	<b>Officer Confirmation</b>	<b>Notes</b>
<b>1</b>	<b>Exercise of Commissioners Discretion</b>	Steve Hill		
<b>2</b>	<b>MSG Quarterly Monitoring Report</b>	Steve Hill / Zena Cooke		
<b>3</b>	<b>Event Fund Applications</b>	Shazia Hussain		
<b>4</b>	<b>Incentives to Tackling Overcrowding</b>	Jackie Odunoye		
<b>5</b>	<b>Grants Forward Plan</b>	Steve Hill		

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