

COMMISSIONERS' DECISION MAKING MEETING

Wednesday, 17 June 2015 at 6.30 p.m.
MP701, 7th 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 (Member)	(Commissioner)
Max Caller (Member)	(Commissioner)
Alan Wood (Member)	(Commissioner)

Public Information:

The public are welcome to attend these meetings.

Contact for further enquiries:

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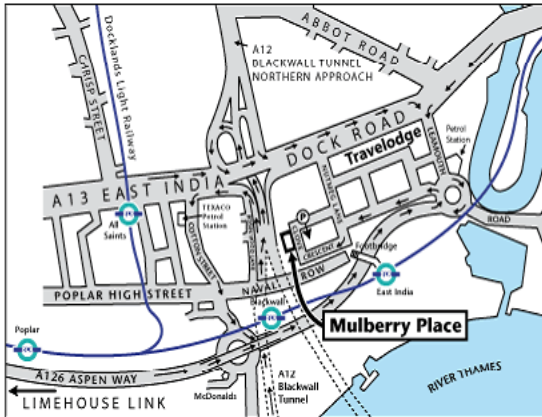
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A Guide to Commissioner Decision Making

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, 19 June 2015**

LONDON BOROUGH OF TOWER HAMLETS
COMMISSIONERS' DECISION MAKING MEETING

WEDNESDAY, 17 JUNE 2015

6.30 p.m.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST (Pages 1 - 4)

3. DECISIONS OF THE PREVIOUS MEETINGS (Pages 5 - 12)

To note the decisions of the meetings held on 20th May and 27th 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 | Main Stream Grants 2012/15 Programme Extension of Amber Rated Projects
Report to follow | | All Wards |
| 5 .2 | Air Quality Action Plan | 13 - 26 | Spitalfields & Banglatown |
| 5 .3 | The Greenwich and Docklands Festival
Report to follow | | All Wards |
| 5 .4 | Contracting of professional development workshops as part of the 2015 East End Film Festival
Report to follow | | All Wards |

5.5 Events Fund applications
Report to follow

All Wards

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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LONDON BOROUGH OF TOWER HAMLETS

**RECORD OF THE DECISIONS OF THE COMMISSIONERS' DECISION MAKING
MEETING**

HELD AT 2.00 P.M. ON WEDNESDAY, 20 MAY 2015

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Sir Ken Knight	(Commissioner)
Chris Allison	(Commissioner)
Max Caller	(Commissioner)

Councillors Present:

Councillor Shahed Ali	(Cabinet Member for Clean and Green)
Councillor Denise Jones	

Officers Present:

Jackie Odunoye	(Service Head, Strategy, Regeneration & Sustainability, Development and Renewal)
Abdul J. Khan	(Sustainable Development Manager, Strategy Innovation & Sustainability, Development and Renewal)
Antonella Burgio	(Democratic Services)
Njomeza Blakcori	

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Commissioner Alan Wood.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

3. DECISIONS OF THE PREVIOUS MEETING

The decisions of the meeting held on 13 May 2015 were tabled at the meeting. Commissioners considered the document and agreed that the decision sheet be approved as a correct record of proceedings.

4. CONSIDERATION OF PUBLIC SUBMISSIONS

No public submission requests were received for consideration.

5. REPORTS FOR CONSIDERATION

5.1 Stepney City Farm Educational Facilities

The Commissioners agreed the reasons for urgency which were set out in the report. These were presented by Jackie Odunoye, Head of Strategy, Regeneration and Sustainability.

Abdul Khan, Service Manager, Energy and Sustainability summarised the report which requested the release of a S106 contribution of £50,000 (secured as part of the redevelopment of the Ocean Estate) to provide improved indoor space for education at Stepney City Farm. This provision would better enable the farm to deliver its educational programmes which aimed to inspire the young generation to understand and care for the natural environment.

The Commissioners noted the comprehensive and detailed report and considered submissions from Councillors Shahed Ali and Denise Jones. They then agreed the recommendations as set out in the report.

RESOLVED

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

The meeting ended at 2.10 p.m.

Chair: Sir Ken Knight
COMMISSIONER

LONDON BOROUGH OF TOWER HAMLETS

**RECORD OF THE DECISIONS OF THE COMMISSIONERS' DECISION MAKING
MEETING**

HELD AT 6.30 P.M. ON WEDNESDAY, 27 MAY 2015

**C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

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

Councillors Present:

Councillor Shahed Ali	(Cabinet Member for Clean and Green)
Councillor Rachael Saunders	(Leader of the Labour Group)
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Khales Ahmed	

Officers Present:

Afazul Hoque	(Senior Strategy Policy & Performance Officer, One Tower Hamlets, Chief Executive's)
Jack Kerr	Strategy Policy & Performance Officer
Anthony Walters	(Transformation Manager, Education Social Care and Wellbeing)
Everett Haughton	(Third Sector Programmes Manager, Third Sector Team, Development and Renewal)
Chris Holme	(Acting Corporate Director - Resources)
Dave Clark	(Acting Service Head Resources, Development and Renewal)
Gareth Platt	Business and Finance Officer Early Years Service
Monica Forty	Interim Service Head - Learning & Achievement

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

3. DECISIONS OF THE PREVIOUS MEETING

Approval of the notes of the meeting held on 20 May 2015 was deferred until the next meeting.

4. CONSIDERATION OF PUBLIC SUBMISSIONS

A public submission was received relating to agenda item 5.3 and **tabled** at the meeting. The Chair thanked those organisations who had jointly provided the submission to the meeting. He advised that their evidence would be considered during discussion of the report and that officers would reply directly to the organisations where more detailed or specific responses were required.

5. REPORTS FOR CONSIDERATION

5.1 Early Learning for 2 Year Olds

Monica Forty, Interim Service Head for Learning and Achievement and Gareth Platt Business and Finance Officer Early Years' Service presented the report which concerned the scheme through which the Council intended to distribute capital funding awarded by the Department for Education for the provision of free part-time early years education for disadvantaged families.

The Councillors present indicated they had no observations to make.

The Commissioners discussed with officers how public money would be safeguarded in the event that any participating organisations were to become insolvent and how the proposals will meet demand. They then agreed the recommendations as set out.

RESOLVED

1. That the allocation of awards on the basis of the process set out in this report be approved and
2. That the responsible Corporate Director be delegated the authority to enter into agreements to give effect to that, and
3. That a report be sent to the Commissioners on a quarterly basis with details of the awards made.

5.2 Stairway to Heaven - Grant Application

Chris Holme, Acting Corporate Director, Resources, introduced the report setting out a proposal to make a contribution of up to £25,000 to the Stairway to Heaven Memorial Trust, a charity that has been raising funds for a memorial to remember the victims of the Bethnal Green Tube Disaster of

1943. The proposal placed before Commissioners related to a budget proposal that was agreed by Council as part of the 2015/16 budget setting process.

The Commissioners then asked attending Members to respond to the proposal in the report. Councillors Shahed Ali, Rachael Saunders and Peter Golds provided responses.

The Commissioners considered the report and were concerned that the contribution might be held over to forthcoming financial years due to the Trust's current funding gap. They asked officers to ensure that the Trust was aware that the contribution was available under the 2015/16 budget only and on this basis agreed the recommendations as set out.

RESOLVED

1. That a grant of up to £25,000 to the Stairway to Heaven Memorial Trust be approved as agreed by Council as part of the 2015/16 budget setting process.
2. That the Acting Corporate Director of Resources, or his delegate, be authorised to agree the terms and conditions of the grant agreement, after consultation with the Head of Legal Services.

5.3 Tower Hamlets Community Fund

The Commissioners considered the matters raised in the written public submission in conjunction with this item.

Dave Clark, Acting Head of Resources, Development & Renewal introduced the report setting out proposals for a new Community Fund award which superseded two previous schemes and was aimed at small scale projects.

The Commissioners then asked Members to respond to the proposal in the report. Councillors Shahed Ali, Rachael Saunders and Peter Golds provided responses.

The Commissioners considered the report and noted the issues raised through Councillors and the public submission concerning, consultation, monitoring and capacity building in underrepresented areas of the borough. Commissioners agreed that the proposal needed to better balance probity and consultation. They resolved to not to approve the proposal as presented and requested officers to represent proposals after addressing the issues raised.

RESOLVED

1. That the proposed Tower Hamlets Community Fund in its current form not be proceeded with
2. That officers submit revised proposals taking into account the issues raised by Commissioners, Councillors and from the public submission.

5.4 One Tower Hamlets Fund

Afazul Hoque, Senior Strategy, Policy and Performance Officer introduced the report setting out proposal for grants of up to £7000 to strengthen community cohesion. The grant, in future years, would be incorporated into the Main Stream Grants Programme.

The Commissioners then asked Members to respond to the proposals in the report. Councillors Shahed Ali, Rachael Saunders, Khales Ahmed and Peter Golds provided responses.

The Commissioners considered the report and information provided by the Members. The Commissioners noted that the application by Community Solution lacked sufficient detail relating to their cohesion project and were minded not to approve this application. They therefore approved the following revised recommendations.

RESOLVED

1. That the proposed awards for One Tower Hamlets Fund totalling £37,638 to the organisations listed in table 1 of Appendix 2 except the award for Community Solutions be approved and also that the amounts listed there be approved.
2. That entry into Grant Agreements in support of each (approved) grant be approved.
3. That the Service Head Strategy and Equality be authorised to agree the terms and conditions of the grant agreement, after consultation with the Head of Legal Services
4. That feedback be given to organisations which have unsuccessfully applied for funding.

5.5 Independent Living Fund

Jack Kerr, Strategy, Policy and Performance Officer and Anthony Walters, Transformation Manager, Strategy, Partnerships and Performance introduced the report setting out a proposal to continue ILF payments for the final three quarters of 2015/16 to clients that were determined by DWP. Approval of the funding would protect the care and support needs of existing clients transferred to the Local Authority until they are mainstreamed into Adult Social Care.

The Councillors present indicated they had no observations to make.

The Commissioners supported the proposal and asked that a report be made annually informing them of how the funds have been used.

RESOLVED

1. That allocation of monies to ILF clients be considered a grant within the meaning of the Secretary of State's directions.
2. That the Corporate Director of Education, Social Care and Wellbeing to be delegated authority to make the awards until the end of 2015-16 in accordance with the criteria outlined in the report.
3. That an annual report of the monies spent be made to Commissioners.

5.6 Review of Discretionary Awards Recipients for the Academic Year 2014/15

Monica Forty, Interim Service Head for Learning and Achievement introduced the report seeking Commissioners' to consider the level of Discretionary Award Determination Commissioners wished to take up and reviewing the Council's discretionary awards policies.

The Commissioners then asked Members to respond to the proposals in the report. Councillors Shahed Ali, Rachael Saunders Khales Uddin Ahmed and Peter Golds provided responses.

Commissioners considered the report and responses. They noted there was support for all the awards in principle but that there were some concerns around payment of the Education Award in one sum and the availability of quantitative outcome data in respect of the Higher Education Award. The Commissioners considered that discretionary awards as set out at appendices 1-3 should be approved for school aged children and that proposals for awards to students over compulsory school age be reviewed and represented for discussion at a future meeting.


RESOLVED

1. That the Council making discretionary awards in respect of specified groups of students over compulsory school age in 2015/16 in the areas in respect of which policies are set out in appendices 1 to 3 be approved
2. That the policy in Appendix 1 for the provision by the Council of school clothing grants in 2015/2016 within the budget specified in paragraph 5.2 of this report be approved.
3. That the policy in Appendix 2 for the provision of the Budget Holding Lead Professional Scheme for Attendance Support in 2015/2016 within the budget specified in paragraph 5.2 of this report be approved.

4. That the policy in Appendix 3 for the provision by the Council of discretionary awards in support of education travel in 2015/2016 within the budget specified in paragraph 5.2 of this report be approved.
5. That the existing recipients of the Education Award continue to receive funds in accordance with the original agreement but that no new awards be made under the existing scheme. Officers are instructed to report to a future meeting on a revised policy which better targeted need and contained proposals for measurable outcomes.
6. That existing recipients of the Higher Education Award continue to receive funds in accordance with the original agreement but that no new awards be made under the existing scheme. Officers are instructed to report to a future meeting on a revised policy which better targeted need and contained proposals for measurable outcomes.

The meeting ended at 7.40 p.m.

Chair: Sir Ken Knight
COMMISSIONER

<p>Commissioner Decision Report 17th June 2015</p>	
<p>Report of: Stephen Halsey</p>	<p>Classification: [Unrestricted or Exempt]</p>
<p>Zero Emissions Network Project</p>	

Originating Officer(s)	David Tolley
Wards affected	Spitalfields and Banglatown
Key Decision?	No
Community Plan Theme	A Healthy and Supportive Community

Executive Summary

The Zero Emissions Network Project is a partnership project amongst Hackney, Islington and Tower Hamlets boroughs, to improve local air quality. The project was awarded funding from the Mayor of London’s Cleaner Air Fund and match funded by the respective boroughs to implement a business engagement environmental sustainability programme. The main aim of the programme is to promote the use of sustainable travel and low emission technology to businesses in order to improve local air quality. Half of the budget was used to fund a Zero Emissions Network Officer employed under LBTH terms and conditions. The total size of the grant budget is £84,725. The grants are awarded following application to the Council by a panel of officers, following technical evaluation of the bids.

The project has set targets for the number of businesses that are engaged and number of audits of environmental footprints undertaken. Environmental action plans are then submitted to businesses with a range of measures to implement in order to reduce emissions. Businesses are invited to apply for grant funding from the project of up to a maximum of £1000 to implement reduction measures such as installing cycle racks to encourage staff to travel sustainably. To date LBTH has received 5 applications since the commencement of the project.

Recommendations:

The Commissioners are recommended to:

1. Agree to implement a grant scheme, as outlined in Appendix 1, for promoting sustainable travel options/low emission technology for businesses in the borough.
2. Authorise the Service Head Community Service, or delegate, to make grant awards in accordance with the scheme in Appendix 1, provided that the totality of the grants made does not exceed the available budget for such grants of £18,000.

1. REASONS FOR THE DECISIONS

- 1.1 Issuance of grants to businesses in the borough to implement measures to reduce air pollution.
- 1.2 To enable Tower Hamlets to continue to work with neighbouring Boroughs to combat air pollution.

2. ALTERNATIVE OPTIONS

- 2.1 To cease the project and issuance of grants to businesses in Tower Hamlets, this would also mean that the current Officer involved with the projected, funded by the Mayor London would need to be re-deployed.
- 2.2 To continue with the project offering advice but no financial incentive for businesses to reduce emissions.
- 2.3 To implement a grants scheme, but with decisions on awards taken by the Commissioners rather than officers.

3. DETAILS OF REPORT

- 3.1 Tower Hamlets is declared an Air Quality Management Area under the UK Air Quality Strategy as we are exceeding targets for two human health related pollutants (Nitrogen Dioxide and Particulate Matter). We therefore have a duty to produce an Air Quality Action Plan which details measures on how we are working towards achieving the objectives. In response to this statutory requirement we are implementing a number of projects in the borough to reduce air pollution and greenhouse gases.
- 3.2 One of the projects we are implementing is a business engagement programme in Spitalfields called Zero Emissions Network (ZEN). The aim of the project is to reduce pollution from business operations by offering businesses services and advice on low emission technology and sustainable travel options. This project is an extension of an existing project from Hackney into Tower Hamlets and Islington as identified by a requirement for collaborative working to address trans-boundary air pollution.
- 3.3 The aim of the project is to create a business network with a view to improving air quality by changing businesses behaviour. This is to be achieved by creating a business network with a strong local identity, encouraging the up-take of lower emission energy and travel options through provision of high quality information, direct engagement, business surveys, enhanced infrastructure, and trials and incentives of low emission technology.
- 3.4 As part of the project it is proposed to operate a grants scheme as outlined in Appendix 1 to the report. It is proposed that each grant will be for a maximum of £1000 and that the total amount available for grants will be £18,000. The evaluation criteria, performance measures and monitoring to be imposed are also summarised in Appendix 1.

- 3.4 Hackney, Tower Hamlets and Islington made a joint bid to the London Mayor's Air Quality Fund in 2013 to extend the project into Tower Hamlets and Islington which was successful.
- 3.5 The funding allocation to Tower Hamlets is £84,725, through the life of the project which is expected to end in March 2017 and has been used to recruit a Zero Emissions Network Officer employed under LBTH terms and conditions. This was made available to the Council in the financial year 13/14.
- 3.6 All boroughs have match-funded the contributions by the London Mayor's Air Quality Fund as required by the terms and conditions. The match funding has come from the following internal sources for LBTH:
- Section 106 Funding for sustainable travel - £46k
 - Local Implementation Plan - £36k
 - Contribution through existing projects in the project area - £10k (Cycle Survey)
- 3.7 Match funding will be used for incentives, trials, infrastructure improvements and other costs. All internal match funding has obtained the required authorisations.
- 3.8 Financial reporting is undertaken to external and internal project sponsors as required.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1. Funding of £84,725 has been provided from the Mayor of London's Cleaner Air Fund which has been 'match funded' by the borough as set out in paragraph 3.6. The funding is for the purposes of implementing a business engagement environmental sustainability programme as part of a joint Boroughs partnership project which is in place up to March 2017. This report seeks the approval of the Commissioners to delegate to officers the ability to issue grants of up to £1,000 from the 2015/16 £18,000 allocation. The grants will be made to businesses in the borough for the purposes of implementing measures to reduce air pollution.

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 To the extent that the Commissioners are exercising powers which would otherwise have been the Council's, there is a need to ensure the Council has power to make the grants in question. The Commissioners will wish to be satisfied that this is the case. It appears from the information provided in the report that the grants are capable of being supported under the Council's powers and, in this regard, the powers set out below appear particularly relevant.
- 5.3 Tower Hamlets is within the UK and EU exceedance zones for pollution and the entire borough is declared an Air Quality Management Area under the UK Air Quality Strategy. It is understood that the Council has designated Tower Hamlets an air quality management area under section 83 of the Environment Act 1995 and that it has made an air quality action plan under section 84 of that Act in pursuit of the achievement of air quality standards and objectives. It is implicit in these requirements that the Council should have power to implement the action plan. To the extent that the report proposes the giving of grants as outlined in Appendix 1 to further the objects of the air quality action plan, this would seem to be within the Council's functions.
- 5.4 By virtue of section 111 of the Local Government Act 1972, the Council has power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. This may involve expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights. The incidental power may support the proposed grants regime to the extent that the giving of grants is not itself explicitly provided for in the air quality action plan.
- 5.5 When considering whether or not to make funds available for the purposes specified, the Council should consider whether or not this will be consistent with its best value arrangements. The Council is obliged 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" (the best value duty).
- 5.6 Having regard to the best value duty, the Commissioners should be satisfied that grants will have an appreciable effect in achieving the air quality action plan. In this regard, it is noteworthy that applicants must demonstrate a percentage change in sustainable forms of travel. Measures should be imposed to ensure delivery of projects in line with the application and any requirements of the approval or the scheme in general. The Council's position should be protected in the event of non-delivery. Robust monitoring requirements should be put in place and appropriate performance related payment mechanisms introduced into the terms of any grant award. These should be reflected in a grant agreement.

- 5.7 When determining its approach to a new grant scheme, 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). Information relevant to these considerations is set out in the One Tower Hamlets section of the report.
- 5.8 When implementing the scheme, the Council must ensure that no part of the funds issued represents a profit element to any of the recipients. The inclusion of profit may indicate that the grant is really procurement activity and would otherwise be subject to the Council's Procurement Procedures and other appropriate domestic and European law.
- 5.10 All the proposed grants appear to fall under the *de minimis* threshold for the purposes of European restrictions on State aid.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. It is considered that the scheme does not require a full equality impact assessment. The scheme is open to participating businesses, which do not themselves have protected characteristics under the Equality Act 2010. All residents and those who work in the jurisdiction of the project area will equally receive the benefits through improved air quality. An improvement in air quality may be particularly beneficial for those with bronchial issues within the area targeted and this may help to promote equality of opportunity. However, the Council has no evidence of any over-representation of any protected characteristic in that group. The scheme encourages innovation and would support proposals that encourage active travel from disabled workers. And, to this extent, the scheme may assist to promote equality of opportunity.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 The project is an environmental sustainability project which will deliver stepwise reduction in local emissions in the borough. This will be through reduced car usage and replacement of old boilers with low NOx boilers. The project will facilitate the use of sustainable travel modes through the uptake of cycling, walking and low emission travel like electric cars.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1. The European Commission has begun infraction proceedings against the UK in February 2014 for being in breach of obligations to comply with limit values for nitrogen dioxide in the EU Air Quality Directive. Tower Hamlets is within the UK and EU exceedance zones for pollution and the entire borough is declared an Air Quality Management Area under the UK Air Quality Strategy and Environment Act 1995. The implementation of this project satisfies the requirements and demonstrates compliance with the provisions of the UK

Environment Act 1995 by the borough and compliance with the EU directive by DEFRA. Non-compliance could result in an infraction fine which could potentially be passed down to Tower Hamlets through the Localism Act 2011. The Council therefore needs to implement this project to demonstrate compliance with working towards achieving the air quality objectives and improving public health.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

9.1 No crime and disorder reduction implications

10. BEST VALUE (BV) IMPLICATIONS

10.1 The Zero Emissions Network Project is an existing project that was initiated and implemented in Hackney. The decision to extend the project into Tower Hamlets and Islington was preceded by the identified need for collaborative working to address transboundary air pollution. Suppliers of goods and services were already in place. Some suppliers are ISO 14001 Accredited and are specialised and therefore uncommon in terms of the type of services offered, but all our providers are local to London. For example electric car clubs and electric bicycles. Efficiencies and effectiveness has been realised by way of the project board structure which also affords the project resilience as well as ensuring business continuity.

11. Safeguarding Implications

11.1LBTH is required to demonstrate compliance with Part IV of the Environment Act 1995 and avoid potential penalties and improve public health

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 ZEN Project Briefing Note

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

- None

Officer contact details for documents:

- David Tolley

Zero Emissions Network Project – Issuance of Grants

Background

Tower Hamlets is declared an Air Quality Management Area under the UK Air Quality Strategy as we are exceeding targets for two human health related pollutants (Nitrogen Dioxide and Particulate Matter). We therefore have a duty to produce an Air Quality Action Plan which details measures on how we are working towards achieving the objectives. In response to this statutory requirement we are implementing a number of projects in the borough to reduce air pollution and greenhouse gases.

One of the projects we are implementing is a business engagement programme in Spitalfields called Zero Emissions Network (ZEN). The aim of the project is to reduce pollution from business operations by offering businesses services and advice on low emission technology. This project is an extension of an existing project from Hackney into Tower Hamlets and Islington as identified by a requirement for collaborative working to address trans-boundary air pollution.

Project Aim

The aim of the project is to create a business network with the aim of improving air quality in Shoreditch by changing businesses behaviour. This is to be achieved by creating a business network with a strong local identity, encouraging the up-take of lower emission energy and travel options through provision of high quality information, direct engagement, business surveys, enhanced infrastructure, and trials and incentives of low emission technology.

The project is an extension of an existing initiative launched by London Borough of Hackney. Hackney, Tower Hamlets and Islington made a joint bid to the London Mayor's Air Quality Fund to extend the project into Tower Hamlets and Islington which was successful.

The funding allocation to Tower Hamlets is £84,725 from Transport for London and has been used to recruit a Zero Emissions Network Officer employed under LBTH terms and conditions.

Project Management

The role of the ZEN officer is to work within the jurisdiction of Tower Hamlets solely and recruit businesses in our borough to the ZEN services and offers. The ZEN officer is based at Hackney Council offices with the other ZEN team members to facilitate the collaboration and daily project delivery. This was deemed most efficient to deliver the project by reaching businesses over the geographical areas of the three Boroughs, which border each other.

Hackney Council is the lead borough and we have a Service Level Agreement with Hackney as per requirement of the grant funding terms and conditions.

The Service Level Agreement outlines the inter-borough arrangements and roles and responsibilities. A project board has been established, on which LBTH has representation by Environmental Health. The board meets regularly for progress reporting purposes and risk mitigation. Daily delivery of ZEN is project managed by a Senior Transport Planner within the Transportation Section of London Borough of Hackney and delivered by the ZEN Project Officer and 2 ZEN Officers, one of which is LBTH.

Funding

Tower Hamlets has received funding from the Transport for London via the London Mayor's Air Quality Fund to the value of £84,725 which we match-funded as required by the terms and conditions. The match funding has come from the following internal sources:

- Section 106 Funding for sustainable travel - £46k
- Local Implementation Plan - £36k
- Contribution through existing projects in the project area - £10k (Cycle Survey)

Match funding will be used for incentives, trials, infrastructure improvements and other costs. All internal match funding has obtained legal and procurement authorisations. This includes Planning Contributions Overview Panel for the Section 106 funding and the Record for Corporate Directors Actions will be progressed for monies to be spent in this financial year.

Financial reporting is undertaken to external and internal project sponsors as required.

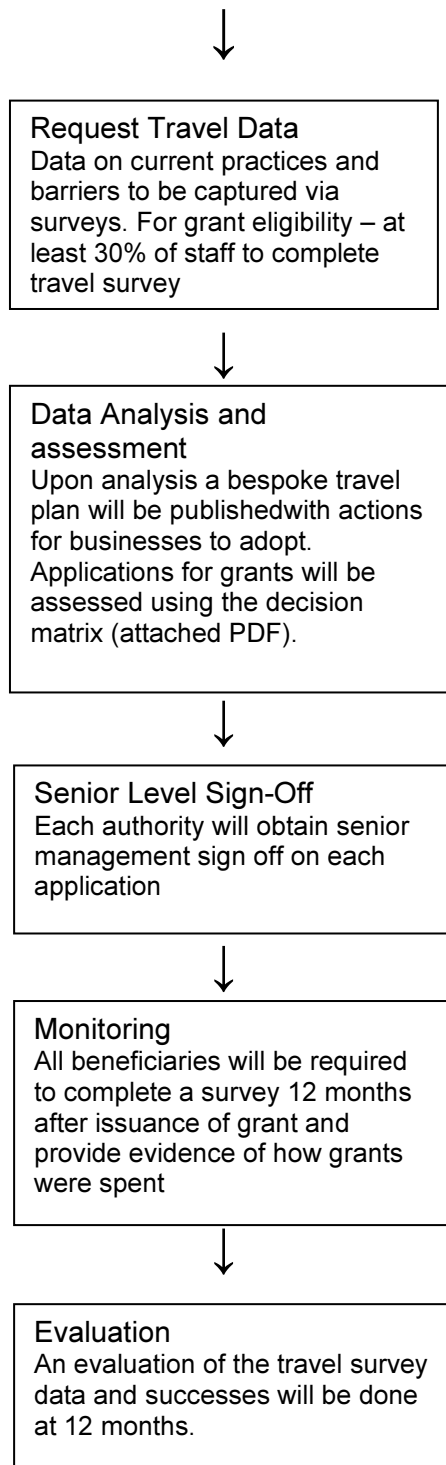
Grants

The ZEN Travel grant enables businesses to apply for funding to help them implement sustainable travel initiatives for their staff and visitors. The grant applications are welcome from all ZEN members, regardless of business size. A basic search of Companies House will be undertaken as part of a due diligence.

All grant funding will be considered by the project board and will only be presented for approval by the Council once it has been signed-off by the project board.

The decision making process for the issue of travel grants is as follows:

Determine Value Maximum available funding is £1000 per business



Terms and Conditions for Grant Issuance

Grant applications will be assessed as follows:

- A response rate of 30% from the staff employed within the business will need to complete a travel survey before a grant application can be considered

- Applicants are required to demonstrate a % change in modal shift to sustainable forms of travel. A percentage change of 5 -10% would be acceptable. We will monitor this via the year end assessment on the grant use. Applicants are also required to match fund grants issue by the ZEN project and the grant will be paid in advanced.
- Applicants are required to provide one quotation for works to be carried out
- They will need to give an undertaking and indicate on their application form details of other measures to be implemented that is tailored to them as part of the service the ZEN project offers

The level of funding will be assessed based on the below criteria:

1. The reasons why the workplace has applied for the grant
 - a. Initiatives to reduce emissions by reducing reliance on car
 - b. potential shift towards more sustainable transport
 - c. supporting and encouraging staff to use sustainable transport
2. The completeness of the application i.e. is further information needed to be able to assess the application as attached;
3. The size of the organisation, will be considered in order to prioritise applications in case of over subscription. Ideally targeting those that may not have carried out this work without a financial incentive and also has an impact on air quality.
4. Whether the workplace received a ZEN Sustainable Transport Grant previously;
5. Whether the workplace are providing match funding;
6. Additional measures the workplaces are undertaking to support sustainable travel

Successful applicants will be required to complete a grant agreement.

Previous grants awarded by Hackney during the initial phases of the project have gone towards for example cycle maintenance, campaign rewards and electric car charging points.

Grant Applications

To date Tower Hamlets has received two applications from the following businesses in the borough:

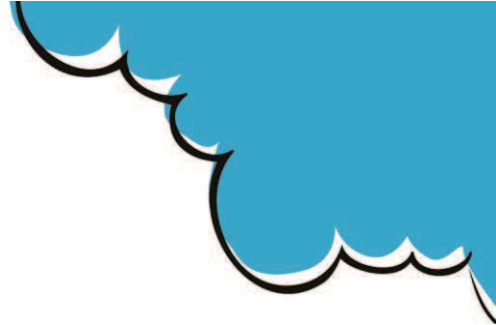
- a. Oxford House – has applied for grants for shower refurbishments and a cycling awareness event. The travel survey has indicated that 60% of tenants in this building would

consider cycling and running to work if there were adequate shower facilities.

- b. East London Mosque – the grant application is for secure cycle parking for staff in the underground car park as there are security issues at street level with cycle parking. 60% of surveyed respondents indicated that secure cycle parking would encourage them to cycle. The ZEN funding will provide parking for 10 bikes.

The application has been assessed using the grant determination process and grant matrix and the applications have been successful. Both organisations have adequately indicated commitments to matchfund the initiatives and provide achievable targets for travel change as indicated above.

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ZEN Travel Grant: Application Form

Workplace Name:	
Contact person:	
Role of contact person:	
Telephone:	
Email:	
Number of staff	

Please explain in detail what the funding will be used for:

Please include as much detail as you can, including quotes

Please provide the targets for travel change

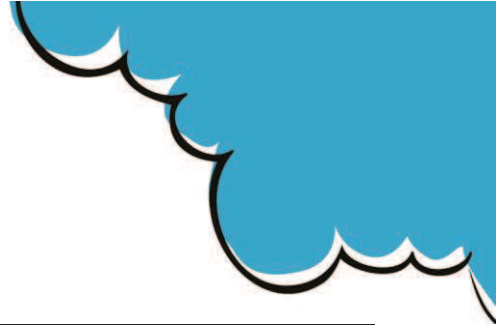
*What is the expected % change in sustainable travel?
How many more staff will walk and cycle to work after the implementation of the above measures?*

How much funding is the workplace requesting?

There is a limit of £1,000 per workplace

£

Please provide details of any match (/resource) funding



What additional actions/measures from your travel plan will you implement?

The travel plan detailed a number of measures, which additional measures (either free or not funded through this grant) will you implement in order to encourage staff to travel sustainably (e.g. cycle training, provision of travel maps etc)?

Should your application be successful the Zero Emissions Network requires you to provide travel survey data 12 months later as part of the annual Travel Plan review and evidence of spend (e.g. photos).

You will also be required to display ZEN branding on provided facilities (e.g. ZEN sticker on side of cargo bike).

I agree to provide follow up survey data and display ZEN branding

Name

Sign

Date

Please return completed forms to (or email scanned copy):

The Zero Emissions Network
 Hackney Council
 Keltan House
 89-115 Mare Street
 London
 E8 4RU
 Tel: 020 8356 6113
 Email: zen@hackney.gov.uk

PLEASE NOTE: No works/purchasing of goods should be carried out until written confirmation of funding is received from The Zero Emissions Network.