

LONDON BOROUGH OF TOWER HAMLETS

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

HELD AT 11.00 A.M. ON TUESDAY, 8 MARCH 2016

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

Members Present:

Max Caller (In the Chair)	(Commissioner)
Alan Wood	(Commissioner)

Councillors Present:

Councillor Asma Begum	(Cabinet Member for Culture)
Councillor Peter Golds	(Leader of the Conservative Group)
Councillor Joshua Peck	(Cabinet Member for Work & Economic Growth)

Officers Present:

Shazia Hussain	(Service Head Culture, Learning and Leisure, Communities Localities & Culture)
Graham White	(Interim Service Head, Legal Services, Law, Probity and Governance)
Zena Cooke	(Corporate Director, Resources)
Minesh Jani	(Head of Audit and Risk Management, Resources)
Antonella Burgio	(Democratic Services)

ELECTION OF CHAIR FOR THE MEETING

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Commissioner Alan Woods nominated that Max Caller be appointed chair for the duration of the meeting. Accordingly it was

RESOLVED

That Commissioner Max Caller be appointed Chair for the duration of the meeting.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Commissioners Sir Ken Knight and Chris Allison.

Apologies were also noted from the following officers:
Stephen Halsey, Corporate Director for Communities, Localities and Culture,
Stephen Murray, Head of Arts and Events

2. DECLARATIONS OF INTEREST

No declarations of disclosable pecuniary interests were made.

MOTION ON EXEMPT DOCUMENTS

The Chair informed all present that he had sought advice from the Interim Head of Legal Services regarding the information provided to Commissioners in an exempt appendix to the report and the grounds under which this information was required to be considered in closed session. Upon inspection, advice was given that this information did not contain details that were financially sensitive or that would inappropriately reveal information about the individuals or the subject matter to be considered and therefore the document could be considered in public session. Accordingly the Chair **moved** and it was

RESOLVED

That the document be now considered non-exempt and discussed in open session.

3. CONSIDERATION OF PUBLIC SUBMISSIONS

No public submissions were made relating to the agenda item to be considered.

4. REPORTS FOR CONSIDERATION

4.1 The Boishakhi Mela

Shazia Hussain, Service Head, Culture, Learning and Leisure introduced the report which concerned a proposal to vary the contract and terminate in 2016, which includes a term for 'in kind' support under the terms of the Council's contract with Boishakhi Mela Trust. Commissioners were asked:

- to note that no monetary assistance was being sought from the Council
- to consider the background to the matter and 9 recommendations as printed in Section 2 of the report.

The Chair sought clarification on how the Independent Panel which had carried out a review of the Boishakhi Mela Trust had been constituted and its members appointed. He was informed that, using a combined approach, membership had been drawn from an individual previously involved in the Trust and four others selected on the basis of their expertise and experience of running large community events.

The Chair invited Councillor Peck and Councillor Golds to comment on the proposal and they indicated that they supported the Boishakhi Mela event; in principle; however they had significant concerns regarding the organisation through which the event would be delivered.

Commissioners:

- enquired about the post-event audit carried out and key controls, noting that although the percentage of actions that remained outstanding fell below the Council's criteria, it was recommended that the event should continue. They were informed that there was a lower expectation of compliance than would be applied within the Council as the Trust was a small community body.
- noted that audit recommendations not implemented related to financial management and conflicts of interests between the accountants and auditor. They were informed that there was no separation of the bookkeeper and auditor function and there had been some non-compliance in procurement in some instances.
- enquired how the non-compliances affected the sequencing/schedule of tasks necessary to deliver the event. Commissioners were of a view that that all elements needed to be in place before monies should be released.
- noted that the contract with the Trust would be terminated on 30th June 2016 as the event is unsustainable without financial aid . The Council's Legal Officers have offered a proposal to the Trust and its trustees were presently seeking legal advice on this matter.

Commissioners also noted:

- that in 2015, Commissioners had declined to make a monetary award to the Trust because the event was scheduled to take place during a pre-election period, there was concern, based on previous events, that the event could be used for political purposes and the evidence around the Trust's failure to comply with audit recommendations which were a condition for the release of funds.
- He noted that a recommendation of the Independent Panel was that "BCMT urgently address key concerns expressed by Auditors and the Council in respect of event management and their own governance", this recommendation, in his view, indicated that compliance remained an unresolved issue at the time of the independent review.
- The evidence from the Audit review and the Independent Panel, in his view, did not support the officer recommendation that the Council had acted upon and fully resolved the issues

- the request for 'in kind' support met the broad definition of "a grant" and therefore the condition that criteria be met prior to the release of a grant/support involving public money continued to apply.

Commissioners wished to convey to the Trust that there must be compliance before public funds may be released.

Noting the proximity of the Boishakhi Mela event, Commissioners advised that the requirements for compliance with audit recommendations be incorporated into the revised contract currently being drawn up as a precondition for the event taking place. To prevent delay, Commissioners would be content that Officers proceed on this basis and report on satisfaction of the contract terms once the contract was in place.

RESOLVED

1. That the 9 recommendations as set out in the report summary be noted
2. That it be noted that the evidence provided by the Audit report and the Independent Panel review does not demonstrate that the outstanding issues required to permit this event to proceed have been addressed.
2. That Officers be instructed to incorporate into the Contract currently being negotiated with the Boishakhi Mela Trust suitable clauses to require compliance as a precondition and to report back when a satisfactory outcome was achieved.
3. That, as agreed, Officers send to Commissioners a copy of the Mela business plan which was referred to in the Independent Panel report.

5. ANY OTHER BUSINESS THE CHAIR CONSIDERS TO BE URGENT

Nil items.

The meeting ended at 11.40 a.m.

In the Chair: Max Caller
COMMISSIONER