

<b>Grants Scrutiny Sub-Committee</b>  3 <sup>rd</sup> July 2017	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Aman Dalvi Corporate Director, Development and Renewal	<b>Classification:</b> Unrestricted
<b>Royal London Hospital Meanwhile Use Community Garden</b>	

<b>Lead Member</b>	<b>Councillor Asma Begum, Cabinet Member for Culture</b>
<b>Originating Officer(s)</b>	Beth Harley-Jepson, Project Support Officer
<b>Wards affected</b>	Whitechapel
<b>Key Decision?</b>	No
<b>Community Plan Theme</b>	<b>A great place to live, A healthy and supportive community</b>

### **Executive Summary**

This report relates to the release of £40,222 of section 106 resources to Core Landscapes to relocate and establish their community garden project in Whitechapel.

The project will bring an innovative community garden a new site at the Royal London Hospital. Everything is container grown designed to withstand moves to new locations, an innovative showcase of meanwhile space for community benefit.

### **Recommendations:**

To consider and comment on the recommendation that the Grants Determination Sub-Committee is recommended to:

1. Approve the grant funding of £40,222 to Core Landscapes to enable the relocation and set-up of their community garden project in Whitechapel.

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

- 1.1 The project represents a unique, time sensitive, opportunity to implement a meanwhile use garden within the Whitechapel Vision delivery area. There are no other projects within the area of this scale and addressing the wellbeing and health outcomes that this provides. Core Landscapes Project transforms vacant land in deprived urban areas into hubs for engagement through horticulture, workshops and events to improve physical health, mental wellbeing and encourage community cohesion. It will improve the immediate environment around the hospital; promoting health and well-being.
- 1.2 The recently produced Whitechapel Public Realm and Open Space Guidance identify a deficit of publically accessible open space in the area. In addition, the draft Tower Hamlets Parks and Open Space Strategy 2017-2027 specifically identifies the Whitechapel area as “having low levels of accessibility to and quantity of open space whilst also projected to see some of the most intense population growth. These areas also have some of the lowest levels of engagement in physical activity.”
- 1.3 Barts Health NHS Trust is required to deliver open space on this site as part of the masterplan for the Royal London Hospital redevelopment.
- 1.4 The budget for the project is from a s106 contribution from the nearby Aldgate Place developments (ref. PA/13/00218) that must be spent on “provision of new open space or improvements to existing open space in the following locations (in order of priority) (a) Whitechapel ward, (b) wards adjoining Whitechapel ward, (c) and other parts of the borough”.
- 1.5 The allocation of funding to this project was approved by the Corporate Director of Place in the Infrastructure Delivery Steering Group of the 8<sup>th</sup> December 2016. Councillor Asma Begum was briefed in December 2016 and gave approval for this project. Councillor Joshua Peck was also briefed on this project in late 2016.

## **2. ALTERNATIVE OPTIONS**

- 2.1 Do not support Core Landscapes to move, this would impact their ability to deliver the project to site and the extent of outreach and services they are able to provide. This would also reduce the potential benefits and outputs that Core Landscapes can provide.
- 2.2 If Core Landscapes do not move onto the site, the temporary car park will remain in place until December 2017. Bart’s Health NHS Trust proposed landscape plan, required to be implemented once the temporary car park is removed, only provides a grass surface with minimal planting. The proposals from Core Landscapes provide a wide range of benefits both in terms of physical improvement of the site and outreach work with the local community.

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

3.1 The grant allocated to Core Landscapes will enable the relocation of their existing community garden to Whitechapel. The garden will provide the following;

- Open Community Pocket Garden containing a container grown orchard, planting for beneficial insects including sensory planting, seating, a small pond, coffee kiosk and plant sales areas.
- A Learning and Propagation Zone containing poly tunnels, medicinal/sensory planting area, upcycled teaching cabins including a hot house for tender plants, outdoor teaching spaces and compost areas.
- A Construction/Design area for CSR engagement, up-cycling, vocational carpentry training and ongoing timber construction maintenance.
- Containers for office, tool storage and toilets.

3.2 The amount of £40,222 will cover the cost of moving the garden as well as the initial establishment of the project in Whitechapel. A full breakdown of costs is included in the appendices.

3.3 Although not directly funded by the £40,222, once established in Whitechapel the Core Landscapes community garden is anticipated to deliver and promote the following aims;

#### **3.4 PEOPLE**

- Promote mental and physical health by empowering individuals and communities to improve their local environment.
- Develop activities that maximise social participation, enhance self-esteem and promote exercise and healthy living.
- Encourage social inclusion, focusing on quality and equality.
- Involve users in the planning process of the project.
- Support and empower other community horticultural projects.
- Facilitate the increase of horticultural and landscaping skills for life-long learning.

#### **3.5 MEANWHILE SITE**

- Increase access to local green spaces for community wellbeing, environment promotion, and wildlife protection.
- Enable community stewardship of temporary spaces, deterring anti-social behaviour, promoting positive neighbourhood engagement.
- Encourage partnerships with local companies for community benefit.
- Continue to develop and showcase models of movable community horticulture for other temporary sites.

#### **3.6 ENVIRONMENT**

- Promote and facilitate environmental education for all.
- Utilise horticulture and landscaping as the tools of community engagement.

- Increase awareness of ecological issues and recycling of waste in the community.
- Protect existing wildlife and increase biodiversity on site.
- Manage Core Landscapes organically.

### **3.7 WIDER OBJECTIVES**

- Self-generate funds through plant sales and other activities.
- Work in partnership with relevant organisations.
- Benefit from local knowledge, share resources and information wherever possible.
- Promote Core Landscapes to the wider community and across London.

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

- 4.1 Under the terms of the Section 106 agreement for the development of Aldgate Place (PA/13/00218), the Council received a contribution of £863,392 for the “provision of new open space or improvements to existing open space in the following locations (in order of priority) a. Whitechapel ward; b. wards adjoining Whitechapel ward; c. another part of the borough’. It is proposed to use £40,222 of this contribution to fund a temporary (‘meanwhile use’) community plant nursery, garden, event space and micro-allotment on the temporary car park site on Mount Terrace.
- 4.2 The allocation of funding to the project was agreed by the Council’s Infrastructure Delivery Board on 24<sup>th</sup> January 2017 however, as a payment to an external charitable organisation (Core Landscapes), the approval of the Grants Determination Sub-Committee is also required.

## **5. LEGAL COMMENTS**

- 5.1 Whilst there is no strict legal definition of grant, a grant is in the nature of a gift and is based in trust law. However, grants are often given for a purpose so it is sometimes unclear whether a grant has been made or the arrangement is a contract for services.
- 5.2 There will be many grants which are made by the Council for the purpose of discharging one of its statutory duties. However, as a grant is in the nature of a gift, it is considered there must be some element of discretion on the part of the Council as grantor as to whom a grant is made to and whether this is made. If the Council is under a legal duty to provide a payment to a specific individual or organisation, and cannot lawfully elect not to make such a payment, then that should not amount to a grant.
- 5.3 In this case, whilst the section 106 agreement specifies what the contribution is to be spent on, it is not specific to the proposed a temporary (‘meanwhile use’) community plant nursery, garden, event space and micro-allotment on the temporary car park site on Mount Terrace and the Council is therefore not under a legal duty to make the payment to Core Landscapes. The payment is therefore discretionary and is therefore a grant.

- 5.4 There is a need to ensure that the Council has the power to make the grants in question. In that regard, the proposed grants are supported 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.
- 5.5 When considering whether to approve the grant, consideration should be given to the arrangements in place to ensure that the power that is exercised is 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). Paragraph 7 below considers this in further detail.
- 5.6 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 or the opportunity of making a profit from the grant or third parties indicates 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. This would mean therefore, that the Council would have failed to abide by the appropriate internal procedures and external law applicable to such purchases.
- 5.7 When making grants 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 Considerations section of the report.

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

- 6.1 The projects aims are to provide inter-generational and cross-cultural opportunities to reduce mental health issues, social isolation and improve community cohesion by learning together with common goals. Core Landscapes work to engage 'easy to ignore' communities especially those with physical and/or mental health issues to improve life opportunities through skills learning and social interaction to improve health and wellbeing. They deliver outreach work and engage people of all ages, cultures, ethnicities and health conditions in their community green space to improve their local environment.

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

- 7.1 The delivery of this project ensures the Council meets its s106 obligations and spends funds in accordance with the agreement. The project will provide a wealth of social and environmental benefits as outlined in para 3.3-3.7.

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

- 8.1 The proposals in this report will enable the delivery of much needed greenspace within Whitechapel. The presence of Core landscapes in the area will also open up the opportunity for the creation of additional pocket greenspaces as well as support for local communities to set-up their own growing projects.
- 8.2 The project has a number of environmental aims:
- Promote and facilitate environmental education for all.
  - Increase awareness of ecological issues and recycling of waste in the community.
  - Protect existing wildlife and increase biodiversity on site.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The risk to the Council is limited as the funding provided is only for the initial set-up and establishment of the project after which they will support themselves through a range of funding sources. In addition the land on which the project will be run is owned by Barts Health NHS Trust.
- 9.2 Barts Health NHS Trust has issued a lease agreement for two years with a break option of three months if the site is required for redevelopment. There is a risk that Barts Health NHS Trust will request Core Landscapes to vacate the site early. This risk is minimal as the site is included in the Life Sciences campus masterplan and is not due for redevelopment within the next two years.
- 9.3 The local community will become attached to the community garden and be resistant to it being removed when the redevelopment starts. The premise of the garden is that it is temporary and moveable and provides value in the interim period whilst sites are otherwise lying vacant. If the project is a success, the anticipation is that another site can be found within Whitechapel or elsewhere within the borough once the lease ends at this site.

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

- 10.1 Core Landscapes will activate an area of open space and enable community stewardship of temporary spaces, deterring anti-social behaviour and promoting positive neighbourhood engagement.

## **11. SAFEGUARDING IMPLICATIONS**

11.1 Core Landscapes is a part of Core Arts, a well-established award-winning mental health charity in Hackney East London established in 1992.

11.2 There are no safeguarding implications.

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

#### **Linked Report**

- NONE

#### **Appendices**

- Financial breakdown

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

- Core Landscapes Design and Access Statement - Mount Terrace

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

Or state N/A

## Financial Breakdown

Financial Profiling					
Description	17/18				Total
	Q1	Q2	Q3	Q4	
3.5 tonne Telehandler (forklift) @480 per week 1 x 3wks, 1 x 1wk incl VAT	£2,304				£2,304
TeleH Insurance @ £60.20 per week x 4 weeks	£240.80				£240.80
CPCS Licensed telehandler operators @ £15 p/hour x4 weeks	£2,100				£2,100
TeleHx2 Transport per site £150 each way + Fuel £45x2	£690				£690
Hiab and 40ft flatbed lorry + operator @ £785 per day x 8 days	£7,536				£7,536
7.5 tonne lorry per day + driver £374 per day x 5 days incl VAT	£2,244				£2,244
CArts Director @ £35 per hour x 3 weeks p/t x 3 weeks	£3,231				£3,231
CArts Manager @ £20 per hour x 6 weeks x 6 weeks	£4,200				£4,200
CArts Construction coordinator @ £17 per hour x 6 weeks	£3,570				£3,570
2 x removal hands/drivers @ £14 per hour x 6 weeks	£2,940				£2,940
Administration/project management bookkeeping time 6 weeks +	£1,000				£1,000
Skip(40yds Rolo) Haulage @£200+waste @120 ptn x 20 x 5 days incl VAT	£3,120				£3,120
Rollacrate shelving hire costs x 100 x 5 days incl VAT	£1,800				£1,800
3.5 Luton Van tail lift self-drive @ 510 per week x 2 weeks incl VAT	£1,224				£1,224
<b>Total</b>	<b>£36,199.80</b>				<b>£36,199.80</b>
Contingency	£4,022.20				£4,022.20
<b>Grand total</b>	<b>£40,222</b>				<b>£40,222</b>