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| <p>Commissioner Decision Report</p> <p>27th May 2015</p> |  <p>TOWER HAMLETS</p> |
| <p>Report of: Acting Corporate Director, Resources</p> | <p>Classification: Unrestricted</p> |
| <p>Stairway to Heaven – Council contribution to phase II</p> | |

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| Originating Officer(s) | Acting Service Head, Resources, D&R |
| Wards affected | Bethnal Green |
| Key Decision? | No |
| Community Plan Theme | One Tower Hamlets; Great Place to Live |

Executive Summary

The Stairway to Heaven Memorial Trust is a charity that has been raising funds for a memorial to remember the victims of what is thought to have been the largest single loss of civilian life in the UK in World War II.

This report sets out a proposal to deliver on a budget proposal that was agreed by Council as part of the 2015/16 budget setting process: to make a contribution of £25,000 to the Stairway to Heaven Memorial Trust.

As the making of grants is now a function vested in the Commissioners, this report seeks their consent.

Recommendations:

The Commissioners are recommended to:

1. Agree a grant of up to £25,000 to the Stairway to Heaven Memorial Trust.
2. Authorise the Acting Corporate Director of Resources (or delegate) to agree the terms and conditions of the grant agreement, after consultation with the Head of Legal Services.

1. REASONS FOR THE DECISIONS

- 1.1 As part of the 2015/16 budget setting process, Council agreed to make a one-off contribution of £25,000 to the Stairway to Heaven Memorial Trust to allow the completion of the memorial.

2. ALTERNATIVE OPTIONS

- 2.1 The Commissioners could choose not to agree to the provision of the funding. However, the expenditure is a goodwill gesture from the council and is an investment in a valuable community asset.

3. DETAILS OF REPORT

- 3.1 The Stairway to Heaven Memorial Trust was established as a registered charity (Charity Number 1118618) in 2007 to commemorate the 173 civilian lives lost in the Bethnal Green Tube Station disaster in 1943; what is thought to have been the largest single loss of civilian life in the UK in World War II.
- 3.2 The memorial is intended to be a key landmark in the heritage of the East End. It aims to symbolise the sacrifice made by ordinary people; not just those who lost their lives in the disaster and the survivors, but also the emergency services who helped the injured and bereaved at the time – the firemen, policemen, wardens, clergy, medical staff and others.
- 3.3 In 2007, following the establishment of the Trust, Council passed a motion pledging ‘its full support to the campaign to erect a monument to the victims of the Bethnal Green Tube Disaster’. In seeking to commemorate the disaster, the Trust has been working to establish a memorial in Bethnal Green Gardens, a few metres away from the site of the disaster.
- 3.4 The Trust approached the Council back in 2010 requesting a financial contribution from the Council as a contribution to their fundraising efforts. They presented their design brief for the memorial, which was projected to cost around £650,000. Following advice from the Council, the Trust revised their projected costs from £650,000 to £550,000.
- 3.5 Following the revision of the project to the reduced cost of £550,000, the Council provided a grant of £127,000 to enable the delivery of the Phase 1 scheme including Architects Fees, Structural Engineer, Quantity Surveyors, M&E, Lighting and CDM works.
- 3.6 The Trust raised sufficient funds for the construction of the first phase of the memorial and this was completed on 28 February 2013, with the dedication of the memorial taking place on 3 March 2013, the 70th anniversary of the disaster.

- 3.7 The second phase of the memorial is set to cost £219,000. The Trust has continued with their fund raising efforts and has been successful in raising £175,380 leaving a shortfall of £43,620.
- 3.8 The Trust has advised the Council that a further £15,000 has been pledged from a company based in the borough, leaving a net shortfall of £3,620 if the Council contribution is approved. The remaining financing will be raised by a number of fundraising events being planned including station collections, fetes and other similar activities.
- 3.9 The Council's £25,000 contribution will help the Trust complete the memorial, especially as time is not on the side of most of the survivors.
- 3.10 It should be noted that the information above was correct at the time of writing the report, but that the level of funds raised continues to increase. It is therefore proposed that the Council offers a grant of up to £25,000 to the Trust, the exact level to be determined by the actual shortfall in resources at the time of payment.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Council, in June 2007, passed a motion pledging 'its full support to the campaign to erect a monument to the victims of the Bethnal Green Tube Disaster'. In support of this pledge, a grant totalling £127,000 was awarded as a contribution towards the Phase 1 costs (see paragraphs 3.4 and 3.5). The Phase 1 works were completed in 2013.
- 4.2 In order to complete the memorial, the Stairway to Heaven Memorial Trust has continued fund raising, and is now £28,620 short of its required target. As part of the 2015-16 budget process, on 5 March 2015 the Council approved a growth bid to set aside resources to provide a 'one-off' contribution of £25,000 to the Trust. The funds are held within the Corporate Costs budget.
- 4.3 Although the budgetary provision has been approved, as the contribution is a grant it must be approved by the Commissioners in accordance with the Government intervention directions.
- 4.4 It is proposed that a grant contribution of up to £25,000 is made available, with the exact sum payable to be determined by the level of the shortfall in funding at the time. If the shortfall is below £25,000, then the grant will be reduced accordingly (paragraph 3.10)
- 4.5 If the grant is approved, the Trust will need to ensure that Council funds are used in compliance with Council contracting procedures and must provide evidence to demonstrate adherence to the contractual requirements.

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 It is proposed to award a grant to the Stairway to Heaven Memorial Trust for a memorial to victims of the Bethnal Green Tube Station disaster in 1943. Whilst the Council is specifically empowered by the War Memorials (Local Authorities' Powers) Act 1923 to maintain, repair and protect any war memorial in Tower Hamlets, it does not appear that the Council has a specific power to construct or support the construction of such memorials. The making of the grant may, however, be supportable either under the Council's education powers or its general power of competence.
- 5.3 Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes. This general power of competence may support the giving of grants to community groups, provided there is a good reason to do so. There may be a good reason for giving a grant if it is likely to further the Council's sustainable community strategy under section 4 of the Local Government Act 2000, which is contained within the Tower Hamlets Community Plan.
- 5.4 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". This is not a case where competition is appropriate and the authority must take advice from officers to ensure the duty is met. The Council should enter into a grant agreement with the Trust. A robust review and contract monitoring process should be included in the agreement to ensure that the funds are protected and that the Council can demonstrate the genuine benefit received from the money spent.
- 5.5 The Council must ensure that the Trust does not profit from the grant. Otherwise the purported grant would constitute procurement activity, in which case the Council would be required to follow its Procurement Procedures. A competitive process would be required to determine the identity of the partner, rather than directly appointing the Trust to build a memorial for the Council.
- 5.6 In carrying out its functions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons

who share a protected characteristic and those who do not (the public sector equality duty). A proportionate level of equality analysis is required to support the Council's consideration.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 One of the aims of the Trust is to foster good citizenship. This will be done by disseminating historic information through talks, visits, guided and audio tours, and educational programmes in libraries, schools and at the memorial itself.

8.2 An assessment of the potential equality impact concluded that support to the proposed memorial projects does not represent a disproportionate impact on any group with protected characteristics.

8.3 The equality impact assessment considered the following:

i) **Grant Sum** - Whether the proposed grant amount is reasonable, in light of protocols for making such grants?

ii) **Award Process** - Whether the grant process, offers fair and equitable access to all groups, including those that represent people with protected characteristics?

iii) **Organisation Credibility** - Whether the recipient organisation conducts its affairs in a manner that is consistent with the One Tower Hamlets ethos of fostering community cohesion and good citizenship?

iv) **The Event & People to be commemorated** – Whether the proposals intentionally or unintentionally places greater or lesser value on the contributions of any group of people?

v) **Significance to the whole community** - Whether the memorial carries significance to all members of the community, including those with protected characteristics.

vi) **Location and accessibility of memorial** – Whether the memorial is accessible to all members of the community and does not exclude access to any particular group based on protected characteristics?

8.4 The detailed analysis in response to the above is set out in Appendix A.

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no immediate best value implications arising from this report. Given the Trust's reliance on fundraising, the council is confident that the construction of the memorial has been procured in the most economical way. This includes securing discounted rates from contractors as well as revising the scheme to drive down the cost.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no 'immediate sustainable action for a greener environment' implications arising from this report. Phase 1 of the memorial has improved the public realm in the surrounding areas.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The key risk in relation to making a grant of this nature is ensuring the money is spent in the way it is intended. Based on the public records available from the Charity Commission, it would appear that the Trust is well-managed, with independently-examined accounts submitted in a timely manner. The Trust has also confirmed that none of the volunteers or trustees receives any form of remuneration and the only expense covered by the Trust is the trustees' insurance.
- 9.2 In making a grant, the council would enter into a grant agreement with the Trust, setting out the outputs that were expected as a result of the grant.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no immediate crime and disorder reduction implications arising from this report.

11. SAFEGUARDING IMPLICATIONS

- 11.1 There are no immediate safeguarding implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Equality analysis

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

- NONE.

Officer contact details for documents:

Or state N/A

APPENDIX A – EQUALITY CONSIDERATION

i) The Grant Sum

The sum is consistent to those made for similar purposes in the past.

ii) The Process

The grant will be made from Section 106 contributions and the process allows equality of access to all voluntary organisations, charities etc., including those that represent people with protected characteristics.

iii) Recipient Organisation Credibility

The approval of a grant to the organisation is considered to be in keeping with the One Tower Hamlets objectives of community cohesion.

The recipient organisation has been seen to run a very credible and professional fundraising campaign. The campaign has engaged with a wide range of local community members, thereby demonstrating a genuine desire to engage with the whole community.

As well as requesting a grant from the Council the organisation undertook to raise the majority of the funds. This approach is to be applauded as an example to the wider community, whether voluntary or charity.

It was found that images (displayed on the recipient organisation's website) represented support from a range of people including, people who reflected the current make-up of the largest ethnic groups in Tower Hamlets, those of Asian and White British nationalities.

The organisation has obtained sponsorship and donations from local small business, corporate organisations, a memorial service etc.

The purchase sponsorship of the memorial is open to all members of the public and allows individuals or businesses to have their names listed as sponsors on the organisation's website.

iv) The Event and People

The event and people to be remembered is expected to have as much significance to people with protected characteristics as well as other members of the community. There is an argument to say that it might be of most significance to women or women with young children, as it is reported that the incident was triggered as a result of a woman having to carry a young child down the tube staircase.

Generally, the memorial commemorates the loss of lives by ordinary people during WWII. Whilst the Tower Hamlets population make-up today may be different from that in 1943, there is still relevance to people currently living, visiting or studying in Tower Hamlets as the story, if researched, provides an insight into the reality for civilians during times of war, the role of local government, as well as providing as the

relationship dynamics between a local authority and central government, all of which are relevant today.

The memorial is not considered to commemorate any group of people or give greater significance to any particular characteristic that would favour a particular group of people.

v) Significance to the whole community

Today there are currently 44 war memorial throughout Tower hamlets¹. This was the only memorial that obviously commemorated the sacrifice of 'civilians' during WWII.

The memorial will take the form of "conicals", thereby avoiding any specific connection with a specific faith. 14 specifically mention WWII.

vi) Location of Memorial

The memorial will be located nr Bethnal Green Tube Station, within Bethnal Green Gardens, Cambridge Heath Road, London E2. The park is accessed at ground level, and provides easy access for people with mobility (problems).

Bethnal Green Gardens today has a rose garden and ornamental planting at the north-west entrance from Cambridge Heath Road near the junction with Roman Road, east of which is a modern shelter that was erected in the C20th, recently restored. The area of formal planting is bordered

¹ tower hamlets list of locally listed war memorials