


Commissioner Decision Report 8 th July 2015	 TOWER HAMLETS
Report of: Andy Bamber – Head of Safer Communities	Classification: Unrestricted
Positive Activities for Young People	

Originating Officer(s)	Dinar Hossain
Wards affected	All wards
Key Decision	Yes
Community Plan Theme	All

1. Executive Summary

- 1.1 Positive Activities for Young People (PAYP) is a holiday programme which aims to engage and enhance the development of young people. It targets young people aged 8-19 (with priority given to 13-19 year olds) and to support activities for those up to 25 years old for those with Special Educational Needs (SEN) and Learning Difficulties and/or Disabilities (LDD). The programme allows young people to take part in diversionary activities through a variety of projects delivered by key partners throughout the holiday periods. This supports families during holiday time where there may be issues with childcare costs, limited or no family resources to provide holiday activities, overcrowding at home or other engagement issues. It also helps to support work to reduce antisocial behaviour during the school summer holiday period.
- 1.2 The Commissioners agreed for this programme to be advertised for summer period and overseen by the PAYP board made up of LBTH officers from different team and VCS representative. This report sets out the recommendations for grant awards as determined by the Independent PAYP Board. A Commissioner Decision is required as this is a grant related decision and all grant related authority is currently vested with Commissioners appointed by the DCLG following Secretary of State directions. Given the time specific nature of this grant programme it has not been possible to dove-tail the assessment process (including the creation of the independent board) with the forward plan of Commissioners Public Decision Making Meetings. In order to ensure the timely delivery of a summer programme for young people in the Borough The Commissioners have agreed to consider the grant awards under emergency provisions and will report the detail of these decisions at their next public meeting to ensure transparency.

2. Recommendations

The Commissioners are recommended to:

- Agree the recommendation of the PAYP Commissioning Board to allocate grants up to a maximum £5,000 to the 21 organisations which have been assessed by LBTH Officers and approved by the independent PAYP Commissioning Board.
- Agree to fund a further 8 organisation which are highlighted in AMBER subject to required clarification as set out by the Board and referenced in Appendix 1 being submitted to Council officers and subsequently being found satisfactory by the S151 officer or an officer appointed by him. In the event of this not being so the provisional grant approval being void.
- Agree that new adverts may be placed in East End Life for the remainder of the holiday periods (October 15, December 15 and February 16).

3. REASONS FOR THE DECISIONS

- 3.1 The decisions are required in order that the Council is able to deliver a successful holiday programme to keep young people engaged in positive activities during holiday period.

4. ALTERNATIVE OPTIONS

- 4.1 Don't run a summer programme. This would have adverse consequences for poorer families, those with young people with special needs and potentially impact negatively on ASB over the summer period.
- 4.2 Approve a different profile of grant awards based on an alternative assessment. However as the summer programme is time limited there is insufficient time to re assess the applications received. Such a profile of awards could not be generated in time for the summer break.

5. DETAILS OF REPORT

- 5.1 The Commissioners approved the establishment of an independent PAYP/Youth Opportunity Fund programme board to oversee the PAYP and YOF grant. Following recruitment to the Board the First meeting of the independent PAYP Board, chaired by MPS Chief Inspector Mark Long, took place on Wednesday 6th May to agree terms of reference and confirm membership.
- 5.2 The current round of the PAYP programme was advertised on 11th May 2015 in the East End Life. Applicants were required to submit an application in the form attached at appendix 2. All applications were assessed against the pre-

defined criteria. This involved, first, an assessment of whether applications met an eligibility threshold and then a red, amber, green (RAG) rating (See 5.5 below). The initial assessment of the applications was carried out by officers of the Council.

- 5.3 The second meeting of the PAYP programme board took place on Monday 15th June 2015. The board moderated the assessments made by council officers and confirmed grant recommendations for consideration by the Commissioners.
- 5.4 45 applications were submitted. 33 applications scored above the 75% eligibility threshold agreed by the board. Of the 33 applications considered eligible by the PAYP board:
- 21 applications were rated GREEN and recommended for approval by the Board;
 - 8 applications were rated AMBER; and
 - 4 applications were rated RED and recommended for rejection.
- 5.5 The 8 organisations which are highlighted in AMBER were considered suitable for funding based on their evaluation scores but only subject to required clarification of aspects of their bid. The aspects requiring clarification are specified in appendix 1. The AMBER-rated applications are commended to the Commissioners on the basis that such clarification is received and found to be satisfactory by the S151 officer or by an officer delegated by the S151 officer to undertake this task. In the event of this not being so any provisional grant approval made by the Commissioners would be void. The four applications rejected by the Board were considered to be poor value for money.
- 5.5 Of the 29 applications approved 34% include a SEN or LDD element. This is considered a good level of targeting given that there is limited capacity within the third sector in this area.
- 5.6 Geographically response to the grant programme was patchy reflecting a concentration of 3rd Sector organisations physically located in the centre and West of the Borough. The service is, therefore, compensating in the short term with a stepped up programme of direct provision of summer activities in areas where there are a significant proportion of the target cohort but no eligible grant awards or no applications received. This will take account of other provision in these areas provided by charities, schools and third sector organisations who have not targeted these awards for funding but are providing diversionary activities for the target cohort. Areas where such a stepped up programme of direct delivery may be required comprise Bow East, Bromley North and South, Lansbury, Mile End, St Peters and Stepney Green.
- 5.7 In the medium term targeted marketing and a review of the weighting associated with these grants will be undertaken to encourage third sector applications under this scheme to align even more closely to the geographical disposition of the target cohort and need. The application form and evaluation

criteria are also to be reviewed before the next round is advertised and reported to the Commissioners as part of the commitment to best value continuous improvement.

- 5.8 The grant is paid 40% in advance with a 60% retention based on evidenced review of delivery. Corporate arrangements for recovery of grant monies are used in the event of default or failure to evidence delivery. Each recipient organisation will be inspected during the period of delivery. End of delivery review requires the production of receipts and evidence of outputs achieved which is the subject of review and checks before the final payments are released.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The report sets out the decisions of the Independent PAYP Board for consideration by the Commissioners to approve the recommendations including the advertising of the holiday programme for the remainder of the financial year within East End Life.
- 6.2 The report seeks the Commissioners agreement to allocate grants of up to £5,000. A total of 45 applications were submitted requesting grants totalling £206,509. The Independent PAYP Board approved 21 organisations for grant awards that total £97,114 for the summer programme.
- 6.3 There are 8 organisations that have been highlighted as AMBER. It is recommended that subject to the required clarification being provided by the organisations to officers within a timely period, the grants that total up to £36,675 can then be approved by the S151 officer.
- 6.4 It is proposed that the payments will be made in instalments to each of the organisations awarded a grant. It is recommended that an advanced grant payment of 40% be made. The 60% retention will be released on evidence of delivery. There is budgetary provision within the Youth Service budget to meet the costs of the Holiday programme.

7. LEGAL COMMENTS

- 7.1 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).

- 7.2 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.
- 7.3 Section 507A of the Education Act 1996 provides that a local authority must secure adequate facilities for recreation and social and physical training for children under 13 years of age. The Council is empowered by section 507A to organise games, expeditions and other activities for children under 13. The Council may also defray, or contribute towards, the expenses of such games, expeditions and other activities. When making arrangements for the provision of facilities or the organisation of activities, the Council is required to have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.
- 7.4 Section 507B of the Education Act 1996 places a duty on local authorities to promote the well-being of young people aged 13-19 (and persons up to 25 years with learning difficulties or disabilities) by securing access for them to sufficient educational and recreational leisure time activities and facilities, so far as reasonably practicable. The Council can fulfil the duty by providing activities and facilities, assisting others to do so, or by making other arrangements to facilitate access, which can include the provision of transport, financial assistance or information.
- 7.5 Before taking any action in relation to activities and facilities for young people aged 13 – 19 (and up to 25 for young people with learning difficulties), the Council must consider whether it is expedient for the action to be taken by another person. The Council must consult for the purposes of determining this question. If it is so expedient, then the Council must take all reasonable steps to enter into an agreement or make arrangements with such a person for that purpose. The conduct of a grants scheme in relation to relevant activities, supported by grant agreements, may be consistent with these obligations.
- 7.6 When exercising its functions under section 507B of the Education Act 1996, the Council must take steps to ascertain the views of qualifying young persons in Tower Hamlets (i.e young people aged 13 – 19 or up to 25 in the case of young people with learning difficulties). The Council must have regard to statutory guidance issued under the section which, the current version is the Statutory Guidance for Local Authorities on Services and Activities to Improve Young People's Well-being. The guidance confirms that Local authorities should use planning and commissioning processes to identify the most appropriate providers and utilise the strengths of organisations within the voluntary and private sectors.
- 7.7 The proposed scheme may additionally be supported by others of the Council's statutory powers, such as its 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. 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.

- 7.8 The Council has a duty under 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 referred to as the Council's best value duty and the following matters are relevant to discharge of the duty –
- The scheme is advertised and, to this extent, the grants are exposed to a degree of competition.
 - Applications are assessed against pre-defined criteria designed to ensure benefits are delivered in Tower Hamlets, including by reference to the Tower Hamlets Community Plan. Based on this, the Council should be able to demonstrate a direct benefit accrued from the money spent under each grant.
- 7.9 There should be a grant agreement for each grant and provision made to ensure delivery of the projects in line with the application and approval and in the event of non-delivery to protect the Council's position. Robust monitoring requirements need to be in place and appropriate performance related payment mechanisms introduced into the terms of any grant award.
- 7.10 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 section of the report.
- 7.11 With regard to equalities it is appreciated that the spread of grant awards is not even across the borough due to the geographical base of the applicants. This has the potential to lead to individuals who are not geographically able to access these schemes being disadvantaged. However, regard has been had to this and the proposal is to redress any imbalance by the Council offering additional services to ensure that similar schemes and projects are available borough wide.
- 7.12 When implementing the schemes, 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.

- 7.13 All the proposed grants appear to fall under the *de minimis* threshold for the purposes of European restrictions on State aid.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 The programme encourages applications for grants to demonstrate they contribute to the board aims of One Tower Hamlets i.e. tackle inequality, strengthen cohesion and build community cohesion.
- 8.2 The award recommendations have been subject to an equalities assessment accompanying this report. Those aspects of this programme for which there is a shortfall in applications or eligible applications capable of securing a recommendation for award will be the subject of compensatory provision delivered directly by the Council from its network of youth centres where there is limited alternative provision.

9. BEST VALUE (BV) IMPLICATIONS

- 9.1 An itemised costs breakdown of the programme is required to ensure the panel can assess value for money. The breakdown can cover costs such as tutors, premises, insurance, transport, offsite activities, residential and outdoor activities. Equipment is not eligible for funding and applicants are required to match fund by 30%.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 Provision of local activities for residents within walking distance of their homes can contribute to fewer car journeys.

11. RISK MANAGEMENT IMPLICATIONS

- 11.1 To ensure that the risks are minimised, each project/organisation allocated grant under the scheme has been required to meet an initial eligibility threshold. Recipient organisations will be required to comply with standard grant agreement terms established corporately. Appropriate performance targets will be set and an evidenced evaluation of delivery and compliance will be carried out at the end of the delivery period. 60% of the grant allocation is retained until delivery is successfully evidenced to the satisfaction of the Council to reduce exposure to any delivery failure or loss of funds.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 PAYP holiday programme helps to engage a sizable youth population who otherwise may be involved in ASB and petty crimes.

14. SAFEGUARDING IMPLICATIONS

- 14.1 All successful organisations are required to submit DBS checks of all their staff working on the programmes and these are checked against the prevent data base to ensure that all safety precautions have been taken to avoid any safeguarding breaches.
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Linked Reports, Appendices and Background Documents

Linked Report

- State NONE if none.

Appendices

- **Appendix 1 – PAYP Assessment sheet**
- **Appendix 2 – PAYP Application Form**
- **Appendix 3 – Equality Impact Assessment**
- **Appendix 4 – Equality Analysis Quality Assurance Checklist**

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

- None.

Officer contact details for documents:

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