


<p style="text-align: center;"><b>Commissioner Decision Report</b> 21<sup>st</sup> October 2015 – Public Meeting</p>	
<p><b>Report of:</b> Andy Bamber – Head of Safer Communities</p>	<p><b>Classification:</b> Unrestricted</p>
<p style="text-align: center;"><b>Positive Activities for Young People – Oct, Dec 2015 &amp; Feb 2016 half terms</b></p>	

<b>Originating Officer(s)</b>	Hasan Faruq
<b>Wards affected</b>	All wards
<b>Key Decision</b>	Yes
<b>Community Plan Theme</b>	<b>All</b>

## 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).
- 1.2 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 autumn, Christmas and winter school holiday period.
- 1.3 The Commissioners decided that this programme be advertised for October half term 2015, Christmas 2015 and February half term 2016 and overseen by the PAYP Grant Board made up of LBTH officers from different teams and CVS (Council Volunteer Services) representatives. This report sets out the recommendations for grant awards as determined by the Independent PAYP Grant Board.

## **2. Recommendations**

The Commissioners are recommended to:

- Agree the recommendation of the PAYP Commissioning Board to allocate grants up to a maximum £2,000 for 15 organisations and up to £3,500 for 2 SEND projects (a total 17 organisations) as highlighted green in Appendix 1.
- Agree that new adverts be placed in East End Life for the remainder of the holiday periods (December 2015 and February 2016) for the North East of the borough.

## **3. REASONS FOR THE DECISIONS**

- 3.1 The decisions are required to facilitate the Council's delivery of a holiday programme to keep young people engaged in positive activities during holiday periods until the end of financial year.

## **4. ALTERNATIVE OPTIONS**

- 4.1 Not to run holiday programmes for October and December 2015 and February 2016. This would have adverse consequences for poorer families, those with young people with special needs, and potentially impact negatively on ASB over the holiday periods.
- 4.2 Approve a different profile of grant awards based on an alternative assessment. However as the holiday programme is time limited there would be insufficient time to explore alternative options.

## **5. DETAILS OF REPORT**

- 5.1 The Commissioners approved the establishment of an independent PAYP Grant Board to oversee the PAYP and YOF grant. The PAYP summer grant and YOF grant was successfully developed and delivered following approval by the commissioners.
- 5.2 The current round of the PAYP programme was advertised on 10 August 2015 on the Tower Hamlets website. Applicants were required to submit an application in the form attached at appendix 2. All applications were assessed against the pre-defined criteria.
- 5.3 This involved an assessment of whether applications met an eligibility threshold and an assessment by an independent external assessor. Each assessment was then reviewed and moderated by an LBTH officer and a CVS representative. The results were then presented to the PAYP Board for confirmation and recommendation to the Commissioners for final approval.

5.4 31 applications in total were submitted. 24 applications of these scored above the 60% eligibility threshold agreed by the board. Of the 31 applications considered:

- 17 applications were rated GREEN and recommended for approval by the Board;
- 5 were rejected at the initial assessment stage because did need not meet the minimum screening threshold.
- 9 applications were rated RED and recommended for rejection.

The PAYP Assessment Sheet is in Appendix 1

5.5 Of the 17 applications approved, 30% included an LGBTQ (Lesbian, Gay, Bi-sexual and Transgender Questioning), Special Educational Needs (SEN) or Learning Difficulties or Disabilities (LDD) element. This is considered a good level of targeting given that there is limited capacity within the 3<sup>rd</sup> sector in this area.

5.6 Geographically response to the grant programme continues to reflect those parts of the Borough where 3<sup>rd</sup> sector organisations exist in higher densities. For example only 1 application was received from the North East of the Borough and therefore there is a recommendation to advertise again in the NE for December 2015 and February 2016 half term. In areas where applications and awards were low, the service will continue with a stepped up programme of direct provision during the October holiday period. This will take account of other provision in these areas provided by charities, schools and 3<sup>rd</sup> sector organisations who have not targeted this grant programme 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 Bromley South.

5.7 In the long 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 will be kept under review 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. This includes the advertising of the holiday programme in the NE cluster for the remainder of the financial year on the LBTH website.
- 6.2 The report seeks the Commissioners agreement to allocate grants of up to £2,000 or £3,500 for SEN projects per holiday period. A total of 31 applications were submitted requesting grants totalling £168,130. The Independent PAYP Board approved 17 organisations for grant awards that total £92,045 for the summer programme.
- 6.3 It is proposed that the payments will be made by instalment to each of the organisations awarded a grant. It is recommended that an advanced grant payment of 40% - £36,818 be made. The 60% - £55,227 retention will be released on evidence of delivery. There is budgetary provision within the Youth Service budget (Vote E87) 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 community strategy, 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. Paragraph 5.8 of the report addresses this.
- 7.10 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.
- 7.11 All the proposed grants appear to fall under the *de minimis* threshold for the purposes of European restrictions on State aid.
- 7.12 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 Appendices 4 and 5 contain the Equality Impact Assessment and the Equality Analysis Quality Assurance Checklist respectively.
- 7.13 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.

## **8. ONE TOWER HAMLETS CONSIDERATIONS**

- 8.1 The programme encourages applicants for grants to demonstrate that 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 – PAYP Guidance Notes**
- **Appendix 4 – Equality Impact Assessment**
- **Appendix 5 – 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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