


Commissioner Decision Report 21 st October 2015	 TOWER HAMLETS
Report of: Andy Bamber – Service Head of Safer Communities	Classification: Unrestricted
Youth Provision – East London Tabernacle (ELT)	

Originating Officer(s)	Hasan Faruq
Wards affected	Mile End Ward
Key Decision	Yes
Community Plan Theme	All

1. Executive Summary

- 1.1 The reason for urgency is that the SLA with ELT ended on 30th September 2015, the extension of the SLA is to prevent any gap in service provision for this group of young people.
- 1.2 In September the Youth Service was brought back in-house. Under the previous arrangements the main contractors held a number of subcontracts and these were continued as SLA's while the new 'in house' service was configured. Of the 8 SLA's one relates to East London Tabernacle (ELT).
- 1.3 The LBTH Youth Service has worked in partnership with ELT, under the SLA arrangement, to deliver a number of youth sessions in the Mile End Park area to engage young people and provide diversionary activities around the Burdett Road area. Thus ensuring that young people have unrestricted access free of charge to the facilities provided at the centre.

The total value of the annual SLA is £17,663 and it has run for 2 years. The current SLA was intended for only the first 6 months of this financial year and ran until the 30 September 2015. The intention was to terminate the SLA at the end of September and a termination letter sent.

- 1.4 This year's MSG, PAYP, and YOF grant process had identified that the North East of the Borough, for whatever reason, has suffered from a lack of interest by organisations when bidding for these grant streams however. As a consequence that area of the borough has a reduced service provision for young people thus creating an imbalance and extending this SLA for a further 6 months will help redress that balance for the short term whilst this issue in the North East of the Borough is considered. In that regard, the Youth Service is currently reviewing its provision of services and the allocation of grants. It is working with the procurement service to develop a specification to tender contracts for additional service provision for 2016/2017 and onwards.

2. Recommendations

The Commissioners are recommended to:

Authorise a further 6 month extension from 1st October 2015 to 31st March 2016 to the existing Service Level Agreement with East London Tabernacle and for the sum of £8,832 to be paid from the Youth Service Core Budget to enable the ELT to deliver 3 sessions per week and work with all young residents with a focus on Somali youth participation.

3. REASONS FOR THE DECISIONS

- 3.1 The decisions are required in order that the Council is able to deliver a successful youth provision within the Mile End Park area (North East). Balancing the provision given the lack of bids made to the MSG, PAYP, and YOF grants funding stream. Thus enabling young LBTH residents and ensuring that in a climate of austerity & challenge they have options for gaining experience and developing personal portfolios leading to possible employment or further education.

4. ALTERNATIVE OPTIONS

- 4.1 The commissioners may choose not to approve this SLA funding which will result in a skewed service provision given that other parts of the borough have accessed the youth grants available to them.

5. DETAILS OF REPORT

- 5.1 The commissioners are being requested to authorise a 6 month SLA extension with East London Tabernacle (ELT) starting from 1st October 2015 until 31st March 2016.
- 5.2 The ELT operated under the previous youth structure and has had an SLA with the current youth service while the service was restructured. It has delivered a successful youth programme for many years with residents of Tower Hamlets. The programme includes personal, social, emotional and spiritual development to improve self-esteem and self-confidence amongst young LBTH residents.
- 5.3 The ELT youth programme has already delivered 72 sessions over the last 6 month period which includes 3 sessions per week with a number of trips and excursions. The activities include both indoor and outdoor programmes to challenge young people's learnt skills and abilities.
- 5.4 The ELT SLA came to an end on the 30th September 2015 and they were sent a termination letter on the 12th August 2015. This year's MSG, PAYP, and YOF grant process however had identified that the North East of the Borough,

for whatever reason, has suffered from a lack of interest by organisations when bidding for these grant streams however. As a consequence that area of the borough has a reduced service provision for young people thus creating an imbalance..

- 5.5 In addition to the imbalance there is an identified problem with young Somali youths in that part of the borough.
- 5.6 The ELT has requested for the SLA to be extended if possible. After consideration, the youth service would like the SLA to be continued for the rest of the financial year. This is to enable the ELT to deliver 3 sessions per week and work with all young residents with a focus on Somali youth participation. This would smooth the impacts of service provision.
- 5.8 The service is currently reviewing its provision of services and the allocation of grants. They are working with our procurement service to develop the specification and will be produced for the procurement process by the end of December 2015.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The report seeks the Commissioners' agreement to approve a 6 month Service Level Agreement with East London Tabernacle for the value of £8,832. The cost will be funded from the budget allocated within the Youth Service core budget, (Vote E87).

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 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.

- 7.4 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.
- 7.5 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 and 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.
- 7.6 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.
- 7.7 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. For the short term pending new arrangements for the provision of services it is considered that the continuation of the present arrangements provides value for money for the reasons specified in the report. Best Value considerations have also been addressed in paragraph 9 of the report.
- 7.8 There should be a grant agreement (in this case a Service Level Agreement) and provision made to ensure delivery of the project in line with that agreement 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.

- 7.9 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.
- 7.10 All the proposed grants appear to fall under the *de minimis* threshold for the purposes of European restrictions on State aid.
- 7.11 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.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 The purpose of this Service Level Agreement is to ensure that all of our resident's especially young people between the ages of 13 to 19 are able to benefit from youth opportunities within each cluster ward.
- 8.2 The SLA offer contributes to the broad aims of One Tower Hamlets, i.e. tackle inequality, strengthen cohesion and build community cohesion.

9. BEST VALUE (BV) IMPLICATIONS

- 9.1 The East London Tabernacle offer enables residents to engage with a service which is local, provides personalised services and helps to build a more resilient community one that enjoys active lifestyle and is not rudimentary.

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 A number of different risks arise from funding of external organisations. The Key risks are:
- The funding may not be fully utilised i.e. allocations remain unspent and outcomes are not maximised.
 - The funding may be used for purposes that have not been agreed e.g. in the case of fraud
 - The organisation may not in the event have the capacity to achieve the contracted outputs/outcomes.
- 11.2 To ensure that the risks are minimised, the organisation will be required to comply with standard grant agreement terms. There will also be appropriate performance targets to be met and evidence required.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 12.1 Youth activities helps residents to engage in positive activities and develops personal skills without which young people may get involved in anti-social behaviour and petty crimes.

13. SAFEGUARDING IMPLICATIONS

- 13.1 All staff and volunteers working with Children and Young People require DBS checks and the Council has appropriate safeguarding structures in place to report any incidents.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1: 6 Month SLA starting from 1st April until 30th September
- Appendix 2: Termination Letter
- Appendix 3: Proposed extended SLA starting from 1st October 2015 until 31st March 2016

- Appendix 4: EA 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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