


Commissioner Decision Report 1 st March 2016	
Report of: Aman Dalvi Corporate Director, Development and Renewal	Classification: Unrestricted
The Roman Road Summer Festival 2016	

Originating Officer(s)	Naznin Chowdhury, Roman Road Town Centre Manager Daniel Fordham, Employment & Enterprise Manager
Wards affected	Bow East and Bow West wards
Key Decision?	No
Community Plan Theme	A great place to live, A fair & prosperous community
Reasons for Urgency	To support a community event taking place in July 2016

1. EXECUTIVE SUMMARY

- 1.1 This paper seeks the Commissioners agreement to the transfer of a grant to the value of £15,000 from the Council to be paid to a local community organisation, the Roman Road Trust (previously Residents and Business Association) for the delivery of the Roman Road Summer Festival 2016. The total proposed budget for the event, based on delivery of similar events in Roman Road in previous years, is £30,000. The Council's proposed contribution therefore represents match funding against other funds which the RRRBA will raise independently. The grant payment to be transferred derives from Section 106 (s106) funding.
- 1.2 The council's Planning Contributions Overview Panel (PCOP) approved £388,442 of s106 monies to be spent towards projects (involving delivery of a community festival) in Roman Road as part of the Roman Road Town Centre Regeneration Project Initiation Document (PID) in August 2013 following legal review. In January 2016, a revised PID was approved by PCOP which retained activity in the form of an events programme for Roman Road and introduces new projects which together form the Roman Road Town Centre development project. Full details of the decision sought, background to the Roman Road Trust and information on the proposed festival is available under section 3 of this report.
- 1.3 The Roman Road Trust has submitted a festival proposal which is provided as Appendix One of this report. The proposal outlines how they will manage and deliver the event, provides a cost breakdown and overview of the event content.

Recommendations:

The Commissioners are recommended to:

Agree payment of a grant for £15,000 to the Roman Road Trust from Section 106 monies to match fund the delivery of a community event in Roman Road Town Centre.

2. ALTERNATIVE OPTIONS

- 2.1 The Roman Road Trust delivers the event without the Council matching. Evidence from implementation and delivery of previous events suggests that approach would significantly impact on the proposed content of the event. It is unlikely to be viable, would need to be on significantly smaller scale, and would compromise the overall quality of the event.
- 2.2 A range of providers are invited to bid to deliver the event. The Roman Road trust has a proven track record of delivering events in partnership with the council. They have a unique position in the local community and have already committed match funding towards this event. If a range of providers were invited, this would have implications on the timescales needed to deliver the event and it is unlikely that we would find an alternative organisation which possess the skills, track record, and match funding capabilities of the Roman Road Trust.
- 2.3 If the event does not proceed this would have a negative impact on wider Roman Road town centre development programme. The aim of the events programme as set out in the town centre vision is to support a better profile for Roman Road through increasing community involvement, and celebrating the public space. Furthermore, both businesses and residents in the local area are expecting a summer festival, and regularly enquire about the upcoming event details with the town centre manager. The Council has already agreed an annual events programme for Roman Road via the 2013 PID and funding towards this activity has been approved through PCOP. Not proceeding would result in reputational damage, and would be of no financial advantage to the Council because these funds would need to be reallocated in their entirety for a similar exercise.

3. DETAILS OF REPORT

- 3.1 The project for which an agreement of match funding is sought is the Roman Road summer festival 2016. This will take place in one of the council's designated town centres under a town centre development programme. In 2012 the Economic Development Service commissioned a Town Centre Competitiveness Audit to assess how well Roman Road met the needs of the current and potential users, as well as looking at what could be done to improve the prosperity of the town centre over the short, medium and long term. An action plan (Roman Road Action Plan) was then produced from the suggestions for action arising from the town centre audit. The action plan was agreed by the Roman Road Working Group and informs the town centre manager's work programme. An events programme for Roman Road was

proposed by the competitiveness audit, and the working group shaped how this would be undertaken in reality. The aim of the annual summer festival event is to encourage local residents to get involved and celebrate their town centre, raise the profile of Roman Road as a visitor destination and improve the practical use of open/public spaces. The events programme has been running since 2014, the Council and the then Roman Road Residents & Business Association jointly organised a winter festival in December 2014 followed by a summer festival in 2015. Both were well attended (up to 6,000 attendees), and well received in the local area by residents and businesses. The event encourages positive partnership work between the Council and partner organisations such as Circle Housing, St Paul's Church, East End Church, Idea Store Bow, Roman Road Adventure Playground and many of the local businesses along Roman Road.

- 3.2 Events over the past two years have been themed on sports, religious festivals, history & heritage, and arts & culture. Activities have included: mini football, table tennis, giant outdoor games, Wimbledon tennis, Bollywood dancing, choir singing, teeny tiny theatre, historical walks and talks, public realm pop-ups, crafts and makers, and food markets, henna painting, cake decorating, balloon modelling and magic shows. The activities listed do not exhaust all the possibilities for the 2016 festival but provide a record of the mix and variety on offer and how these events cater for children, families and adults.

Outputs	Outcomes
No. of people attending the festival	Overall success of the festival in attracting attendees
No. of businesses participating in the event	Impact on footfall and turnover of participating businesses Build the profile of Roman Road businesses
No. of local community organisations involved in the event	Collaboration and involvement of the wider community
No. of entertainment activities on offer throughout the festival weekend	Inclusivity of the festival and ability to attract broader clientele
Deliver an experimental market	Successful use and activation of public/open spaces

- 3.3 The events programme for Roman Road forms part of the wider regeneration initiative. The Roman Road Development Project which was approved by PCOP in January 2016, the project will contribute to the transformation of the Roman Road town centre over a thirteen month period. By March 2017, Roman Road will have benefitted from town centre management activities, new business development opportunities through the use and activation of vacant shop premises, a shop front improvement scheme and development work on the Roman Road street market. Events in Roman Road are an integral part of this wider work, attracting new as well as existing footfall is key to the success of these initiatives, and offer a positive way to promote the council's work. The success of previous events shows that community and

civic engagement is both important and present in the area in the local town centre.

3.4 In summary, the Roman Road Trust is the only organisation (operating as the local town team) that has the capacity and experience to deliver this event:

- They are an organised and established group in Roman Road who have substantial experience in planning and delivering community festivals
- They have strong networking capacity and a successful track record in securing match funding from a range of sources including corporate sponsorship, and grant streams.
- They are unique in possessing the local knowledge to make this event a success
- They have delivered a number of successful community events in partnership with the council raising equal match funding (in-kind and financial)
- They have extensive social media presence and will be able to complement council promotion of the event

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 This report seeks the approval of the Commissioners to make a contribution of £15,000 from specific Section 106 funding towards the financing of the Roman Road Summer Festival. The payment will be made to the Roman Road Trust.

4.2 A funding proposal for the Roman Road Town Centre Development Project was approved by the council's officer Planning Contributions Overview Panel (PCOP) in January 2016. This allocated Section 106 resources of £352,800 towards the project, including an element of £16,800 to fund an events programme. The financing for the overall scheme forms part of the £1.2 million that the Council received in respect of the planning obligations and undertakings for the development at 2 Gladstone Place (PA/07/3277).

4.3 Under the terms of the specific Section 106 agreement, the Council has to utilise funding of £388,442 towards the regeneration of the Roman Road District Shopping Centre. The proposals in this report satisfy the requirements of the planning agreement, however as alternative projects could potentially be undertaken, the proposed payment should be treated as a grant which requires Commissioner approval under the terms of the Ministerial Direction of 17th December 2014.

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. A contract for services is not a grant and therefore, an arrangement which is classified as a contract for services would be outside the remit of the power conferred upon the commissioners to approve.

- 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, the Council is not under a legal duty to provide this payment. The payment is discretionary and therefore considered to be a grant.
- 5.4 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 31st 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).
- 5.5 To the extent that the Commissioners are exercising powers which would otherwise have been the Council's, there is a need to ensure that the Council has the power to make the grant in question.
- 5.6 The payment of a grant to the Roman Road Trust for the delivery of the Roman Road Summer Festival 2016 is 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. There are no such restrictions and limitations and the general power of competence supports the payment of the grant.
- 5.7 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. Best Value considerations have also been addressed in paragraph 7 of the report.
- 5.8 The Council must operate a fair and open application procedure to process a request to obtain funding. Requests for grant funding should ordinarily be measured against a predetermined set of criteria and the criteria themselves must be fair and transparent.

- 5.9 The grant agreement should include a clear monitoring process against defined parameters in order for the Council to demonstrate either: that delivery is in line with the application and, therefore, the grant achieved its purpose; or provide clear delineation where outcomes were not achieved and the reasons for such failure are apparent. Monitoring should therefore include measuring performance against the expected outcomes.
- 5.10 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.
- 5.11 The proposed grants would seem to fall under the *de minimis* threshold for the purposes of European restrictions on State aid. Even if it does not then the Treaty on the Functioning of the European Union (TFEU) provides that certain government activities may be prohibited because they give an advantage in a selective way to certain entities, which might affect competition within the internal market. Those advantages may amount to prohibited state aid, or may be state aid which is either expressly allowed by the Treaty, or which may be allowed, dependent on the circumstances. Certain activities are considered to be compatible with EU law however and which includes "aid having a social character" (see Article 107(2)(a) of TFEU. In this case, the aim of the Roman Road Summer Festival 2016 is to support a better profile for Roman Road through increasing community involvement, and celebrating the public space.
- 5.12 When making 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.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The Community Plan recognises the importance of diversity in our borough; our communities contribute to the richness and vibrancy of Tower Hamlets as a place. The One Tower Hamlets aspiration seeks to reduce inequality, exclusion, strengthen cohesion and bring our diverse communities together. The Roman Road Summer Festival endorses One Tower Hamlets through promoting an open, inclusive, community-wide event which promotes the local town centre.

The summer festival will benefit the whole community in the following ways:

- A free, open event which will be publicized widely to schools, colleges, businesses, local residents, and youth and community centres through word of mouth, leafleting and social media.
- Promotes open/public spaces in Roman Road and encourages people to celebrate their local areas
- Variation of entertainment and activities which appeals to all sections of the local community as widely as possible. Last summer's event welcomed approx. 6,000 people attend over the two days with activities and entertainment for children, young people and adults. Activities and entertainment included: street dance, Bollywood dancing, circus comedy, arts & crafts, henna painting, Wimbledon tennis final, local produce and crafts market, and live musical performances
- Advocates community cohesion through bringing together diverse groups, and ensures a positive impact on all the protected characteristics

7. BEST VALUE (BV) IMPLICATIONS

7.1 The best value implications can be summarised as follows:

- The £15,000 grant funding are s106 monies which has been scrutinised by PCOP via the PID process.
- A monitoring system has been set out (below) and the festival will be evaluated
- The Roman Road Trust have delivered previous events in partnership with the council, and have the capacity and resources to match fund this festival
- As a collective the Roman Road Trust is unique and offers significant resource and capacity, it would cost the council more money if we commission consultants to lead on the festival management
- The Roman Road summer festival is a free and open event which will be accessible to anyone who wishes to attend
- A budget and cost breakdown will be required from the Roman Road Trust in advance of the event

7.2 The Roman Road Trust has submitted a proposal which is attached with this report outlining how they will manage and deliver the event, including a full cost breakdown and overview of the event content. This proposal also demonstrates how the event would meet the criteria applied to funding awards under the Council's Arts and Events grant programme, the Event Fund.

7.3 It is essential, in accordance with the Council's agreed Best Value Action Plan, that Monitoring and evaluation is in place in line with the Council's standard Grants Contract and also that the award is managed and controlled through

the use of the Council's Monitoring Guide. This will ensure that success is measured against clearly defined criteria.

- 7.4 A Service Agreement (Council's standard Grants Contract) will set out the project monitoring arrangements including reporting timetable and output & outcome evidencing requirements. A 'smart monitoring and assurance' system will be used. This will be proportionate to the level of funding and the nature of the activities and services being provided, whilst ensuring accountability for the proper use of public funds.
- 7.5 Monitoring against agreed targets and spend will be undertaken on an agreed cycle to determine release of funds and inform any remedial action that might need to be taken. As part of the process an annual review of the grant award will be presented to Commissioners.
- 7.6 In relation to 'project performance monitoring', the Council introduced an updated Grant Officers Manual as of December 2014 (referenced above). The manual sets out a comprehensive range of programme and project management processes, procedures and toolkits all of which are designed to ensure that the monitoring and assurance work is robust.
- 7.7 All officers involved in monitoring this grant have been issued with a copy of the Manual and have received an initial briefing/training session on its use, from members of the Third Sector Team.
- 7.8 As part of the monitoring process officers will prepare a performance Reports, which will clarify the position of this project through a RAG system. Where projects are rated as either AMBER or RED, details of projects improvement plans/remedial action will be clearly set out.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 The council and the Roman Road Trust are committed to promoting and encouraging the use local suppliers where possible. In 2015 56% of the event budget related to local spend (LBTH suppliers), and 35% in 2014. During the preparation and implementation of the festival we will work with partners to ensure that they observe objectives set out in the council's Environmental and Open/Play Spaces strategies.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The proposed summer festival forms part of the Roman Road town centre events programme. A commitment to fund and support the delivery of these events has been made to the Roman Road Trust, the previous Roman Road Working Group and residents more widely in Bow East & Bow East wards through word of mouth by the Town Centre Manager. This forms part of the councils s106 obligations therefore to not fulfil this commitment would risk the councils reputation.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no crime and disorder implications.

11. SAFEGUARDING IMPLICATIONS

11.1 There are no safeguarding implications.

Linked Reports, Appendices and Background Documents

Roman Road Trust festival 2016 proposal.

Appendix One:

Roman Road Trust festival 2016 proposal.

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

None

Officer contact details for documents:

N/A