


<b>Commissioner Decision Report</b> 5 <sup>th</sup> July 2016	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Denise Radley – Director of Adults’ Services	<b>Classification:</b> Unrestricted
<b>Adult Services Small Grants for Pensioners’ Groups 2016/17</b>	

<b>Originating Officer(s)</b>	Barbara Disney – Service Manager, Strategic Commissioning
<b>Wards affected</b>	All
<b>Key Decision?</b>	No
<b>Community Plan Theme</b>	<ul style="list-style-type: none"> <li>• A safe and supportive Community</li> <li>• A Healthy Community</li> </ul>

### Executive Summary

Social isolation and loneliness are often considered to be particular problems of older age. Reduced social contact, loneliness, isolation and being alone are thought to affect older people’s quality of life and their health. There are a number of very small groups, often on estates, which go some way to alleviating social isolation and this funding offers support to these groups.

### Recommendations:

The Commissioners are recommended to:

1. Approve the process for inviting applications for Adults’ Services Small Grants for Pensioners’ Groups 2016/17.
2. Note the availability of funding for the proposal.
3. Agree the process for awarding the grant funding.
4. Agree to delegate responsibility for agreeing awards for this funding stream to the Director of Adults’ Services.

## **1. REASONS FOR THE DECISIONS**

- 1.1 To promote independence and alleviate social isolation amongst older Tower Hamlets residents by providing grant funding to a range of peer support groups for older Tower Hamlets residents.

## **2. ALTERNATIVE OPTIONS**

- 2.1 A decision could be made not to support this proposal and to allocate the budget elsewhere, or indeed take it up as a saving proposal. In this event, a number of groups who apply annually and are reliant on the award of a Small Grant may be unable to deliver activities to their members or, in the worst case scenario, cease operating.

## **3. DETAILS OF REPORT**

### **Background**

- 3.1 On 17 December 2014 the Secretary of State for Communities and Local Government issued Directions that required the Council's functions in relation to grants will be exercised by appointed Commissioners.
- 3.2 At the Pre-Agenda meeting of 14<sup>th</sup> June 2016, Commissioners advised that the Small Grants for Pensioners' Groups programme could be delegated to the Director of Adults Services and that a report be prepared recommending the delegation.

### **Purpose of Grants and Prioritisation**

- 3.3 The specific purpose of these Small Grants is to support small local organisations to provide social activities for pensioners in their neighbourhood, which helps to reduce social isolation and increase independence. In recent years Adults' Services were in a position to award grants to all eligible organisations that applied.
- 3.4 In considering the Small Grants allocation, officers take into consideration the Small Grants criteria and prioritise the funding requests in the following order:
- a) Rent
  - b) Utilities bills, including gas, electricity, water rates, insurance etc;
  - c) Small equipment, including bingo machines, kitchen equipment;
  - d) Cost of facilitators, social activities, including day-trips and parties.
- 3.5 To be able to deal with all funding requests in a fair and equitable way:
- a) Budget permitting, all requests for rent, bills and small equipment will be met up to the maximum grant of £500 grant award per organisation

- b) Traditionally, the Small Grants budget meets the level of grants requested, meaning there is an underspend
- c) Groups requesting assistance with social activities and running costs are allocated awards based on the number of members currently registered with the group. The following guidelines are used:

<b>Number of Registered Members</b>	<b>Proposed Awards</b>
Up to 19 members	£300
20 to 29 members	£350
30 to 39 members	£400
40 to 70 members	£450
70 members and above	£500

- 3.6 In 2015/2016 £25,000 was allocated to support small local pensioners' groups. A total of £16,490 was awarded to 40 groups, including 13 who had not previously been in receipt of a Small Grant.
- 3.7 This year, £20,000 will be available for allocation to these small community groups. This represents a saving of £5,000 on the budget made available in 2015/16 which, as mentioned above, is traditionally underspent.
- 3.8 The 2015/16 Small Grants scheme benefitted in the region of 1,817 older Tower Hamlets residents and was used in following ways:
  - As a contribution towards rent (in six cases);
  - As a contribution towards utilities (in one instance);
  - To purchase equipment/materials (in seven cases);
  - To fund social activities such as celebrations, day trips (in 26 cases)

### **Advertising and Evaluation process**

- 3.9 It is proposed that an advertisement be placed in the East London Advertiser 14<sup>th</sup> July 2016 edition. The cost for placing this advert will be met from the Small Grants budget, as in previous years.
- 3.10 The 40 groups who received a Small Grant in 2014/15 will be sent application forms (appendix A) directly inviting them to apply for this year's programme. Any organisations replying to the published advert or requesting an application pack will receive the same. The application form will also be sent to five groups who applied in 2015/16 but were not recommended for a grant as they had not provided satisfactory evidence of spend for the Small Grant that they were awarded in 2014/15.
- 3.11 Applications will be assessed by an officer in line with the eligibility criteria. This includes a requirement for those groups operating from Council-owned buildings to have a formal written rental agreement in place. After assessing the applications, a report will be produced with award recommendations.

### **Agreeing awards**

- 3.12 Assuming Commissioners agree to delegate responsibility for approving Small Grants awards, the report will be passed to the Director for Adults' Services for final sign off. It is anticipated that applicants can be notified in writing about the outcome of their applications of the decision in autumn 2016.

### **Small Grants Programme Indicative Timetable**

	<b>STAGES</b>	<b>DATE</b>
	Post applications to currently funded organisations	by <b>13<sup>th</sup> July 2016</b>
<b>1</b>	Advertisement in East London Advertiser	by <b>14<sup>th</sup> July 2016</b>
<b>2</b>	Send application forms to new groups	by <b>12<sup>th</sup> August 2016</b>
<b>3</b>	Closing date for applications	by <b>22<sup>nd</sup> August 2016</b>
<b>4</b>	Assessment of applications	by <b>27<sup>th</sup> August 2016</b>
<b>5</b>	Write report with recommendations	by <b>31<sup>st</sup> August 2016</b>
<b>6</b>	Final approval received from Director	by <b>7<sup>th</sup> September 2016</b>
<b>7</b>	Write to all applicants on outcomes	by <b>14<sup>th</sup> September 2016</b>
<b>8</b>	Payments processed	by <b>mid-October 2016</b>
<b>9</b>	Reconciliation of Payments	by <b>March 2017</b>

### **Monitoring**

- 3.12 Organisations are required to submit evidence that the grant has been spent as outlined in their application. An officer will check receipts etc. against the organisation's application to ensure this happens. Any applicant that has not provided suitable evidence for the any award made under the 2015/16 Small Grants programme, will not be considered for a grant award.

### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The total annual budget available for these Small Grant awards for 2016/17 is £20,000 including marketing costs. This budget represents a reduction of £5,000 on last year but is sufficient for the level of grant awarded last year at £16,490. The scheme would be administered by the Strategic Commissioning Team in the Adults' Services Directorate and final awards will need to be contained within the budget.

### **5. LEGAL COMMENTS**

- 5.1 **Grants.** 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 these payments. The payments are discretionary and therefore considered to be a grant.
- 5.4 **Commissioners.** 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<sup>st</sup> 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 **Delegations.** The Council shall also provide such information and assistance as the Commissioners may require for the purposes of exercising these functions. It is therefore open to the Commissioners to make arrangements for the decisions regarding these grants to be taken by the Corporate Director, Adults' Services.
- 5.7 **Power to make the grants.** These small grants for Pensioners' Groups would be 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 grants for small Pensioners' Groups as well as the Council's community care duties under National Health Service and Community Care Act 1990.
- 5.8 **Best Value Duty.** 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.
- 5.9 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. This report is asking the Commissioners to agree the criteria under which grants are awarded and which is set out in paragraph 7 of the report.

- 5.10 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.
- 5.11 **Procurement Procedures and other appropriate domestic and European law.** When implementing this grants 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 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. The proposed grants would fall under the *de minimis* threshold for the purposes of European restrictions on State aid.
- 5.12 **Public Sector Equality Duty.** 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 service specification supports two of the four themes of the community plan:

*A Healthy Community:* Small groups such as these for older people support the prevention agenda and offer additional opportunities for peer led advice around healthy living and exercise activities and health promotion.

*A Safe and Supportive Community:* Small group provision contributes to the safe and supportive community theme by promoting peer support and volunteering and ensuring that services are safe to use for service users

- 6.2. The small group's provision enables the needs of a wide range of clients including those with learning disabilities, physical disabilities and long term conditions to be catered for and included. Special focus can be given to providing services to the diverse faith and ethnic communities in Tower Hamlets.
- 6.3. However, due regard continues to be given to encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low through volunteering, and engagement in shaping services and decisions that affect their own lives, such as involvement in user groups.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 By prioritising funding for rent and other running costs, these Small Grants can potentially safeguard the existence of groups that provide our older residents with opportunities to socialise and both provide and receive support from peers, reducing isolation and increasing independence
- 7.2 Where a grant is used as a contribution towards social activities, the level of funding is determined by the number of members on a group's register (see section 3.1.4). This ensures that the available budget is tiered to reach a larger number of beneficiaries.
- 7.3 Loneliness has an impact on one's wellbeing and a range of personal circumstances such as poor health, living alone and lack of support network are factors contributing to feelings of loneliness<sup>1</sup>. For such a small outlay this programme will contribute to preventing longer term effects.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no immediate sustainability or environmental issues to consider. The prospective service providers, as organisations within the borough, would be required to comply with all national and local legislation regarding energy conservation, recycling etc. As services will be provided locally, most of their staff/volunteers would also be local, thereby reducing commuting.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 These are small one-off payments for which invoices and evidence are to be provided and monitored.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no immediate Crime and Disorder reduction implications.

## **11. SAFEGUARDING IMPLICATIONS**

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<sup>1</sup> ONS, 2015a; ONS, 2013a, Age UK, 2015

11.1 There are no immediate Safeguarding implications.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- Appendix A – Small Grants 2016/17 Application Form, including criteria for award

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

- NONE

### **Officer contact details for documents:**

- Barbara Disney (x2025)