

<b>Commissioner Decision Report – 27<sup>th</sup> Sept Overview and Scrutiny Committee – 26<sup>th</sup> Sept Grants Scrutiny Sub-Committee – 20<sup>th</sup> Sept</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Melanie Clay, Director of Law, Probity and Governance and Zena Cooke, Corporate Director Resources	<b>Classification:</b> Unrestricted
<b>Review of Grants Scrutiny Sub-Committee and work programme report</b>	

<b>Originating Officer(s)</b>	Vicky Allen, Corporate Strategy and Equality Steve Hill, Head of Benefits Service
<b>Wards affected</b>	All Wards
<b>Key Decision?</b>	No
<b>Community Plan Theme</b>	All

### **Executive Summary**

The Grants Best Value Action Plan was developed to address the findings of the Best Value (BV) Inspection. A key Best Value action is to review arrangements, post Commissioners, for future executive decision-making. The Grants Scrutiny Sub-Committee (GSSC) was established in April 2016 to provide cross party pre-decision scrutiny as part of revised governance arrangements.

A report to Overview and Scrutiny Committee, from the Corporate Director, Resources, to establish the GSSC also recommended that a report be presented within three months of the first meeting, to review the work of the Sub-Committee, identifying whether changes are needed to its composition and Terms of Reference. This report sets out the findings of the review of the operation of the Grants Scrutiny Sub-Committee

### **Recommendations:**

The GSSC / Commissioners are recommended to:

1. Comment on the findings of the review of the Grants Scrutiny Sub-Committee to date; and
2. Agree the report is taken to Overview and Scrutiny Committee for agreement.
3. The OSC agree the revised Terms of Reference for the Grants Scrutiny Committee.

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

- 1.1 As part of the establishment of GSSC it was agreed a review would be

undertaken after three months; this report presents the findings of that review.

## **2. ALTERNATIVE OPTIONS**

- 2.1 Whilst the Council could choose not to change the GSSC in light of the review's findings, this may not support the Council's priority to promote transparency and strengthen governance arrangements.

## **3. DETAILS OF REPORT**

- 3.1 The Council's Grants Best Value Action Plan (BVAP) was developed to address failings that were identified and to respond to the requirements of the Secretary of State's Directions. The Grants BVAP includes within the heading 'Governance Arrangements' two recommendations that relate specifically to a transparent, executive and cross party decision making process. The two recommendations are as follows:

1. Ensure and embed open and transparent decision-making
2. Review arrangements post Commissioners for future executive decision making

- 3.2 The Overview and Scrutiny Committee, at its meeting on 4<sup>th</sup> April 2016, agreed to the establishment of the GSSC which will act as the cross party member forum that will scrutinise the proposed award of grants prior to their consideration at Commissioners Decision Making Meetings. The terms of reference for the GSSC are attached in Appendix A. The OSC also agreed that a report be presented to the Committee in 3 months to review the work of the GSSC and whether changes need to be made to its terms of reference or composition.

- 3.3 Since its establishment the GSSC has met three times; twice for training purposes and one full meeting:

<b>Date</b>	<b>Key Items for Consideration</b>
7 <sup>th</sup> April 2016 & 23 <sup>rd</sup> May 2016	Informal meetings for training purposes (Legal Services provided training on governance and scrutiny, specifically (1) Declaration of personal interests and (2) What are grants followed by consideration of Commissioners Decision Making agenda items)
29 <sup>th</sup> June 2016	<ul style="list-style-type: none"> <li>• GSSC Terms of Reference</li> <li>• Local Authority Grants Programme (Affordable Housing)</li> <li>• Whitechapel High Street</li> <li>• Annual Report on the Event Fund Awards 2015-16</li> <li>• Can Do Outcomes</li> <li>• MSG 2015/18 Performance Report</li> <li>• Exercise of Commissioner Decision</li> <li>• Grants Review Commissioning Intentions</li> <li>• Grants Decision making – Transitional Arrangements</li> </ul>

	<ul style="list-style-type: none"> <li>• Grants Forward Plan</li> <li>• Adult Services Small Grants for Pensioners Group 2016-17</li> </ul>
--	---

3.4 The review of GSSC is based on meetings held so far and on-going discussions with scrutiny members and officers. The work of the GSSC has been well received with the Commissioners who welcomed the contribution of GSSC at Commissioners Decision Making Meeting (CDMM) on 5<sup>th</sup> July 2016. The review has identified a number of actions which are outlined below.

Chair

3.5 The GSSC terms of reference identify the Chair of OSC as the Chair of the GSSC. In recent months, there have been a number of significant changes to Overview and Scrutiny, including the establishment of a Housing Scrutiny Sub-Committee and the development of an ambitious work programme for 2016/17. The Council’s lead Directorate for Grants is Resources. Given both the existing significant responsibilities of the Chair of OSC, and the potential benefit of aligning the Grants Scrutiny Lead Portfolio with the relevant Directorate, it is proposed that Chair of GSSC be the Scrutiny Lead Member for Resources. Members are asked to endorse this proposal which would then be presented to the next meeting of OSC for formal approval. This is reflected in the revised terms of reference which is attached in Appendix 1.

**Recommendation 1:** That the Scrutiny Lead for Resources, Cllr Abdul Mukit, be appointed Chair of GSSC.

Dates and deadlines:

3.6 Reports for the first GSSC meeting were delayed because some report authors were working towards the Commissioner Decision Making Meeting (CDMM) rather than GSSC deadlines. This issue has now been resolved; dates and deadlines are now aligned to GSSC which has brought report deadlines forward by around one week.

Membership

3.7 There are five Members on the GSSC, made up of Members of the OSC. It is important there is cross-party cooperation on this Committee because of its vital role in the grants process to ensure that an objective, fair and transparent approach is taken. The Independent Group has expressed concern about their level of representation (one Member) on the Sub-Committee.

**Recommendation 2:** That Group Leaders ensure members appointed to this Committee attend meetings or send deputies.

Recruitment of Co-opted Members

3.8 OSC, at its meeting in April 2016, agreed that GSSC’s membership should include non-voting co-opted members. The Council’s constitution allows the appointment of co-opted members who bring expertise, the voice of local people and independence to the scrutiny process. As part of the review process it was noted that the current education co-opted members on OSC

and the co-opted members of the Health Scrutiny Sub-Committee contribute significantly to the work of the Committees. The co-opted members will be local residents with relevant experience of grants and / or a good understanding of the local authority grant processes and procedures.

- 3.9 The recruitment will be a competitive process aiming to attract an excellent calibre of candidates. These roles are being advertised through a wide range of avenues such as the Council's website, social media accounts and through the Tower Hamlets Council for Voluntary Services and other local grant giving bodies such as the East End Community Foundation. Individuals will be required to submit an application and shortlisted candidates will attend an interview. The recruitment process followed will be similar to that used for identifying independent members of Standards Committee. The appointment will be confirmed by the Overview and Scrutiny Committee.
- 3.10 The GSSC co-opted members term of office will be fixed and follow that for OSC co-opted members i.e. a period determined by the Council that is not less than 2 years and not more than 4 years. Training and support from Legal Services will be provided to co-opted members on the code of conduct including a focus on conflicts of interest, as well as an induction on the Council's grants programme.

#### Work Programme

- 3.11 The focus of meetings so far has been on training and development of the Members of the Committee and pre-decision scrutiny of papers being considered by the Commissioners Decision Making meeting. Report authors introduced their reports and were on hand to answer questions.
- 3.12 As well as commenting on specific reports presented at the meeting, the sub-committee made a number of observations which included a greater focus on outcomes, monitoring reports to include more analysis and a stronger focus on problem issues. The sub-committee also highlighted the benefit of ensuring that grants are joined-up with other arrangements, including commissioned services.
- 3.13 The importance of ensuring that grant schemes are effective, including targeting where appropriate, was also raised and, where necessary, support should be provided for or signposted to community groups who lack the capacity to apply (for example, because of language barriers).
- 3.14 The Chair of OSC has then attended meetings of the Commissioners Decision Making meeting to provide feedback from the Committee's consideration of reports. Generally, the comments were welcomed by the Commissioners and informed the decision making process.
- 3.15 The GSSC work programme is mainly made up of pre-decision scrutiny of grants decisions which in future will be made by the Grants Decision Making Meeting which will be chaired by the Mayor and include the Deputy Mayor (Cllr Saunders, Cabinet Member for Education, Children's Services and the Lead for Third Sector) and one other Cabinet Member. The Commissioners

will also be present at the meeting and have the ability to exercise the power of accountability under the directions. The GSSC is considering developing a work programme which enables them to use other scrutiny methods within the committee which will include scrutiny spotlights focusing on a particular area of grant and the relevant Cabinet Member and / or Commissioner are held to account on the pertinent issue within that area. A key way of ensuring scrutiny has an impact on any particular area of work is through ensuring their early involvement in the planning and development stage. In this instance engaging GSSC in the development of the grants programme will enable them to contribute in a way that ensures local needs and concerns are addressed.

**Recommendation 3:** That GSSC enhance their work programme by developing a range of methods to scrutinise the grants development process.

**Recommendation 4:** That the grants performance reports provide greater clarity on outcomes, more analysis and a stronger focus on problem issues

### Training

3.16 In addition to the training provided to Overview and Scrutiny members at the beginning of the municipal year, training was also provided to GSSC members on what grants are, members code of conduct and members interests. Additional training has been suggested with the Centre for Public Scrutiny (CfPS). This training can be tailored to the needs of the committee and can cover areas such as assessment and questioning skills.

**Recommendation 5:** That the council organises grants scrutiny training with external experts which will help the GSSC undertake its role effectively.

### Move to commissioning

3.17 A key theme in the Council's Voluntary and Community Sector Strategy (approved by Cabinet in April 2016) is to maximise the value from its resources. To this end, the Council is moving towards an outcome based and commissioned approach. All funding to the VCS is being reviewed to ensure it is contributing to priority outcomes and with a general preference for commissioning rather than grants. The commissioning model will help ensure that provision is contributing to outcomes. A coordinated process for the transition from grants to commissioning is currently being undertaken.

**Recommendation 6:** The GSSC could consider looking at the arrangements the council puts in place to support local organisations with the move to a more Commissioning-based approach.

### Grants Register

3.18 The development of a Grants Register was part of the BVAP and acts a central database for all grant funding that the council awards. There are currently 55 grants identified on the Grants Register totalling £35,461,962; this includes grants to individuals such as hardship grants, grants for capital funded projects and discretionary grants to community groups. The value of mainstream grants for this year is £3.2m.

- 3.19 The register is updated on a monthly basis and currently also includes Government grants which the Council has no control over such as grants to individuals (for example school grants and fuel grants) and grants for capital projects. The register also distinguishes between the grants which have been delegated to officers and which have been delegated to Commissioners.
- 3.20 A piece of work is currently being undertaken to identify which of the current grants will be moved to a commissioned service at the end of the period. The GSSC should therefore take these issues into consideration and focus its attention on those areas where grants will continue and where the Council has discretion on the grant giving to community organisations, for example, mainstream grants and events. It is estimated that there will be fewer than 20 such grants streams. To help GSSC better understand the grants process it was requested that an overview be presented to the Committee meeting which should include why we have grants, the different types of grants and the differences between grants and commissioning.

**Recommendation 7:** That the GSSC be provided with an overview of grants in Tower Hamlets and include the Grants Register as a standing item on the GSSC agenda.

#### Grants Management

- 3.21 The service has commissioned an external review of the end to end management, monitoring and reporting of grants, which includes looking at how the council's grants management system (GIFTS) can be used to maximise the efficiency and effectiveness of the grants function. This will also support greater efficiency in the analysis and reporting of grants. The review which will identify how this work will be achieved is due to be completed and reported on by December. It was noted that to help Members of GSSC better understand how the grants management process works in the council it will be useful to consider the findings of the end to end review of grants management at a future meeting.

**Recommendation 8:** The GSSC should include the external review as a future agenda item.

#### Cabinet Members Engagement

- 3.22 As part of the transitional arrangement the Mayor and Cabinet Members will take a greater role in the Grants Decision Making Meetings. It is therefore important to engage Cabinet Members with GSSC and it is proposed a standing invitation for all GSSC meetings is sent to the Mayor and Cabinet Lead Member for Third Sector. As part of the agenda planning for each meeting, discussions will be held with the Chair to identify any other relevant Cabinet Members that should be invited to each meeting. This is in recognition of the number of reports that will be presented to GSSC as part of the pre-decision process and the need to only invite those Cabinet Members where there will be greater focus by the Committee. This will need to be reviewed on an on-going basis throughout the year.

**Recommendation 9:** That a standing invitation for all GSSC meetings be sent to the Mayor and Cabinet Lead for Third Sector and as part of the agenda planning discuss with the Chair the relevant Cabinet Member that should be invited to meetings.

#### Public Engagement

3.23 All meetings of the GSSC are open to the public and papers of meetings are published on the council's website. The Committee will consider the engagement of local people in delivery of its work programme, for example by inviting people to speak at the Committee meetings and comments on strategic issues on grants within the Council. Further work may need to be undertaken to raise the profile of the Committee. At present local people are able to make submissions to the Grants Decision Making meeting on any items being considered by that meeting. The revised terms of reference attached in Appendix 1 states individual issues on grants be directed to the Commissioners and the Executive to ensure people do not have to make representation on the same issue twice.

**Recommendation 10:** That further work be undertaken to develop public engagement in the work of the GSSC and how this fits into the Grants Decision Making process.

#### **Next Steps**

3.24 Following consideration by the GSSC the report will be presented to OSC for agreement and the recommendations identified in the review will be implemented. As the grants decision making process evolves it will be important to review the role of GSSC to ensure it remains fit for purpose.

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

4.1 There are no direct financial implications arising from this report.

#### **5. LEGAL COMMENTS**

5.1. By virtue of Directions made by the Secretary of State on 17 December 2014, the Council's functions in relation to grants are exercised by appointed Commissioners acting jointly or severally.

5.2. By virtue of Directions made by the Secretary of State on 17 March 2015 the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best value duty. The agreed Best Value Strategy and Action Plan includes a Grants Action Plan which contains provision to review arrangements post Commissioners for future executive decision making, to include a cross-party forum to participate in the process.

5.3. The Overview and Scrutiny Committee has duties to review and scrutinise decisions made or other action taken in the discharge of executive functions which already includes pre-decision scrutiny of recommendations to Cabinet and it can extend that remit to specific pre-decision scrutiny of grant

applications. The Committee has power under Section 9FA of the Local Government Act 2000 to arrange for the discharge of its functions by a Sub-Committee and has appointed the Overview and Scrutiny Grants Sub-Committee to undertake its role in this respect and to be the cross-party forum. This approach was approved by the Commissioners.

- 5.4. Significant progress has therefore been made in relation to grant management, including transitional arrangements towards Executive decision making. This includes a proposal for the Mayor (or his nominee) to chair a Decision Making Meeting in public to consider officer recommendations on grants. Discussions are ongoing with the Commissioners on being in a position for the relevant Direction of 17 December 2014 to now be lifted
- 5.5. The work of the Overview and Scrutiny Grants Sub-Committee will continue to play an important role in relation to grant management and the recommendations in this report will strengthen that role.
- 5.6. 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 reports make a number of recommendations to improve the functioning of the GSSC and thereby enhance the role of members. It also recommends the recruitment of co-opted members which will help develop the community leadership role of local people. The GSSC will consider equalities and cohesion implication arising from grants decision and will report this accordingly to the decision making body.

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

- 7.1. As part of the Directions, a Grant Action Plan was developed and agreed. As part of that Plan, a recommendation was to review arrangements post Commissioners for future executive decision-making and the action arising was to establish a cross party working group to develop proposals for future arrangements. The OSC has established a GSSC to act as a scrutiny panel to undertake reviews of Officer recommendations regarding grants and award of grants prior to their consideration at the Grants Decision Making Meeting.

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

- 8.1. There are no direct sustainability or environmental issues arising from this report.



**9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 An effective GSSC will ensure the council maintains good governance and transparency to grants awards process and therefore reduce the reputational risk.

**10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no direct crime and disorder reduction implications arising from this report.

**11. SAFEGUARDING IMPLICATIONS**

- 11.1 There are no direct safeguarding implications arising from this report
- 

**Linked Reports, Appendices and Background Documents**

**Linked Report**

- List any linked reports [if Exempt, Forward Plan entry MUST warn of that]
- State NONE if none.

**Appendices**

- List any appendices [if Exempt, Forward Plan entry MUST warn of that]
- State NONE if none.

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

- List any background documents not already in the public domain including officer contact information.
- These must be sent to Democratic Services with the report
- State NONE if none.

**Officer contact details for documents:**

Or state N/A