

CABINET (SPECIAL)

MINUTES

17 MAY 2011

Chairman: * Councillor Bill Stephenson

Councillors:

* Bob Currie	* Graham Henson
* Margaret Davine	* Thaya Idaikkadar
* Keith Ferry	† Phillip O'Dell
* Brian Gate	* David Perry
* Mitzi Green	

* Denotes Member present

† Denotes apologies received

200. Welcome and Format of Meeting

The Leader of the Council welcomed all those present, including representatives from the voluntary and community sector, to the special meeting of Cabinet.

The Leader stated that the special meeting had been convened to consider the recommendation to refer back the previous decision made by Cabinet on Grant Funding 2011/12 from the Call-In Sub-Committee meeting held on 4 May 2011. It was advised that the Call-In Sub-Committee had decided, inter alia, to uphold the call-in submitted by Harrow Association of Disabled people (HAD), Harrow Mencap and Flash Musicals on the ground that there was no evidence that due regard had been given to the Council's equality duties when setting percentage thresholds.

Those present were informed that there were no provisions to ask questions of the Portfolio Holders at special meetings of Cabinet. However, to assist, the Portfolio Holder for Community and Cultural Services, the Corporate Director Community and Environment and the Divisional Director Community

and Culture would be available at the end of the meeting to answer questions on an informal basis.

201. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 2 – Allocation of Grant Funding 2011/12: Response to Referral from Scrutiny Call-In

Councillor Margaret Davine declared an interest in that she was a Trustee of the Women's Centre, and would leave before the decision.

Councillor Brian Gate declared that he was a Trustee of Harrow Association of Voluntary Service (HAVS) and on the Board of Trustees of Harrow in Europe and on the Management Trustee Board of the Citizen's Advice Bureau, and would leave before the decision was made.

RESOLVED ITEMS

202. Allocation of Grant Funding 2011/12: Response to Referral from Scrutiny Call-In

Cabinet considered a report of the Corporate Director Community and Environment, which set out information relating to the allocation of grant funding to the voluntary and community sector for 2011/12, as requested through the Scrutiny Call-in process.

The Corporate Director Community and Environment introduced the report and reported that Cabinet was being asked to consider the decision taken by the Call-in Sub-Committee. The recommendation before Cabinet was seeking affirmation of the decision made by Cabinet on 7 April having taken into account additional information on the equality duties when setting the percentage thresholds.

The Corporate Director provided a background to the meetings of Cabinet and the subsequent Call-In Sub-Committee held on 7 April and 4 May, respectively. The Call-ins had been received from Harrow and Wealdstone Shopmobility, Harrow Association of Disabled people (HAD), Harrow Mencap and Flash Musicals. He explained that two matters had been raised by the Call-in Sub-Committee, as follows:

- late circulation of papers, thereby precluding voluntary and community groups from asking questions and/or making depositions at the Grants Advisory Panel and Cabinet meetings. He explained that due to the large number of applications received, the size of the bids made and the need to carry out additional quality assurance, it had not been possible to circulate papers in a timely fashion;
- there was no evidence that due regard had been given to the Council's equality duties when setting percentage thresholds. The Corporate

Director explained that, as a result, an objective analysis had been undertaken, as set out at appendix 2a of his report, which set out an analysis of applications received by protected equality characteristics served in relation to question 5 of the grant application form. There was little statistical difference of impact at different thresholds. Additionally, an analysis of applications by scoring and target group served had been carried out as set out appendix 2b. This analysis was based on information provided by the applicant to questions 3c and 3d of the grant application form and a judgement had been made on which were the primary, secondary and tertiary target groups served by a project. This had helped to support the objective analysis in terms of the thresholds at appendix 2a.

Cabinet was informed that a considerable time had been spent assessing the 131 applications that had been received to ensure that the process was robust, thorough and transparent, as recommended by the Overview and Scrutiny Committee. The Corporate Director also stressed that this was an interim year for the process. Officers had conducted a consultation with the voluntary and community sector on the future of the grants processes from 2012/13 onwards. During the consultation, the Council outlined the possibility of a Commissioning Model for services and a small grants programme for projects.

Mention was made that Cabinet, when making its decision, should be mindful of the following:

- percentage thresholds – an internal audit report had raised concerns that if thresholds were set at a low level, it could undermine the viability of projects;
- risks associated with any further time delays in making a decision, which would cause severe financial pressure on organisations who were likely to be funded.

The Head of Legal Practice drew Members' attention to the legal implications set out in the report and referred to the equalities duties therein, which were continuing duties and not duties to secure a particular outcome. She highlighted the need for Cabinet to have due regard to these in making its decision. It was important that Cabinet had had regard to the Equalities Impact Assessment and to the statutory grounds in light of all available material, such as correspondence and the application forms received from the groups. She added that Cabinet must satisfy itself that it had sufficient information to consider the equality duties and have due regard to them when reaching its decision.

The Divisional Director Community and Culture informed Members that, following the decision of Cabinet, all groups would be advised of the outcome of their grant application and the process for making an appeal, which could be made on the grounds that information was incorrect or had been omitted and that this had had a material impact on the decision without sending any additional information. Additionally, appeals could be made on the grounds of incorrect scoring given to the benefits to protected equalities groups. She

also pointed out that an equalities impact assessment would be carried out before final awards were confirmed.

The Divisional Director explained the process that had been used to assess applications and confirmed that this was the same process as applied in March 2010 and that an assessment had been carried out on that process to identify any disproportionate impact. No differential impact on any groups had been identified. She added that an equality impact assessment had been carried out on options to award grant funding, and indicated where further action would be undertaken when reviewing final outcomes. The Council would also assess the need for any mitigation, and that a new equality impact assessment would be carried out in the grant giving process for 2012/13.

In response to questions from the Leader, the Divisional Director confirmed that following Cabinet's decision, all organisations would be informed of the outcome of their application and offered an opportunity to submit an appeal. A timescale would be set for that appeal, which would be heard by a Panel made up of an independent person appointed by the Council, the Portfolio Holder for Community and Cultural Services and the Divisional Director. Additionally, the further equality impact assessments would be considered by the Panel before reaching a decision. The Divisional Director stated that she was mindful of the need to make reports available in a timely fashion in order to give interested parties an opportunity to submit questions and/or deputations to meetings and that this would be borne in mind when conducting the process the following year.

The Leader stated that he would be looking to formalise the current informal arrangement which allowed questions to be submitted late in respect of reports that were not published with the main agenda. He was also concerned about the adverse impact on organisations of further time delays in reaching a decision. He asked the Corporate Director of Community and Environment to speed up the process following Cabinet's decision and take any appropriate actions in relation to the organisation that had formally given notice to the Council of its intention to close in July if the matter was not resolved soon and any other organisations in a similar position.

RESOLVED: That

- (1) the outcome of the Call-In Sub Committee of 4 May 2011 be noted;
- (2) the decision made by Cabinet on the 7 April 2011 to award grants to voluntary and community sector organisations, as described in the report 'Grant Funding 2011/12' of 7 April, and the Cabinet minutes of 7 April appended to these minutes, be affirmed having considered further information on the equality duties when setting percentage award thresholds as described in the report of the Corporate Director Community and Environment.

Reason for Decision: To award funding from the Main Grants Programme to the Voluntary and Community Sector (VCS) organisations to support them in delivering their projects and services in 2011/12. A further equality impact

assessment takes account of the referral from Call-in Sub-Committee 4 May 2011.

[Call-in does not apply to this decision]

(Note: The meeting, having commenced at 7.30 pm, closed at 7.46 pm).

(Signed) COUNCILLOR BILL STEPHENSON
Chairman

APPENDIX

CABINET
MINUTE EXTRACT

7 APRIL 2011

192. Key Decision - Grant Funding 2011/12

The Portfolio Holder for Community and Cultural Services introduced the report, which set out the recommendations for the allocation of grants to the voluntary and community sector for 2011/12 together with the recommendations of the special meeting of the Grants Advisory Panel meeting held on 30 March 2011.

The Portfolio Holder stated that altogether, the Council had received 131 applications and the total amount requested was £2.3m. However, the budget available to the Council was £600,000, as savings had been forced upon the Council by the government. She commended the partnership working between the Council and the Voluntary Sector and the valuable work carried out by this Third Sector. Compared to other local authorities that were either cutting their entire grant budgets or reducing them drastically, this Council was reducing its grant funding by 15% only.

The meeting was informed that, on the basis of the funding criteria, it was being recommended that those applications with a score of 95% or above be awarded 85% of the amount applied for subject to a number of conditions being met. The report also recommended that 5% of the budget be set aside to fund appeals, amounting to a figure of £30,336.

The Portfolio Holder also drew attention to the recommendations of the Grants Advisory Panel, which, inter alia, proposed that all appeals be considered before final recommendations are made and that the appeals be considered by a Panel of Reserve Members. She agreed in principle with the Grants Advisory Panel that decisions on appeals should be made quickly. However, having given due consideration to the Panel's recommendations and having reflected on the experiences and lessons learnt from last year which resulted in significant delays for organisations, the Portfolio Holder proposed changes to the officer recommendations set out in the report, namely that a sub-paragraph 1(c) be added and recommendation 2 be

replaced. She added that the report also sought approval to ring-fence £20,781 to fund the development of support services to the voluntary sector to replace those previously provided by the former Harrow Association of Voluntary Services (HAVS). This would be matched by £47,000 carried forward from the current year.

In addition, the report sought delegated authority to the Corporate Director Community and Environment, in conjunction with the Portfolio Holder, to withdraw grant offers from organisations that did not meet the conditions described in the report. In commending the report to Cabinet with the changes proposed, as set out in the resolution below, the Portfolio Holder stated that she recognised the benefits the voluntary and community sector provided to Harrow's diverse communities.

The Leader of the Council stated that the decision before Cabinet was difficult as some organisations would lose out but, the Council had a strong record of supporting the voluntary and community sector. He further noted that a record number of applications had been received for 2011/12.

RESOLVED: That

- (1) grant recommendations for the 2011/12 Main Grants Programme, based on the assessment of applications described in the officer report and as outlined in paragraph 2.2.6 Option 1, be agreed subject to:
 - (a) a receipt of satisfactory supporting documents and references;
 - (b) confirmation from the recipient organisation that the proposed project can be delivered within the amount recommended by the deadline of 3 May 2011
 - (c) any variation to the percentage score range and percentage grant allocation necessitated by decisions on appeals as set out in resolution 2 below
- (2) authority to consider and determine appeals be delegated to the Divisional Director Community and Cultural Services in conjunction with the Portfolio Holder for Community and Culture Services including the appointment of an Independent Advisor to advise the Divisional Director and the Portfolio Holder on those appeals and, furthermore, the Divisional Director, in conjunction with the Portfolio Holder, be authorised to vary both the percentage of the grant awarded and the scoring range within which grants are allocated, in light of the decisions on appeals;
- (3) £20,781 be ring-fenced to fund the interim delivery and long-term development of support services for the voluntary and community sector to replace those provided by Harrow Association of Voluntary Service (HAVS);
- (4) applications with a score below the threshold agreed for funding be placed on a reserve list;

- (5) authority be delegated to the Corporate Director Community and Environment, in conjunction with the Portfolio Holder for Community and Culture Services, to:
- (i) withdraw grant offers where organisations do not comply with the conditions of grant funding as in Resolution 1 above; and
 - (ii) award available funds to organisations on the reserve list in order of highest scores achieved and, where scores are tied, that funding be only distributed when available.

Reason for Decision: To award funding from the Main Grants Programme to voluntary and community sector (VCS) organisations to support them in delivering their services in 2011/12.