

MAYOR AND CABINET (CONTRACTS)		
Report Title	Appeals against Main grants programme – ANNEX A	
Key Decision	Yes	Item No.3
Ward	All	
Contributors	Executive Director for Community Services	
Class	Part 1	Date: 7 December 2016

1. Purpose

- 1.1 The purpose of this report is to present the outcome of the appeals against the Main Grant Programme 2015 –18 recommendations which were presented to Mayor and Cabinet (Contracts) for consideration on 7 December 2016.

2. Recommendations

It is recommended that Mayor and Cabinet (Contracts):

- 2.1 Consider the contents of the report and accept the recommendations outlined in the table at paragraph 3.7 alongside those contained in the main body of the report.
- 2.2 Agree the final recommended grant awards attached as appendix 10.

3. Appeals process

- 3.1 All organisations were written to on Wednesday, 2 November to inform them of the draft recommendation of their funding level. This letter also acted as three months notification of a change of funding for all current grant recipients.
- 3.2 As part of the main grants process organisations are given the opportunity to appeal against officers' recommendations. The organisations were given until 15th November to write to the council disputing their funding recommendation.
- 3.3 4 organisations appealed their recommended allocation.
- 3.4 All 4 organisations exercised their right to present their case to the Mayor and Cabinet at a special meeting held on Wednesday 30 November and these were heard at the times listed below

Organisation	Time
Grove Park Community Group	14:40
IRIE!	14:50

Mencap	15:00
Lewisham Disability Coalition	15:10

3.5 The details of the amount applied for, current grant level (where applicable) and recommended amount are attached as appendix 1. The initial recommendations reports, appeals letter and officer response letter for each appellant are attached as appendices 2, 3, 4, and 5.

3.6 Each organisation had 3 minutes to present their case with the remaining time within each ten minute slot for questions and clarification from the Mayor and Cabinet.

3.7 Following the consideration of all the appeals the Mayor and Cabinet made the following decisions:

Organisation	Decision
Grove Park Community Group	Original Recommendation upheld
IRIE!	Original Recommendation upheld
Mencap	Mencap's assertion that the social clubs which they are funded to deliver cost more to administer than £20,000 per annum was accepted. The recommended allocation was increased to £30,000 per annum.
Lewisham Disability Coalition	Original Recommendation upheld

3.8 The letters detailing the outcome of the appeals are attached as appendices 6-9.

4. Financial implications

4.1 The current draft recommendations for Mayor and Cabinets (Contracts) fully allocates the available budget of £3,187,692.

4.2 As such officers have recalculated the proposed pro-rata cut to ensure that the budget is not in an overspend position form 2017/18.

4.3 The revised allocations are attached as appendix 10.

5. Legal implications

5.1 Under S1 of the Localism Act 2011 the Council has a general power of competence to do anything which an individual may do unless it is expressly prohibited.

5.2 The giving of grants to voluntary organisations is a discretionary power which must be exercised reasonably taking into account all relevant considerations and ignoring irrelevant considerations.

5.3 The Mayor and Cabinet agreed to hear appeals against a change of funding in relation to all those organisations that wished to do so and these appeals are attached at Appendices 2-6.

- 5.4 The Equality Act 2012 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.5 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 5.6 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 5.7 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 5.8 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 5.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

6. Crime & disorder implications

- 6.1 There are no direct crime and disorder implications arising from this report. Some of the recommended main grant organisations deliver services and projects which help to reduce the fear of crime.

7. Equalities implications

- 7.1 A mini Equalities Analysis Assessment (EEA) was undertaken on each of the recommendations within this report highlighting mitigating actions where required against the overall EEA undertaken when the programme was let in 2015. Details of all assessments are available via the main recommendation report.

8. Environmental implications

- 8.1 There are no environmental implications arising from this report.

For further information on this report please contact James Lee, Head of Cultural and Community Development, james.lee@lewisham.gov.uk, 020 8314 6548

Appendix 1 – List of appellants’ recommended allocations for main grant funding

Appendix 2 – Details of GPCG appeal - Initial officer recommendation reports, appeal letter, officer response to appeal letters

Appendix 3 - Details of IRIE! appeal - Initial officer recommendation reports, appeals letters, officer response to appeal letters

Appendix 4 –Details of Mencap appeal - Initial officer recommendation reports, appeals letters, officer response to appeal letters

Appendix 5 - Details of Lewisham Disability Coalition appeal - Initial officer recommendation reports, appeals letters, officer response to appeal letters

Appendix 6 -

Appendix 1 - List of appellants' recommended allocations for main grant funding

Organisation Name	2016-17 funding	Recommended award (2017-18 and 2018 - 19 unless stated)	Actual Percentage cut
Lewisham Mencap	£40,000.00	£20,000	50.0%
Grove Park Community Group	£24,000.00	£0	100.0%
IRIE! (WATAS)	£24,905.33	£21,187	14.9%
IRIE! (Neighbourhood)	£24,000.00	£0	100.0%
Lewisham Disability Coalition	£103,333.33	£87,906	14.9%
Voluntary Service Association (Access Lewisham)	£98,200.00	£83,539	14.9%
Voluntary Services Lewisham	£92,352.00	£78,564	14.9%

