

## Voluntary Sector Grants Committee

TUESDAY, 8TH NOVEMBER, 2005 at 19:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Canver, Hillman, Meehan, Reith (Chair) and Wynne

### AGENDA

**1. APOLOGIES FOR ABSENCE**

**2. URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item 8 below New items of exempt business will be dealt with at item 11 below).

**3. DECLARATIONS OF INTEREST, IS ANY IN RESPECT OF ITEMS ON THE AGENDA**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

**4. MINUTES (PAGES 1 - 6)**

To confirm and sign the minutes of the meeting of the Committee held on 6 September 2005.

**5. DEPUTATIONS**

To consider any deputations received in accordance with Standing Orders.

**6. APPEAL BY THE AFRICAN CARIBBEAN LEADERSHIP COUNCIL (ACLC) AGAINST WITHDRAWAL OF GRANT (REPORT OF THE HEAD OF MEMBER SERVICES): (PAGES 7 - 12)**

To present the Committee with the written submissions and documents to be relied on by the ACLC and the Voluntary Sector Team at the hearing of the ACLC's appeal against withdrawal of grant aid.

**7. NEW ITEMS OF URGENT BUSINESS**

To consider any items admitted at item

**8. APPEAL BY THE AFRICAN CARRIBEAN LEADERSHIP COUNCIL (ACLC) AGAINST WITHDRAWAL OF GRANT (REPORT OF THE HEAD OF MEMBER SERVICES) (PAGES 13 - 220)**

To present the Committee with the written submissions and documents to be relied on by the ACLC and the Voluntary Sector Team at the hearing of the ACLC's appeal against withdrawal of grant aid.

**9. EXCLUSION OF PRESS AND PUBLIC**

The following items are likely to be the subject of a motion to exclude the public and press from the meeting as they contains exempt information relating to any particular applicant for or recipient or former recipient of any service provided by the Council and to the financial and business affairs of any particular person (other than the authority).

**NOTE BY HEAD OF MEMBER SERVICES**

The following item allows for the consideration of exempt information (if required in relation to item 6 which appears on the agenda).

**10. NEW ITEMS OF EXEMPT URGENT BUSINESS:**

To consider any new items of exempt urgent business admitted.

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**MINUTES OF THE VOLUNTARY SECTOR GRANTS COMMITTEE  
6 SEPTEMBER 2005**

Councillors \*Reith (Chair), \*Canver, \*Hillman, \*Meehan and Wynne.

\* Members present

Also present: Councillor Hoban

MINUTE NO.	SUBJECT/DECISION	ACTION BY
VSGC.1	<p><b>APOLOGY FOR ABSENCE</b></p> <p>An apology for absence was submitted by Councillor Wynne.</p>	
VSGC.2	<p><b>MINUTES</b></p> <p><b>RESOLVED:</b></p> <p>That the minutes of the meeting held on 29 November 2004 be approved and signed.</p>	HMS
VSGC.3	<p><b>COUNCIL COMMUNITY BUILDINGS PORTFOLIO</b> - (Joint Report of the Assistant Chief Executive (Strategy) and the Director of Finance - Agenda Item 6):</p> <p>We noted that the report proposed changes to the Council's policy for concessionary rents and Grant Aid for Rent, formerly known as Circular funded rent. The report also proposed arrangements for enhanced enforcement of lease terms as well as the establishment of a formal system for the review of the future use of community buildings when their leases were due to expire or when a building was vacated prior to lease expiry.</p> <p>It was also proposed that a joint working group from Property Services and the Corporate Voluntary Sector Team be tasked to consider alternative models for the management of community buildings and that a further report on the options available be issued to our Committee once the proposed group completed its deliberations.</p> <p>While the introduction of standard leases was supported, concern was expressed about the impact that the universal application of market rents would have on smaller groups such as bowls clubs which used Council premises and the view was expressed that the issues of grant aid and leases of Council premises should be separated out. In this respect we were informed that the proposed changes to concessionary rents and grant aid for rent were recommended only in respect of those premises listed in the report which were in the Council's community buildings portfolio. If required a further report could be requested on rent policy in relation to other Council premises and facilities.</p> <p>Further clarification was sought about the proposed introduction of break clauses into leases and the possible impact this might have on groups seeking to attract external funding including from the Big Lottery and also of how the first two bullet points in recommendation 2.5 would be measured. We were informed that break clauses could be linked to events such as a change in a</p>	



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	<p>7. That a formal system be established which enabled the future of all Community Buildings to be reviewed when their leases were approaching expiry.</p> <p>8. That requests for extensions to existing leases be subject to the process outlined in 7.5.2 of the interleaved report and that in order to agree an extension organisations be requested to surrender the old lease for the new model lease for the longer period.</p> <p>9. That when a community building was re-let to a voluntary organisation for community use then paragraph 5 of Appendix 7 to the interleaved report be applied.</p> <p>10. That as a building becomes vacant a review on the future options be considered in the first instance by the Assets Project Board followed, where appropriate, by a report to our Committee.</p> <p>11. That a joint working group from Property Services and the Corporate Voluntary Sector Team be tasked to consider alternative models for the management of community buildings and that a further report on the options available be submitted to Members once the proposed working group had completed its deliberations.</p> <p>12. That the extent of additional financial support given to groups within the Borough through the application of the discretionary element of collection of Non National Domestic Rate be noted.</p> <p>13. That a further report be submitted on rent policy in respect of other Council premises and facilities which were used by community or voluntary groups and not covered by this report.</p> <p>14. That the standard model lease proposed in the report be submitted to our Committee for approval such model to provide clarification of how break clauses would operate as well as suggested measurements for whether buildings were being used to their maximum potential/intensity and whether the building was made available for use by a wide section of the community.</p>	<p>ACE(S)/HP</p> <p>ACE(S)/HP</p> <p>ACE(S)/HP</p> <p>ACE(S)/HP</p> <p>ACE(S)/HP</p> <p>ACE(S)/HP</p> <p>ACE(S)/HP</p> <p>ACE(S)/HP</p>
<p><b>VSGC4.</b></p>	<p><b>HARINGEY COUNCIL'S RESERVES POLICY FOR COMMUNITY AND VOLUNTARY ORGANISATIONS</b> (Report of the Assistant Chief Executive (Strategy - Agenda Item 7):</p> <p>We noted that the Borough benefited from having a strong and efficient voluntary sector which provided good quality services and was able to advocate effectively on behalf of local residents. We also noted that the Council had a responsibility to obtain value for money when providing grant aid and that there was a need to ensure that the grants provided were well targeted and made a real difference to the stability and efficiency of voluntary organisations.</p> <p>We were informed that the aim of the proposed policy was twofold, firstly to ensure that organisations whose level of reserves were such that they had no need of additional monies from the Council were not funded and,</p>	

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	<p>secondly, to assist in the identification of organisations whose reserves were so low that their financial stability was at risk. Having been informed that most large funding bodies like the Association of London Government operated reserves policies as part of their grant giving function and that such a policy was recommended good practice, we asked that officers assist organisations to put in place a reserves policy in line with this good practice.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That the Reserves Policy as set out at Appendix 1 to the interleaved report be applied to all organisations in receipt of Council grant aid.</li> <li>2. That the Council's Reserves Policy become incorporated into the Terms and Conditions of Revenue Grant Aid.</li> </ol>	<p>ACE(S)</p> <p>ACE(S)</p> <p>ACE(S)</p>
<p><b>VSGC5.</b></p>	<p><b>FUNDING TO INFRASTRUCTURE AND CLIENT SPECIFIC VOLUNTARY ORGANISATIONS</b> (Report of the Assistant Chief Executive (Strategy) - Agenda Item 10):</p> <p>We noted that Haringey benefited from having a strong, diverse and efficient voluntary sector and that Council funding could make a significant contribution but needed to be properly targeted to have maximum effect. The nature of our Borough was that new communities and new needs, giving rise to new organisations were a necessary part of a healthy and representative voluntary sector.</p> <p>We needed to know that the organisations we were funding were strong, financially viable and representative. Voluntary organisations had the right to be assessed against clear principles, criteria and procedures. It would always be the case that some groups were successful in their funding bid and others were not but the key issue was that the process was a fair one which was understood by the voluntary sector and had the confidence of the community in general.</p> <p>We were informed that the report covered proposals for core funding of voluntary organisations and also recommended that funding for 'commissioned services' was set aside, pending completion of negotiations to transfer this to the relevant service departments.</p> <p>We also noted that Appendices 7 - 11 to the interleaved report were the subject of a motion to exclude the press and public from the meeting as they contained exempt information relating to terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods and services.</p> <p>Concern having been expressed about the tapering arrangements recommended in respect of the Cypriot Elders Group, we were informed that any extension to the tapering period outlined would result in further delays to the funding of new organisations not previously funded in order for the necessary funding to be freed. It was also confirmed that organisations to whom funding had not been awarded would be informed why their</p>	



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	<p>applications had not been successful.</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That, subject to any changes resulting from an extension to the tapering arrangement of the funding to the Cypriot Elders Group, approval be granted to the funding recommendations as set out in Appendix 8 to the interleaved report.</li> <li>2. That no funding be awarded to organisations that were not able to prove themselves 'fit for purpose' and financial viable as this posed an unacceptable risk to public funds.</li> <li>3. That funding for commissioned services be set aside from this review while the necessary negotiations for the transfer of this funding was undertaken with the relevant services.</li> <li>4. That, subject to budgetary and procurement constraints, the funding transferred from the Corporate Grants Budget to Directorates for voluntary sector commissioning be 'ring-fenced' for 3 years by the Directorates for voluntary and community sector commissioning.</li> <li>5. That funding be awarded for up to 3.25 years to bring the end of the new funding arrangement in line with the financial year 2008/09.</li> <li>6. That, subject to further consultation with the Cypriot Elders Group about the length of the notice period, approval be granted to the application of the tapering arrangement to the 2 organisations in respect of whom it was agreed that grant funding should not be renewed.</li> <li>7. That, following the closure of Haringey Community Accountancy Project (HCAP), approval be granted to the funding previously provided to HCAP being awarded to HAVCO for the development of a new community accountancy project.</li> <li>8. That funding be awarded to the Asian Centre until 31<sup>st</sup> March 2007 under the conditions as set out in paragraph 7f of Appendix 7 of the interleaved report.</li> </ol>	<p>ACE(S)</p> <p>ACE(S)</p> <p>ACE(S)</p> <p>ACE(S)</p> <p>ACE(S)</p> <p>ACE(S)</p> <p>ACE(S)</p> <p>ACE(S)</p>
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LORNA REITH  
Chair

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**VOLUNTARY SECTOR GRANTS COMMITTEE** *On 8 November 2005*

**Report title: Appeal by the African Caribbean Leadership Council (ACLC) against Withdrawal of Grant Aid**

**Report of: Head of Members' Services**

**1. Purpose**

1. To present the Committee with the written submissions and documents to be relied on by the ACLC and the Voluntary Sector Team respectively at the hearing of the ACLC's appeal against withdrawal of Grant Aid.

**2. Recommendations**

2.1 That Members consider the written submissions and documents submitted by the ACLC and the Voluntary Sector Team in support of their respective cases in respect of ACLC's appeal against withdrawal of Grant Aid.

2.2 That Members consider the advice of the Head of Legal Services on the procedure for hearing the appeal.

2.3 That Members hear and determine the appeal in accordance with due procedure and give directions for ACLC to be notified of their decision in writing.

**Report authorised by: Max Caller – Interim Chief Executive**

**Contact officer: Richard Burbidge**

Telephone: 020 8489 2923

### 3. Executive summary

- 3.1 By letter dated 23 September 2005 (Schedule 1), the ACLC has appealed against a decision by Assistant Chief Executive (Strategy), David Hennings, to withdraw Grant Aid provided to the ACLC by the Council under an Agreement dated 25<sup>th</sup> March 2004 for the period up to end March 2007.
- 3.2 By letters dated 6<sup>th</sup> Oct. 2005, the Head of Member Services wrote in substantially the same terms to each party informing them of the hearing date for the appeal and of the procedure to be followed in advance of and at the hearing – see copy of the letter sent to ACLC in Schedule 2.
- 3.3 The ACLC has presented a bundle of written submissions and documents in support of their appeal (Schedule 3).
- 3.4 The Assistant Chief Executive (Strategy), David Hennings has presented written submissions and documents in opposition to the appeal against the decision to withdraw Grant Aid (Schedule 4).
- 3.5 The Head of Legal Services has advised at paragraph 8 on the procedure to be followed at the hearing of the appeal. The Committee is to hear and determine the appeal in accordance with this advice.

### 3.2 Reasons for any change in policy or for new policy development

Not applicable.

### 4. Access to information:

#### **Local Government (Access to Information) Act 1985**

4.1 The Schedules to this report are **not for publication** as they contain exempt information under the following categories:

(v) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.

(vii) Information relating to the financial or business affairs of any particular person (other than the authority).

## 5. Report

### Background

- 5.1 By an agreement dated 25<sup>th</sup> March 2004 between Haringey Council and the ACLC, the Council agreed to provide the ACLC with Grant Aid over the period April 2004 to end March 2007 on the terms and

conditions set out in the Agreement – see copy in Schedule 4, Appendix 3.

- 5.2 By letter dated 16<sup>th</sup> Sept. 2005 (see copy in Schedule 4, Appendix 19 from David Hennings, Assistant Chief Executive (Strategy) who is responsible for the Voluntary Sector Team which administers Grant Aid, the ACLC were informed of the withdrawal of Grant Aid.
- 5.3 By letter dated 23<sup>rd</sup> Sept. 2005 from ACLC to David Hennings, the ACLC gave notice of appeal against the withdrawal of Grant Aid and the main grounds for their appeal (Schedule 1).
- 5.4 The Members Services team have taken legal advice from the Head of Legal Services on the procedure to be followed by the Committee in dealing with this appeal. This advice has previously been forwarded to the Committee via Councillor Lorna Reith. The advice is set out in the comments of the Head of Legal Services at paragraph 8 below.
- 5.5 Based on this legal advice, by letters dated 6 October 2005, the Head of Member Services wrote in substantially the same terms to each party informing them of the hearing date for the appeal and of the procedure to be followed in advance of and at the hearing – see copy of the letter sent to ACLC in Schedule 2.
- 5.6 The letter to the parties on procedure allowed for the parties to indicate if they had any objection to the membership of the Committee due to hear the appeal. In response to this, by letter dated 17 October 2005, the ACLC wrote to Member Services submitting an objection to Councillor Lorna Reith's participation in the appeal and the reason for the objection. In essence, this was based on Councillor Reith's earlier participation in a meeting between the parties aimed at achieving a resolution of the issues that led to withdrawal of Grant Aid.
- 5.7 By email of 20<sup>th</sup> Oct. 2005, Members Services were informed that Councillor Reith responded to ACLC's objection by deciding that she would withdraw from participating in the appeal. The ACLC and David Hennings' Voluntary Sector Team were informed of this development by letter dated 25 October 2005.
- 5.8 The ACLC and the Voluntary Sector Team have presented their respective bundles of written submissions and documents in support of or opposition to the appeal by the deadline set in the procedure letter – see Schedules 3 and 4 respectively. A copy of each party's bundle was sent to the other party on 25 October 2005.

## **6. Recommendations**

- 6.1 That Members consider the written submissions and documents presented by the ACLC and the Voluntary Sector Team in preparation for the hearing of the ACLC's appeal against withdrawal of Grant Aid.

6.2 That Members consider the advice of the Head of Legal Services on the procedure for hearing the appeal.

6.3 That Members hear and determine the appeal in accordance with due procedure and give directions for ACLC to be notified of their decision in writing.

**7. Comments of the Director of Finance**

7.1 The Director of Finance understands that there will be no financial implications for the Council if grant is withheld as the ACLC is responsible for meeting all statutory undertakings.

**8. Comments of the Head of Legal Services**

8.1 The ACLC's Terms and Conditions of Grant Aid (Schedule 4, Appendix 3) set out the procedures for issuing a Default Notice, for the Authorised Officer's decision to withdraw Grant Aid and for an Appeal to be heard.

8.2 The ACLC is entitled to be heard and, if they so wish, to be represented at this meeting. The Committee shall consider the Appeal and shall make a decision in relation to Grant Aid. This decision is final and the ACLC will be notified of the outcome in writing.

8.3 If the Committee decide not to terminate Grant Aid, Members may attach additional conditions or requirements to the continuance of Grant Aid. These would have to be strictly complied with and any future breach would result in further action under the Default Notice Procedure.

8.4 If the Committee decide to endorse the Authorised Officer's decision, Grant Aid would be terminated with effect from the date specified (30<sup>th</sup> November).

8.5 Both parties, i.e. the ACLC and the officers of the Voluntary Sector Team, had been asked by letter (see Schedule 2) to send to Member Services by 21 October their written submissions setting out their respective cases. All correspondence and relevant documents were required to be sent by the same date. After this deadline a copy of each party's submissions and documents were made available to the other party.

8.6 At the meeting each party will be entitled to ask questions of the other party and will be subject to questions from Committee Members. Each party will be entitled to make oral submissions in support of their case and in answer to the opposing case.

8.7 The Rules of Natural Justice apply to the hearing of this Appeal. This means that Members are in the position of a neutral judge between the two parties. The procedure must be fair and applied equally to both sides. There is no need to follow a rigid procedure provided that each

party has the opportunity to present its case fully and to deal with any points against it.

- 8.8 In the event that a party might wish to introduce any late evidence, the Committee must ensure that the other party is not unfairly taken by surprise.
- 8.9 The Committee will be advised at the hearing by a lawyer from the Legal Service who has not been involved in advising the Voluntary Sector Team on this matter.
- 8.10 There is no statutory right of appeal against the Committee's decision. However, the decision (like most other decisions of public authorities) may, potentially, be open to challenge by way of Judicial Review. This is only likely to be a real risk in the event of procedural unfairness or placing weight on irrelevant matters in reaching the decision.

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of the Local Government Act 1972.

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