

REQUEST FOR DMPC DECISION – PCD 499**Title: London Crime Prevention Fund – Carry Over of Underspend 2017/18-2018/19****Executive Summary:**

In 2016, a decision was made (DMPCD 2016/79) to commit direct borough funding under the London Crime Prevention Fund (LCPF) for four years. This decision committed the direct borough funding for 2 two-year periods (2017/18-18/19 and 2019/20-20/21), affording boroughs the flexibility to apportion spend over a two-year period.

This flexibility includes allowing boroughs to request the carry-over of underspent funding from the first to the second year of each two-year period. This decision covers carry-over from 2017/18 to 2018/19.

The total spend across both financial years, including carry-over, must not exceed the total allocation for this two-year period.

The total carry-over value requested is £1,360,875 however the budget over two years will remain the same as in the original decision.

The purpose of this decision is to outline the underspends realised in 2017/18 which have moved to MOPAC reserves and to approve this spend to be carried over into 2018/19, with a corresponding draw down on reserves used to finance this.

There is an additional outstanding payment for LCPF for which a draw down from reserves is required. This is for £124,261 which brings the total draw-down to £1,485,136 in this financial year.

This represents a final settlement for all financial years of LCPF up to the end of 2016/17, and no further payments for previous financial years will be made.

Recommendation:

The DMPC is requested to:

- Approve the request that underspend from 2017/18 which has been moved into MOPAC reserves be spent in 2018/19, and that a corresponding amount totalling £1,360,875.43 be drawn down from MOPAC reserves to finance this.
- Approve the request that £124,261 be drawn down from MOPAC reserves to be spent in 2018/19, for an outstanding LCPF payment.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature*Spur Henderson***Date***10/12/2018*

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

Decision required – supporting report

1. Introduction and background

- 1.1. Direct borough funding has been committed to boroughs for 2 two-year periods (2017/18-18/19 and 2019/20-20/21), affording boroughs the flexibility to apportion spend over a two-year period.
- 1.2. This flexibility includes allowing boroughs to request the carry-over of underspent funding from the first to the second year of each two-year period. This means that carry-over could be requested from 2017/18 to be spent in 2018/19.
- 1.3. The total spend across both financial years, including carry-over, must not exceed the total allocation for this two-year period.
- 1.4. The grant agreements signed by MOPAC and all boroughs states that:

“Any unspent funding of the grant funds cannot be carried over to the following financial year without the express consent of MOPAC. The Recipient must therefore inform MOPAC within 10 working days of the Quarterly Spend Form deadline of any unspent funding for that quarter in order to enable the effective financial management of the grant.

Any requests to utilise unspent funding (other than for the purposes set out in this Grant Agreement) submitted after the end of the 1st Quarter of Year 2 of the Grant Period, 5 pm on Monday 9 July 2018, will not be considered by MOPAC and any unspent funding must be returned as per clause 5 above. For the avoidance of doubt, this includes any requests to re-profile funding or utilise underspend.”
- 1.5. All boroughs were asked to request the carry-over of any underspend from 2017/18 by the deadline above, outlining the reasons for the underspend and what the funding would be used for in 2018/19. Each request was individually reviewed and approved/rejected by the borough single point of contact, and a Senior Programme and Commissioning Manager or the Head of Service, depending on the value of the carry-over request. This is in line with the MOPAC Scheme of Consent and Delegation. Not all underspend in 2017/18 was requested or approved for carry-over.
- 1.6. Although the carry-over amounts for each borough have been agreed, a DMPC decision is required to draw down the funds from MOPAC’s reserves to raise the PO numbers and allow boroughs to invoice during this financial year.
- 1.7. An outline of all individual approved carry-over amounts can be found in APPENDIX A.
- 1.8. In addition to the carry-overs agreed between 2017/18 and 2018/19, there is an outstanding payment from a previous financial year which requires a draw down from reserves to be paid, as the outstanding amount had been moved into reserves after that

financial year. This request has been approved by the Director for Criminal Justice and Commissioning, and is for £124,261.

- 1.9. MOPAC has not been made aware of any other outstanding payments from previous financial years, and any further claim for payment would be acting outside the grant agreement terms. This decision therefore represents a final settlement for all financial years of LCPF up to the end of 2016/17.

2. Issues for consideration

2.1. Links to Police and Crime Plan and MOPAC priorities:

- The Police and Crime Plan describes the LCPF as a means of providing support for victims of domestic and sexual violence, crime prevention and early intervention and the rehabilitation of offenders within the community.
- The Police and Crime Plan provides a performance framework by which local commissioned services can be measured.
- Each project funded through the LCPF is aligned with one of the Police and Crime Plan priority areas, and this includes the planned spend of unspent 2017/18 funding in 2018/19.

3. Financial Comments

- 3.1. In 2017/18, LCPF underspend totalled £1,405,272.39 across all boroughs. This underspend was moved to MOPAC reserves and ringfenced for the financing of LCPF spending in 2018/19 in line with the carry-over arrangements set out in the original LCPF 2017/18 to 2018/19 agreement.
- 3.2. This decision will commit MOPAC to providing an additional £1,360,875.43 of funding to boroughs in 2018/19, on top of their planned spend for this year.
- 3.2. This decision will also commit MOPAC to providing a payment of £124,261 which is outstanding from a previous financial year.
- 3.2. The total cost of £1,485,136.43 will be financed by a draw down on MOPAC reserves.

4. Legal Comments

- 4.1. MOPAC's general powers are set out in the Police Reform and Social Responsibility Act 2011 (the 2011 Act). Section 3 (6) of the 2011 Act provides that MOPAC must "secure the maintenance of the metropolitan police service and secure that the metropolitan police service is efficient and effective." Under Schedule 3, paragraph 7 (1) MOPAC has incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." Paragraph 7 (2) (a) provides that this includes entering into contracts and other agreements.

- 4.2. Section 143 (1) (b) of the Anti-Social, Behaviour Crime and Policing Act 2014 provides for MOPAC to provide or commission services “intended by the local policing body to victims or witnesses of or other persons affected by, offences and anti-social behaviour.” Section 143 (3) specifically allows MOPAC to make grants in connection with such arrangements and any grant may be made subject to any conditions that MOPAC thinks appropriate. As the proposals in this decision form are about supporting victims, they fall within the parameters of the legislation.
- 4.3. Section 8 (3) of the 2011 Act provides that MOPAC must, in exercising its functions, have regard to the Police and Crime Plan issued by the Office. Paragraph 1.14 of the report sets out the relevant sections of the Police and Crime Plan, and also why it is recommended that the Deputy Mayor, having had regard to the Plan, departs from it for the reasons provided.
- 4.4. Under MOPAC’s Scheme of Consent and Delegation the strategy for grant giving, the award of individual grants, all offers made and the award of grant funding are for the DMPC. The decisions in this report can be approved by the DMPC.
- 4.5. Officers must ensure the Financial Regulations and Contract Regulations are complied with.

5. GDPR/Data Privacy

- 5.1. The previous overarching decision (DMPCD 2016/79) was made before GDPR came into effect, but includes comment on previous data protection requirements. The carry-over of underspend from 2017/18 to 2018/19 does not have any data protection or confidentiality ramifications, however it is worth noting that all Local Authorities are legally required to be GDPR compliant.

6. Equality Comments

- 6.1. Equality implications were considered within the original DMPCD 2016/17. All additional spend in 2018/19 will be in accordance with this decision and the grant agreements already in place.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – NO

ORIGINATING OFFICER DECLARATION

	<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The TfL legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues Commercial issues are not applicable.	✓
GDPR/Data Privacy <ul style="list-style-type: none">GDPR compliance issues are covered in the body of the report and the GDPR Project Manager has been consulted on the GDPR issues within this report.A DPIA is not required.	✓
Director/Head of Service: The Director for Criminal Justice and Commissioning has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

OFFICER APPROVAL**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature

R. Lawrence

Date 05/12/2018

APPENDIX A – Table of borough planned spend and underspend requests approved for carry-over for 2017/18 to 2018/19

Local Authority	Planned spend 2017/18	Carry over approved
Barking and Dagenham	£640,000	£0.00
Barnet	£457,406	£88,623.00
Bexley	£299,400	£3,885.00
Brent	£591,429	£11,650.36
Bromley	£350,000	£0.00
Camden	£528,000	£0.00
Croydon	£708,498	£79,090.00
Ealing	£596,363	£211,028.53
Enfield	£523,581	£15,000.00
Greenwich	£567,832	£106,985.54
Hackney	£870,000	£48,290.60
Hammersmith and Fulham	£444,043	£0.00
Haringey	£781,000	£0.00
Harrow	£232,000	£47,775.25
Havering	£313,502	£0.00
Hillingdon	£490,468	£110,365.00
Hounslow	£446,070	£55,174.67
Islington	£645,524	£0.00
Kensington and Chelsea	£325,640	£43,201.77
Kingston upon Thames	£165,425	£0.00
Lambeth	£680,613	£0.00
Lewisham	£751,500	£0.00
Merton	£220,943	£38,435.00
Newham	£831,796	£125,148.00
Redbridge	£391,000	£0.00
Richmond upon Thames	£145,500	£0.00
Southwark	£709,000	£0.00
Sutton	£235,428	£39,448.67
Tower Hamlets	£806,230	£132,029.10
Waltham Forest	£590,433	£53,084.69
Wandsworth	£543,000	£12,520.00
Westminster	£895,961	£139,140.25
Total	£16,777,585	£1,360,875.43