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EXECUTIVE

Wednesday 25 May 2022

Please see the attached reports marked “to follow” on the agenda.

- 4 **TO CONFIRM THE MINUTES OF THE MEETING HELD ON 30 MARCH 2022**
(Pages 3 - 14)
- 6 **HOUSEHOLD SUPPORT FUND**
(Pages 15 - 22)
- 8 **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000**

The Chairman to move that the Press and public be excluded during consideration of the items of business listed below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

Items of Business

- 9 **EXEMPT MINUTES OF THE MEETING HELD ON 30 MARCH 2022**
(Pages 23 - 24)

Schedule 12A Description

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Copies of the documents referred to above can be obtained from
[http://cds.bromley.gov.uk/](http://cds.bromley.gov.uk)

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EXECUTIVE

Minutes of the meeting held on 30 March 2022 starting at 7.00 pm

Present:

Councillor Colin Smith (Chairman)
Councillors William Huntington-Thresher, Kate Lymer
(Vice-Chairman), Peter Morgan, Angela Page,
Michael Rutherford and Diane Smith

380 APOLOGIES FOR ABSENCE

There were no apologies for absence.

Councillor Christopher Marlow joined the meeting online.

381 DECLARATIONS OF INTEREST

There were no declarations of interest.

382 QUESTIONS

One question had been received for written reply – the answer is set out in Appendix A to these minutes.

383 TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 27 JANUARY AND 9 FEBRUARY 2022

RESOLVED that the minutes of the meetings held on 27th January and 9th February 2022 be confirmed.

384 BUDGET MONITORING 2021/22 Report FSD22032

This report provided the second budget monitoring position for 2021/22 based on expenditure and activity levels up to the end of December 2021. The report also highlighted any significant variations which would impact on future years as well as any early warnings that could impact on the final year end position. The report also provided an update on the COVID grant position.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 24th March 2022 and the Committee had supported the proposals.

RESOLVED that

(1) The latest financial position be noted.

(2) It is noted that a projected net overspend on services of £1,208k is forecast based on information as at December 2021.

(3) The comments from Chief Officers detailed in Appendix 2 to the report be noted.

(4) A projected reduction to the General Fund balance of £24k as detailed in section 3.4 to the report be noted.

(5) The full year cost pressures of £11.884m as detailed in section 3.5 of the report be noted.

(6) A provision of £350k be set aside to deal with a legal matter (see Part 2 of the agenda) to be met from the 2021/22 Central Contingency sum as detailed in paragraph 3.2.2 of the report.

(7) The sum agreed at Council of £1m set aside in a Platinum Jubilee Parks earmarked reserve, funded from the 2021/22 Central Contingency, be noted as detailed in paragraph 3.2.3 of the report.

(8) Council be recommended that a sum of £4.605m is set aside in a Contribution to Collection Fund Surplus Earmarked Reserve as detailed in paragraph 3.2.4 of the report.

(9) Council be recommended that a sum of £2.900m is set aside in a Capital Fund earmarked reserve, funded from the 2021/22 Central Contingency as detailed in paragraph 3.2.5 of the report.

(10) Council be recommended that a sum of £1.242m is set aside in the Housing Investment Fund earmarked reserve, funded from the 2021/22 Central Contingency as detailed in paragraph 3.2.6 of the report.

(11) The release of funds from the central contingency be agreed as detailed in paragraphs 3.2.7 to 3.2.16 of the report.

(12) The carry forward requests be agreed as detailed in paragraph 3.3 of the report.

(13) The funding requirement of the Property Team be agreed as detailed in paragraph 3.10 of the report.

(14) The COVID allocation and expenditure in Appendix 7 to the report be noted.

385 BASIC NEED PROGRAMME UPDATE
Report CEF22015

The report provided an update on the capital schemes included within the Council's Basic Need Programme.

The report had been scrutinised by the Children, Education and Families PDS Committee at its meeting on 15th March 2022 and the Committee had supported the proposals.

RESOLVED that

- (1) The updated Basic Need Programme be agreed as set out in Appendix 3 to the report, subject to full Council approval.**
- (2) The allocation of an additional £981k of S.106 allocations to projects within the Basic Need Capital Programme be agreed as outlined in Appendix 2 to the report.**
- (3) The additional SEND Provision Capital Funding allocation of £2,451k received during 2021/22 for improving and expanding SEN and Alternative provision be noted.**
- (4) Agreement be given that the schemes at Farnborough Primary School, Marian Vian Primary School (Phase 2) and St John's CE Primary School be brought forward to the Projects in Delivery (Funded) Programme, that the existing allocation to fund secondary bulge classes be maintained and that a new contingency fund be set aside to support additional specialist provision, should it be required for the Council to meet its statutory duty and that two new accessibility schemes at Bishop Justus School and Chislehurst School for Girls (Appendix 1 to the report) be approved.**
- (5) Where required, funding be delegated to schools for local delivery, subject to there being sufficient mechanisms in place to control expenditure and ensure delivery of outcomes.**
- (6) It is noted that schools will be submitting planning applications in association with these works.**

386 PROVISION OF HOLIDAY AND SATURDAY GROUP BASED SHORT BREAKS SERVICES - AUTHORISATION TO TENDER FOR A NEW CONTRACT
Report CEF20021

The contract for provision of Holiday and Saturday Short Breaks for Disabled Children was originally awarded to Riverside School in May 2010 following competitive tender. The purpose of this service was to provide meaningful and fulfilling activities for children and young people with a range of disabilities, while offering valuable respite for parents and carers. Studies showed that Short Breaks could provide a vital preventative service for families which could support family cohesion and guard against breakdown. Further contracts were awarded in 2012, 2015 and 2018 via exemption to competitive tendering due to the specialist nature of the service, with a cumulative value to date of over £1m. The current contract extension period commenced on 1 April 2021 and was due to end on 31 March 2023 with all existing contractual

options to extend further exhausted. The estimated annual value of the current contract was £196,057 p.a, with a whole life value, inclusive of the extension options used, of £968,753

In order to ensure a timely recommissioning of this service, for a vulnerable cohort of children and young people with disabilities and their families, it was proposed to reprocurse this service during 2022 at an estimated annual value of £196,057 p.a. It was further proposed to offer an initial contract term of three years with two options to extend for periods of up to two years each, making a whole life contract term of seven years if both extension clauses were utilised. This would mean that the full potential contract term would be for seven years from 1 April 2023 – 31 March 2030. The approximate full life value of the service would consequently be £1,372,399.

The report had been scrutinised by the Children, Education and Families PDS Committee at its meeting on 15th March 2022 and the Committee had supported the proposals.

RESOLVED that

(1) The procurement strategy outlined in this report for a new contract for a Weekend and Holiday Short Breaks Service for Children with Disabilities be approved; it is proposed that the service will have an estimated annual value of £196,057 p.a. If the initial term (3 years) and both extension clauses (2 years plus 2 years) are utilised, the approximate full life value of the service will be £1,372,399. The new contract will commence on 1 April 2023 and terminate on 31 March 2030.

(2) It is noted that the results of the Prior Information Notice (PIN) that has been sent to providers, and further consideration of the risks to the service inherent in a formal tender for the continuation of the Holiday and Saturday Short Breaks service, will be considered and a Gateway 1 report seeking approval for the preferred procurement route will be presented at a later date.

387 AGREEMENT FOR THE USE OF VARIOUS TENANCY AGREEMENTS FOR BROMLEY OWNED HOUSING ASSOCIATIONS

Report HPR2022/017

As a result of the Council owning its own Housing Stock Officers were seeking formal approval for the Council to adopt the use of a variety of Tenancy Agreements for Bromley Owned Housing.

The report had been scrutinised by the Renewal, Recreation and Housing PDS Committee at its meeting on 16th March 2022 and the Committee had supported the proposals.

RESOLVED that

(1) Approval be given for Housing Officers to grant Tenancy Agreements to Bromley Residents residing in Bromley owned housing as set out in paragraph 3.10 of the report, subject to additional legal scrutiny of the proposals and a further report to Members six months after the issuing of the introductory tenancies.

(2) Authority be delegated to the Director of Housing, Planning & Regeneration in consultation with the Director of Corporate Services and Governance to finalise the Tenancy Agreements and implement and issue to individual tenants.

(3) It is noted that Officers are working with Campbell Tickell to produce a full suite of amended and/or new Policies and Procedures that will come back to the Executive in June/July 2022 that will support the Council's statutory obligations with regards to its own housing.

388 GATEWAY FOR PROCEEDING TO PROCUREMENT FOR ACCOMMODATION, SUPPORT AND TENANCY SUSTAINMENT SERVICES

Report HPR2022/019

The Council currently provided floating support and specialist accommodation-based support for ex-offenders. This specialist accommodation service had been provided by Hestia since 1 October 2016, offering supported accommodation for up to 9 ex-offenders and floating support for (up to) 100 tenants.

The 3 year contract at the value of £195k per annum was due to expire on 30 September 2019, however the Council enacted its option to extend the contract with the Provider for a further year, with an expiry date of 30 September 2020. The total contract value for the 4 years equated to approximately £780k.

In January 2020, the Renewal, Recreation and Housing Portfolio Holder approved a 6 month extension beyond term to 31 March 2021 for the Hestia contract, via exemption from competitive tendering, to enable the services to be amalgamated with Evolve Housing and put out to tender. However, due to service pressures because of Covid, the tender was delayed. In September 2021, the Renewal, Recreation and Housing Portfolio Holder agreed to the Hestia contract being extended for a further 12 months and with Hestia's agreement, the contract was extended to September 2022. The total contract value for the 5.5 years equated to £1,072K.

A counter proposal in respect of the Evolve Housing contract was incidentally received and accepted by the Council in August 2021. Therefore, the plan to amalgamate the respective Evolve and Hestia service contracts was curtailed.

This report was requesting authorisation to proceed to tender for the Accommodation, Support and Tenancy Sustainment Service.

The report had been scrutinised by the Children, Education and Families PDS Committee at its meeting on 15th March 2022 and the Committee had supported the proposals.

RESOLVED that

(1) Proceeding to a competitive tender, via a single stage, open procurement process, be approved for the provision of accommodation, support, and tenancy sustainment services to vulnerable people. It is proposed the contract will be for a period of five years, with the option to extend for a further two periods, of two years each.

(2) The estimated cost will be £234k per annum with a total contract value of £ 1,170k for the initial five year contract period and £2,106k for the full nine year period. The initial costs will be fixed for 5 years, but any further extensions will be subject to additional costs with an annual inflation rise in line with CPI, for the maximum period of 4 years.

(3) The current contract be extended for a further period of up to 6 months, should it be required, in the event that it is not possible to conclude award of contract and any mobilisation required prior to the end of the current contract. An extension of up to 6 months would be an estimated value of £95.5k, a cumulative whole life value of £1,170k.

389 CROYDON ROAD RECREATION GROUND - BANDSTAND RESTORATION
Report ESD20165

The Executive received a report outlining the restoration proposals for the Bandstand within Croydon Road Recreation Ground, Beckenham, and recommending that the scheme be added to the Council's Capital Programme to enable works to proceed.

The report had been scrutinised by the Environment and Community Services PDS Committee at its meeting on 21st March 2022 and the Committee had supported the proposals.

RESOLVED that

(1) The proposals for the Bandstand be approved at a cost of £236k including a contingency budget of £27k, and be added to the Capital Programme.

(2) It is noted that a five year maintenance plan has identified a liability of £18k which includes redecoration works to uphold the restored condition of the bandstand; this will be funded as set out in paragraph 3.13 of the report.

(3) Delegated authority be given to the Director of Environment and Public Protection to award contracts for the Bandstand Restoration following the tendering process.

(4) Delegated authority be given to the Assistant Director of Carbon Management and Greenspace to approve spend on contingency fund.

(5) The Executive records its thanks to the Friends of Croydon Road Recreation Ground and all the other groups involved in supporting this project through to fruition.

390 AWARD OF CONTRACT: PRIMARY AND SECONDARY INTERVENTION SERVICE (PART 1)
Report ACH22-007

The report sought approval to award the Primary and Secondary Intervention Service (PSIS) contract, scheduled to commence on 1st October 2022, to the successful bidder.

The request to award followed on from the approval by Executive, on the 30th of June 2021, for commissioners to re-tender the PSIS contract to enable the commencement of a new service contract from 1st October 2022. The Service was jointly commissioned by the London Borough of Bromley (LBB) and South East London Clinical Commissioning Group (SELCCG) with LBB as the lead commissioner for the service.

The award report set out the results of the tendering process for the provision of the PSIS contract, which resulted in negotiated dialogue with the sole bidder, and recommended the award of contract. Further details were provided in a part 2 report.

The report had been scrutinised by the Adult Care and Health PDS Committee at its meeting on 22nd March 2022 and the Committee had supported the proposals.

RESOLVED that

(1) The award of contract be approved for the provision of the Primary and Secondary Intervention Service as detailed in the accompanying Part 2 Report; the proposed contract will commence on 1st October 2022 for the period of five years plus the option to extend for up to two years.

(2) Delegated authority be given to the Director of Adult Services to apply the 2-year contract extension, subject to agreement with the Adult Care and Health Portfolio Holder, the Director of Corporate Services and Governance, the Director of Finance and the Assistant Director, Governance and Contracts as determined by Contract Procedure Rules.

391 NORTH BLOCK SOLAR PV INSTALLATION
Report ES20172

A Council Motion on 15th July 2019 unanimously approved a ten-year plan to ensure that the Council achieved net zero carbon emissions by 2029. This had since revised to 2027 at the full Council meeting on 28th February 2022.

The report set out a proposal for the installation of a solar photovoltaic (PV) system on the rooftop of North Block building at the Civic Centre. The Council could make use of Section 106 Carbon Offsetting contributions to fund energy/carbon reduction initiatives on its own estate.

A Member commented that it was important that the system was capable of storing or distributing any surplus energy generated.

The report had been scrutinised by the Executive, Resources and Contracts PDS Committee at its meeting on 24th March 2022 and the Committee had supported the proposals. The Chairman of the Committee, Cllr Christopher Marlow, reported that members had commented that the cost of the system should not be inflated by over-specification. The decision involved a change to the Capital Programme which required Executive approval.

RESOLVED that

(1) The proposal set out in the report to initiate and complete the procurement of a solar PV installation at the North Block, Civic Centre at an estimated whole life contract value of £119k, using the Council's s.106 Carbon Offsetting Fund (COF) to finance the project, be approved; system design to meet these criteria is stipulated in the contract specification.

(2) The use of the Fusion21 framework be approved, and authority be delegated to the Contract Officer to appoint the preferred contractor which is evidenced through the tender evaluation process.

392 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006 AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the Press and public be excluded during consideration of the items of business referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters involving exempt information**

**393 EXEMPT MINUTES OF THE MEETINGS HELD ON 27 JANUARY
AND 9 FEBRUARY 2022**

The exempt minutes of the meetings held on 27th January and 9th February 2022 were confirmed.

**394 AWARD OF CONTRACT: PRIMARY AND SECONDARY
INTERVENTION SERVICE (PART 2)**

The Executive considered part 2 details relating to this report.

395 BUDGET MONITORING 2021/22 - PART 2 APPENDIX

The Executive noted part 2 details relating to the Budget Monitoring report.

As this was the last meeting of the Executive before the local election, the Leader thanked Members and Officers for their service, in particular Councillor William Huntington-Thresher and Councillor Peter Morgan, who would be leaving the Council.

The Meeting ended at 7.40 pm

Chairman

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EXECUTIVE

30th March 2022

QUESTION - FOR WRITTEN REPLY

1. From Richard Honess to the Portfolio Holder for Renewal, Recreation and Housing

At the full Council meeting on 18th October I asked an oral question of Cllr Morgan the Portfolio Holder for Renewal, Recreation and Housing, about the condition and lack of upkeep on the Rookery Gardens Estate. I was told by Cllr Morgan that this matter would be discussed and dealt with in Committee. Could the Committee provide an update as to the discussions, decisions and concrete actions taken to improve the Estate please?

Reply:

Thank you for highlighting your observations and concerns regarding the cleanliness of Rookery Gardens Estate. Whilst the Council have an obligation to cleanse elements of the public highway within the estate, the direct management lies with Clarion Housing to ensure bulky waste and any accumulations around household waste containers are cleared. The Council's lead for street cleansing visited the estate on 22nd March and found some sporadic littering issues that will be addressed by the Council's street cleansing service provider, but also some larger bulky waste items that would ordinarily be dealt with by Clarion directly. In this regard, the Council's Neighbourhood Management team will liaise directly with Clarion estate managers to ensure any such issues are addressed.

With regards to the 'playground' area within the estate, after further investigation, whilst there are no historical records, we have determined that the ownership sits with the Council.

The authority have undertaken remedial works to ensure the surface of the playground area is now in a reasonable state of repair and we will continue to inspect and repair the area as required, and discussions with Clarion will take place to determine if a practical solution would be for them to take on the longer term ownership and maintenance of the area given its geographical position within the middle of their estate.

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Impact on Vulnerable Adults and Children

1. Summary of Impact: Recipients of the scheme are some of the most vulnerable members of the community with high representation from particular equality groups; in particular vulnerable due to disability, mental health, pregnancy or young children and people including those leaving care.
-

Corporate Policy

1. Policy Status: Existing Policy – extension of previous funding
 2. BBB Priority: Children and Young People Quality Environment Supporting Independence Healthy Bromley
-

Financial

1. Cost of proposal: Estimated Cost: £1,868k
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: Operational Housing
 4. Total current budget for this head: £7,282k
 5. Source of funding: Department for Work & Pensions
-

Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Applicable
-

Procurement

1. Summary of Procurement Implications:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 10,000 beneficiaries
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 On 23 March 2022, the government announced in the Spring Statement that the Household Support Fund (HSF) would be extended from 1 April 2022 to 30 September 2022. £421 million has been made available to County Councils and Unitary Authorities in England to support those most in need to help with significantly rising living costs.
- 3.2 At least one third of the total funding must be spent on families with children and at least one third must be spent on pensioners. In terms of type of support, the expectation is that the HSF extension should be used in a similar way as the original HSF scheme, although, with a greater emphasis on supporting households with energy bills. Food and water bills also remain priorities. This covers a wide range of low income households in need including families with children of all ages, pensioners, and other low income households, particularly those who cannot increase their income through work, to prevent escalation of problems.
- 3.3 Local Authorities have discretion on exactly how this funding is used within the scope set out in the accompanying grant determination and this guidance. The expectation is that it should primarily be used to support households in the most need particularly those including children and pensioners who would otherwise struggled with energy bills, food and water bills. Energy bills may be of particular concern to low income households during the period of the scheme and Local Authorities should especially consider how they can support households with the cost of energy. It can also be used to support households with essential costs related to those items and with wider essential costs. In exceptional cases of genuine emergency it can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need.
- 3.4 Rather than focus on one specific vulnerable group, the DWP has advised that Local Authorities should use the wide range of data and sources of information at our disposal to identify and provide support to a broad cross section of vulnerable households to prevent escalation of problems. We should particularly consider how we can support low income households that cannot increase their income through work, such as pensioners, people with disabilities, unpaid carers and parents of very young children in their area. Support is not restricted to vulnerable households in receipt of benefits.
- 3.5 Authorities will be required to provide two management information (MI) returns outlining their grant spend and the volume of awards:
- an interim MI return for the period 01 April 2022 to 30 June 2022 will be due 22 July 2022
 - a final MI return for the period 01 April to 30 September 2022 will be due 21 October 2022

Grant payments will be made to authorities in arrears on receipt of a fully completed and verified MI return.

Summary of Business Case

- 3.6 The fund is large enough that all options have been incorporated or are under further discussion, and the flexibility of the scheme going forward will allow for a broad range of services and organisations to be supported.
- 3.7 The requirement to utilise the fund by the end of September 2022 and the lead-in times to set up the necessary administrative processes and delivery mechanisms means that proposals have

had to be developed at pace and brought to the first available committee for consideration and approval.

- 3.8 It is not proposed to make direct payments to the residents, as this increases the risk of fraud and also increases the risk that the payments will not be utilised for the intended purposes. Whilst the government have asked local authorities to seek to cover food and energy costs, there are unfortunately no fuel vouchers (other than for prepaid meters) and as such the Council proposes to utilise funding in supermarket vouchers, i.e. the additional savings made by the resident on food costs can be utilised by them towards their energy costs.

A summary of proposed spend is below:

Table 1

	£'000
Families eligible for free school meals during the holiday period	966
Pension Credit Caseload	616
Adult Social Care	115
Age UK	80
Contingency	56
Administration	35
Total	1,868

- 3.8 The planned spend shown in Table 1 above is within the grant allocation, so there is no risk to the Council. It is a requirement of the grant conditions to submit regular claims of any costs incurred which will be reimbursed provided they are within the permitted spend in the guidance
- 3.10 Families Eligible for free school meals; £966k has been set aside this will cover school holidays, providing support to the following;
- Eligibility Criteria
- All Pupil Premium children, namely:
 - children who claim free school meals
 - looked after or previously looked after children
 - Children eligible for the service premium, including pupils with a parent:
 - Serving in HM Forces
 - Retired on a pension from the MoD
 - Children in Need of help and protection, specifically:
 - Pupils with a Child in Need Plan
 - Pupils subject to a Child Protection Plan
 - Children Looked After
 - Care leavers
 - Pupils supported by Bromley Tackling Troubled Families
 - Privately fostered children
 - Disabled children
 - Ukrainian refugees placed in Bromley through the Family Placement or Homes for Ukraine scheme.
 - Children eligible for the 16-19 Bursary Fund, specifically
 - looked after children or care leavers
 - those in receipt of Income Support or Universal Credit
 - those receiving Disability Living Allowance or Personal Independence Payments in their own right and ESA/UC in their own right

- 3.11 Pension Credit: £616k has been set aside for households in receipt of pension credit, in order to meet the required spend of utilising 33% of the allocated funding, this will provide approximately £124.17 per individual/couple. This would assist 4964 individuals.
- 3.12 Adult Social Care: £115k has been set aside to support vulnerable people of working age, this will assist us in reaching vulnerable households that might be otherwise hard to reach
- 3.13 Age UK: £80k has been set aside to assist those that are not eligible for pension credit but may still be struggling and will need to be supported to benefit from this support via food vouchers.
- 3.14 Contingency: £56k has been set aside in order to have some ability to use the funding flexibility and to address any new or exceptional circumstances as they arise
- 3.16 Administration: £35k has been identified for administration which is less than 2% of the overall budget.

4. MARKET CONSIDERATIONS

4.1 N/A

5. SOCIAL VALUE AND LOCAL / NATIONAL PRIORITIES

5.1 The Household Support Fund will be a fundamental and practical response to the issue of significant rising living costs.

6. STAKEHOLDER ENGAGEMENT

6.1 N/A

7. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

7.1 **Estimated Value of Proposed Action: N/A**

7.2 **Other Associated Costs: N/A**

7.3 **Proposed Contract Period: N/A**

8. IMPACT ASSESSMENTS

8.1 As the fund has to be spent by September 2022 to meet immediate needs, a full means test cannot be established in the timescale. There is always a risk that help based around indicators of need doesn't reach everyone in hardship

8.2 Indicators of need follow established methodologies i.e. for free school meals (FSM). A mixed approach to the fund has been taken to capture as many households in need as possible.

9. POLICY CONSIDERATIONS

- 9.1 The key policy implications are to ensure that the funds are distributed in accordance with the funding criteria to avoid any monies being taken back or loss of funding. A clear record of both the decision making and the detail of the allocations will assist with this

10. IT AND GDPR CONSIDERATIONS

- 10.1 IT and GDPR have been considered and there is an established process within the Council and with Age UK as a trusted partner.

11. STRATEGIC PROPERTY

- 11.1 N/A

12. PROCUREMENT RULES

- 12.1 In consultation with the Head of Compliance & Strategy, there are no procurement implications.

13. FINANCIAL CONSIDERATIONS

- 13.1 As set out in the report, the Council has been allocated a total of £1,868k by the Department for Work and Pensions for the extension of the Household Support Fund. It is proposed that this amount is drawn down from the 2022/23 Central Contingency to the Operational Housing revenue budget to be allocated as outlined below:

	£'000
Families eligible for free school meals during the holiday period	966
Households in receipt of Pension Credit	616
Adult Social Care - vulnerable working age adults	115
Age UK - vulnerable adults not in receipt of Pension Credit	80
Contingency	56
Administration	35
	1,868

- 13.2 With the exception of the £35k for administration costs and £56k contingency, it is proposed that the entirety of this funding will be used to purchase supermarket vouchers which will be distributed to residents.
- 13.3 This is a ringfenced grant which the Department may withhold payment or require to be repaid if it is not utilised in accordance with the grant conditions summarised in paragraphs 3.2 to 3.5.

14. PERSONNEL CONSIDERATIONS

- 14.1 No staffing implications

15. LEGAL CONSIDERATIONS

- 15.1 The Government through a Determination cited as the 'Household Support Fund Grant Determination 2022 No 31/3096' under sections 31(3) and 31(4) of the Local Government Act 2003 have allocated to the Council a ring-fenced fund to provide a grant for the period 1st April 2022 to 30th September 2022 ,to be allocated as the Council deems necessary under a Scheme to provide support to households who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional circumstances of genuine emergency)
- 15.2 The primary purpose of the grant is to provide support to the Council for expenditure lawfully incurred or to be incurred by them in accordance with the Grant Conditions to provide support to households, particularly those including children and pensioners, to help them with significantly rising living costs.
- 15.3 The Council will be awarding the grant based on discretionary allocations using the criteria and processes as identified elsewhere in this report
- 15.4 Where the Council decides to use the Grant it must comply with the grant conditions attached to the grant and ensure that recipients also comply to ensure the proper use and accounting of the grant paid.
- 15.5 The Council has the legal power to receive and distribute the grant and to make discretionary grant determinations as permitted within the grant award. In particular, the Council has power under Section 1 of the Localism Act 2011 to deliver grant funding to eligible persons as designated within the Councils Scheme
- 15.6 In exercising its discretion to formulate and adopt the Scheme, the Council must have due regard to all relevant circumstances including government guidance and local need when deciding on discretionary allocations. The Council is also subject to its fiduciary duty to ensure the adopted Scheme and monies paid from the grant represent the best use of that money to award to those deemed eligible under the Grant Conditions. The relevant Guidance issued by the Government is the 'Household Support Fund (1 April 2022 – 30 September 2022): – FINAL Guidance for County Councils and Unitary Authorities in England'.
- 15.7 The Guidance makes it clear that the Council has a general legal duty, in exercising their discretion, to have a clear rationale or documented Policy/Framework outlining their approach to allocation, including how eligibility is identified and the ways to apply for and access the payment. Accordingly, the Council must be able to demonstrate that their targeting rational is sound. It would appear from the content of the report that the proposed Scheme as set out in this report complies with legal decision-making in accordance with Administrative law.
- 15.8 The Guidance does not address specifically Subsidy Control however it is considered that the payments to individuals and households would not amount to subsidy within the meaning of the Subsidy Control Act 2022. The Guidance also recommends that Councils consider giving applicants the ability to review a decision however it is considered acceptable for such matters to be dealt with under the Councils standard complaints/grievance procedure.
- 15.9 The Government has reserved certain rights to investigate improper use and receipt of the Grant and may seek recovery. Given the nature of the payments the Council has designed the Scheme and its financial management to reduce the possibility of fraud an improper use of the grant.

- 15.10 Given that payments under the Scheme are likely to materially involve or impact on more than one Portfolio the Councils Constitution under 'Functions to be exercised by the Full Executive' provides the decision must be made by the Full Executive.
- 15.11 The report is also seeking a recommendation to delegate final decision-making to a Chief Officer in consultation with the relevant Portfolio holders. Officers should ensure that the any further decision-making is made accordance with these legal considerations.
- 15.12 Given the lateness of Government notification and timescales for spending the Grant, the Government have recognised that some councils may have difficulty in meeting their time frame for submitting a delivery programme. Notwithstanding this there may be a need for Officers to make an urgent decision to allocate grant by way of school vouchers to be made available during the half term. The Chief Executive, Leader, Deputy leader and Chairman of the PDS have been consulted explaining the pressing need. It is anticipated that it would be proper for members to retrospectively approve these actions by agreeing the recommendations to this report.
- 15.13 Under section 149 of the Equality Act 2010 the Council must have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The content of this report shows that the officers have had regard to the Equality Act 2010 which must be always kept under review.

Non-Applicable Sections:	N/A
Background Documents: (Access via Contact Officer)	N/A

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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