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DATE: 11 October 2022

To: Members of the  
**EXECUTIVE**

Councillor Colin Smith (Chairman)

Councillor Kate Lymer (Vice-Chairman)

Councillors Yvonne Bear, Nicholas Bennett J.P., Aisha Cuthbert, Christopher Marlow, Angela Page and Diane Smith

A meeting of the Executive will be held at Bromley Civic Centre on **WEDNESDAY 19 OCTOBER 2022 AT 7.00 PM**

**PLEASE NOTE:** This meeting will be held in the Council Chamber at the Civic Centre, Stockwell Close, Bromley, BR1 3UH. If you wish to attend please contact us, before the day of the meeting if possible, using our web-form:

<https://www.bromley.gov.uk/CouncilMeetingNoticeOfAttendanceForm>

TASNIM SHAWKAT

Director of Corporate Services & Governance

***Copies of the documents referred to below can be obtained from***

***<http://cds.bromley.gov.uk/>***

## **A G E N D A**

**1 APOLOGIES FOR ABSENCE**

**2 DECLARATIONS OF INTEREST**

**3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 6 OCTOBER 2022**

(To follow)

**4 QUESTIONS**

In accordance with the Council's Constitution, questions that are not specific to reports on the agenda must have been received in writing 10 working days before the date of the meeting - by 5pm on 5<sup>th</sup> October 2022.

Questions specifically relating to reports on the agenda should be received within two working days of the normal publication date of the agenda. Please ensure that questions specifically on reports on the agenda are received by the Democratic Services Team by 5pm on Thursday 13<sup>th</sup> October 2022.

- 5 **BIGGIN HILL AIRPORT NOISE ACTION PLAN REVIEW - UPDATE** (Pages 3 - 28)
- 6 **ADULT SOCIAL CARE REFORMS** (Pages 29 - 50)
- 7 **DELEGATION OF FUNCTION AMENDMENT AND CHANGE TO THE SCHEME OF DELEGATION TO OFFICERS (TRADING STANDARDS)** (Pages 51 - 56)
- 8 **BROMLEY HOUSEHOLD SUPPORT FUND** (Pages 57 - 66)
- 9 **CONSIDERATION OF ANY OTHER ISSUES REFERRED FROM THE EXECUTIVE, RESOURCES AND CONTRACTS POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**
- 10 **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**

**Schedule 12A Description**

- |   |  |
|---|--|
| <p>11 <b>EXEMPT MINUTES OF THE MEETING HELD ON 6 OCTOBER 2022</b><br/>(To follow)</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</p> |
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# Agenda Item 5

Report No.

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** EXECUTIVE

**Date:** Wednesday 19 October 2022

**Decision Type:** Non-Urgent Executive Key

**Title:** BIGGIN HILL AIRPORT NOISE ACTION PLAN REVIEW - UPDATE

**Contact Officer:** Matthew Amer, Airport Monitoring Officer  
E-mail: matthew.amer@bromley.gov.uk  
Telephone: 020 8313 4938

**Chief Officer:** Director of Housing, Planning, Property and Regeneration

**Ward:** (All Wards);

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1. Reason for report

In summer 2021, five years after the signing of the Deed of Variation on their lease with the Council, Biggin Hill Airport Ltd (BHAL) submitted a Noise Action Plan review. As the review was to be carried out "in association" with London Borough of Bromley, the Council could approve it or request alterations. At the Executive Committee meeting on 12 January 2022, the Council requested further information from Biggin Hill Airport. The Airport submitted new information in response to this request.

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2. **RECOMMENDATIONS**

The Executive is recommended:

**2.1 To note that Biggin Hill Airport Ltd (BHAL) submitted additional documentation by the deadline of 30 June 2022 in response to the information requested by the Executive in January 2022.**

**2.2 To note that with the additional evidence provided, BHAL has completed its review of the Noise Action Plan (NAP) though one of the ongoing commitments under the NAP for BHAL to progress the implementation of Runway 03 is yet to be achieved.**

**2.3 To note that BHAL is dependent on Civil Aviation Authority (CAA) authorisation to progress Runway 03 and a decision is expected later this year, by December 2022.**

- 2.4 To note that the Leader and the Chief Executive have written to the Council's three directly affected Members of Parliament encouraging them to write to the relevant Minister with oversight for CAA, urging them to ensure that the promised timely decision is delivered.**
- 2.5 To note that the outcome of the CAA decision on Runway 03 will be significant in determining the next steps following the review of the NAP.**
- 2.6 To agree that in the light of the above officers should bring a further report in January 2023 once CAA decision is made, when the Executive can consider the impact of the decision of the CAA on Runway 03.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Excellent Council Vibrant, Thriving Town Centres Regeneration
- 

### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: N/A
- 

### Personnel

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

### Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Applicable
- 

### Procurement

1. Summary of Procurement Implications: N/A
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? As this is a Borough Asset individual Wards have not been consulted, however this report has been circulated to all Councillors.
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

#### Table of Attachments

Attachment Number	Title
1	Enclosures – Response to LBB NAP Review 29.06.22
2	Letter of response from CEO of CAA 22.08.22

#### Background

3.0 This report should be read in conjunction with the report to the Executive dated 12 January 2022. That report and the appendices to that report can be found on the Council's website. The recommendations in that report were as follows:

2.1 To note that Biggin Hill Airport Ltd (BHAL) has completed a review of the Noise Action Plan (NAP), as required by the NAP and the Management Information Letter (MIL).

2.2 To note the Flightpath Watch report and the work undertaken by the Council in conjunction with and following external legal advice, as requested by Flightpath Watch.

2.3 To note the reports of RSK Acoustics dated 8 September 2021 and the Civil Aviation Authority dated 20 December 2021.

2.4 To note that the Council has forwarded the above reports to BHAL and they have acknowledged receipt of the same.

2.5 To authorise officers to work in association with BHAL to progress from a review of the NAP to a revision of the NAP and that this revision is carried out using best industry practice, as recommended by the CAA and as proportionate to the size of the airport.

2.6 To note that the work referred to in para 2.5 above is to include:

a) The suggestions made within the attached reports, including the updating of noise modelling software, as recommended in paragraph 56 of the CAA report

b) Consideration of noise levels as monitored by noise contours with regard to governmental guidelines, as suggested in para 2.8 of the RSK Acoustics report

c) Limiting hours when circuits can be flown as suggested in para 9.3 of the RSK Acoustics report

d) Agreeing the process by which recommendations in this report would be endorsed in the revised NAP

2.7 To authorise officers to request BHAL provide additional and ongoing evidence of adherence to the existing Noise Action Plan, particularly through the forum of the Airport Consultative Committee.

2.8 To authorise officers to request that BHAL continue to take actions to reduce and restrict noise contour levels for the benefit of the residents who are affected and ensure the contour limits are met.

2.9 To authorise officers to request that BHAL provide information and produce a timetable for the implementation of the outstanding “reasonable endeavours” provisions as part of the revision of the NAP.

2.10 To note that a further report will be presented to the Executive in autumn 2022 detailing the progress as outlined in the NAP review and progress against the recommendations identified in this report.

3.1 At the Executive meeting on 12 January 2021, the Executive, accepting the recommendations from the Executive, Resources and Contracts PDS, decided as follows:

RESOLVED that

(1) It is noted that Biggin Hill Airport Ltd (BHAL) has submitted a review of the Noise Action Plan (NAP), as required by the NAP and the Management Information Letter (MIL).

(2) The Flightpath Watch report and the work undertaken by the Council in conjunction with and following external legal advice, as requested by Flightpath Watch, is noted.

(3) The reports of RSK Acoustics dated 8 September 2021 and the Civil Aviation Authority dated 20 December 2021 be noted.

(4) It is noted that the Council has forwarded the above reports to BHAL and they have acknowledged receipt of the same.

(5) It is noted that the review of the NAP submitted by BHAL does not fully demonstrate compliance, owing to a failure to provide evidence in connection with various actions as set out in the Civil Aviation Authority report (CAA report) dated 20 December 2021, with particular reference to Appendix C of the CAA report. Reference is also made to clause 4.33 of the NAP, which requires BHAL ‘to assess performance with respect to the previously forecast noise envelope... by reference to the number of people and dwellings affected’.

(6) Officers be authorised to inform BHAL of the conclusion reached under recommendation 2.5, and to request an updated review of the NAP that addresses areas of the review that have been highlighted as requiring evidence, to be submitted to the Council no later than 30 June 2022, in order to allow for a report to be brought to the Executive as set out in (13) below.

(7) It is noted that no Executive Decision will be considered regarding the tenure of the airport until the updated review as set out in recommendation 2.5 is received by the Council, and deemed by the Executive to fully demonstrate compliance, or explain non-compliance with appropriate reparative measures and timescales for implementation.

(8) Officers be instructed to assist BHAL with the preparation of the updated review described in recommendation 2.6 upon request.

(9) Officers be authorised to prepare a report detailing potential improvements to the NAP using best industry practice, as recommended by the CAA, having regard to feedback from residents and as proportionate to the size of the airport.

(10) It is noted that the work referred to in paragraph (9) above is to include but not be limited to the following:

(a) The suggestions made within the attached reports, including the updating of noise modelling software, as recommended in paragraph 56 of the CAA report;

(b) Consideration of noise levels as monitored by noise contours with regard to governmental guidelines, as suggested in para 2.8 of the RSK Acoustics report;

(c) Limiting hours when circuits can be flown as suggested in para 9.3 of the RSK Acoustics report.

(11) Officers be authorised to request BHAL provide additional and ongoing evidence of adherence to the existing Noise Action Plan, particularly through the forum of the Airport Consultative Committee.

(12) Officers be authorised to request that BHAL provide information and produce a timetable for the implementation of the outstanding “reasonable endeavours” provisions of the NAP.

(13) It is noted that a further report will be presented to the Executive in autumn 2022 detailing progress against the recommendations identified in the report.

### **Progress and response from BHAL following the decision in January 2022**

- 3.2 BHAL responded to the Council with regards to para 5 and 6 by the deadline of 30 June 2022, supplying a document entitled Enclosures – Response to LBB NAP Review 29.06.22, which is attached to this report as **Appendix 1**.
- 3.3 Appendix 1 includes 3 sections: Enclosure 1: Bickerdike Allen Population Report, Enclosure 2: Amended table paragraph 2.9 Review of NAP 2016-2020 and Enclosure 3: BHACC Progress Report
- 3.4 The documents provided by BHAL provide additional information, evidence and links to evidence as requested at the 12 January 2022 Executive Committee.
- 3.5 With the additional evidence provided, BHAL consider that they have completed their review of the NAP. However, some commitments are yet to be achieved. One of the commitments is to progress the implementation of the new approach to Runway 03, for which BHAL is dependent on CAA authorisation.
- 3.6 In order to progress this LBB Chief Executive wrote to the CAA and their response is attached to this report as **Appendix 2**. As can be seen from the letter a decision from the CAA is expected later this year, by December 2022. To ensure a timely decision is made by the CAA the Leader and the Chief Executive have written to the Council's three directly affected Members of Parliament encouraging them to write to the relevant Minister with oversight for CAA, urging them to ensure that the promised timely decision is delivered.
- 3.7 Recommendation 11 of the previous report stated: “Officers be authorised to request BHAL provide additional and ongoing evidence of adherence to the existing Noise Action Plan, particularly through the forum of the Airport Consultative Committee.”
- 3.8 Following the recommendation, BHAL have overtly made reference to the NAP and its progress in a specific section of the meeting of the BHACC, where such topics may have been discussed in less obvious NAP-related business in the past.



### **The significance of new approach to Runway 03**

- 3.9 The NAP states at paragraph 2.16: “A new dedicated Runway 03 approach guidance system is currently being developed, following a formal consultation procedure set down by the CAA, in the form of an Airspace Change Proposal (ACP). The proposed new Runway 03 approach is scheduled to be installed during the course of summer 2016 for implementation in the autumn of 2016. The proposed new approach procedure, when implemented, will significantly reduce traffic using the Runway 21 ILS approach. It is anticipated that all air traffic using the Runway 03 approach will no longer overfly residential areas situated the north and north east of the aerodrome (Petts Wood, Crofton and Farnborough) as part of its inbound routing potentially providing significant periods of respite in these areas when the prevailing wind is in the north or north east or east.”
- 3.10 This commitment is very important to residents living to the north of the airport as the new approach to Runway 03 has the potential to reduce the percentage of aircraft using Biggin Hill Airport that pass over those areas by routing many away when the wind is in the appropriate direction.
- 3.11 At this time, aircraft still follow the route of the Instrument Landing System while approaching from the north before breaking from this approach when they make visual contact with the airport and flying a circling visual approach to the west of the airport to allow a landing from the south.
- 3.12 LBB and residents expected the process for implementing the new approach to be swift, as suggested in the above text from the NAP: “The proposed new Runway 03 approach is scheduled to be installed during the course of summer 2016 for implementation in the autumn of 2016.” As of the date of this report, it has yet to be approved by the CAA.
- 3.13 BHAL have said that the complex nature of the procedure combined with Covid and staff shortages at the CAA have all contributed to the length of time taken to pass through the Airspace Change Process.
- 3.14 At times during this process, when the CAA have been asked for updates, residents have been given a differing response to that received by LBB. This has increased concern and confusion.
- 3.15 Therefore Chief Executive of LBB contacted the CEO of the CAA on 28 July to ascertain a definitive position on the ACP. He received a reply of 22 August (Appendix 2), stating that “there has been significant ongoing dialogue between the CAA and the ACP sponsor” since the CAA’s website was last updated with information about the ACP in 2017 and that “It is estimated that we will make our final decision in late Q3 or early Q4 2022.”

### **Recommended way forward**

- 3.16 Given the importance of the commitment with regard to Runway 03, it is recommended that the evidence provide by BHAL is acknowledged by the Executive Committee but a decision on accepting the NAP review is fully considered after the CAA has made its decision on the new approach.
- 3.17 Plainly the outcome of the CAA decision on Runway 03 will be significant also in determining the next steps following the review of the NAP. As this is imminent this report provides a short update and officers will need time to consider the actions needed in line with the original recommendations by officers to move on from the review of the NAP to the revision of the NAP when further improvements can be discussed and agreed.

3.18 In the light of this the Executive is requested to agree that officers should bring a further report in January 2023 once CAA decision is made, which is expected by December 2022. At that time the Executive can consider the impact of the decision of the CAA on Runway 03 and officers' recommendations on the next steps.

**4. IMPACT ON VULNERABLE ADULTS AND CHILDREN**

There is no impact to Vulnerable Adults and Children in respect of the services the Council delivers in this regard.

**5. POLICY IMPLICATIONS**

An Authority that manages its Assets well.

**6. FINANCIAL IMPLICATIONS**

Non Applicable

**7. PERSONNEL IMPLICATIONS**

Non Applicable

**8. LEGAL IMPLICATIONS**

8.1 Please refer to the full legal implications set out in the Executive report of 12 January 2022.

**9. PROCUREMENT IMPLICATIONS**

Non applicable

**10. PROPERTY COMMENTS**

Non Applicable

<b>Non-Applicable Sections:</b>	Financial, Personnel, Procurement and Property
Background Documents: (Access via Contact Officer)	Executive Report on Biggin Hill Airport Noise Action Plan Review Dated 12 January 2022 and Appendices

## Enclosure 1: Bickerdike Allen Population Report



Project: LONDON BIGGIN HILL AIRPORT

File Ref: A11103-MO002

Date: 24 January 2022

Subject: NAP Review – Populations

From: D Charles / D Rogers

To:	Name	Role	Company	Initials
	London Biggin Hill Airport	-	-	LBHA

### 1.0 INTRODUCTION

The Noise Action Plan (NAP) states that during each review there will be reference to the number of people and dwellings affected, see para 4.33 below.

4.33 During each five year review the airport will assess performance with respect to the previously forecast noise envelope, based on the latest five year forecasts of air traffic movements along with an assessment of the effectiveness of the various measures within the NAP and by reference to the number of people and dwellings affected.

In the existing NAP population information was given in Table 3.3, see below. This comprised the estimated populations at the three contour values considered. The populations were determined from a 2014 database of populations by postcode supplied by CACI Ltd. The two figures for each entry related to the then current population and that forecast for 2020. So, taking 57 dB  $L_{Aeq,16h}$  the estimated summer daytime exposed population was 186 when the NAP contours were produced (2014), and it was expected to increase to 380 by 2020.

Table 3.3 Population Estimates for 2020 Noise Contours

Population Estimates (Current / 2020)				
Noise dB	Annoyance Rating	Summer Daytime (07:00-23:00) $L_{Aeq,16h}$	Summer Early Morning (06:30- 07:00) $L_{Aeq,30m}$	Summer Late Evening (22:00-23:00) $L_{Aeq,1h}$
57 dB	Low	186 / 380	0 / 320	0 / 25
63 dB	Medium	19 / 20	0 / 20	0 / 0
69 dB	High	0 / 0	0 / 0	0 / 0

For the NAP review early morning and late evening contours for 2025 have not been produced. This is not considered critical, as in those periods there are movement restrictions, the key contour area control being the for the daytime period.

No dwelling information was included in the original NAP. It would in effect show the same picture as the populations, as the two are closely related.

This memo contains population and dwelling information for the now forecast 2025 contours at the original contour values.

## 2.0 2025 POPULATIONS AND DWELLINGS

The population and dwellings within the contours now predicted for 2025 are given in the table below. For the 2025 contours two values are provided, the first relates to using the CACI data for 2014 which was used for the original NAP, the second to using the latest CACI data (2021). At the lowest contour value of 57 dB there is a difference, as the latest 2021 CACI data gives a higher population. So using the same CACI data as the original NAP the contained population rounds to 380, but using the latest CACI data it rounds to 420.

Year	Contour (LAeq,16h)	Population*	Dwellings*
2025	57 dB	380 / 420	165 / 165
2025	63 dB	20 / 20	10 / 10
2025	69 dB	0 / 0	0 / 0

\* Twin values for 2025 relate firstly to the 2014 CACI data and secondly the 2021 CACI data.

A feature of the update of the CACI data is that at 57 dB the computed population increases. We have found similar effects before and CACI have confirmed it can occur due to how the database is constructed and updated.

## 3.0 DISCUSSION

The requirement for the review is to make *reference to the number of people and dwellings effected*. In terms of population this could note that at all three contour values previously considered the size of the population exposed is forecast to be the same in 2025 as was previously forecast for 2020, when the same population data is used. It could also be noted that if the latest population data was used the forecast exposed population would be slightly higher at 57 dB, 420 vs 380.

Dwelling numbers could also be given at the three values, although there is nothing to compare them with in the original NAP. They are unaffected by update of the CACI data once rounded.

-X-X-X-X-X-

**Enclosure 2: Amended table paragraph 2.9 Review of NAP 2016-2020**

**1. Evidence exists but not reported in NAP Review (paras 14 -16 CAA ERCD report):**

NO.	ACTION	STATUS
3	<p><b>Undertake regular reviews of procedures to minimize noise disturbance with Biggin Hill Airport Consultative Committee (BHACC).</b></p>	
	<p><i>The Airport has conducted a series of reviews to minimise noise disturbance. These reviews are conducted through the Noise and Safety Sub Committee and reported to the BHACC on a quarterly basis.</i></p> <p><i>The independent Chairman of the Noise and Safety Sub Committee reports directly to the BHACC and the minutes of the BHACC are published on the Airport's website at <a href="https://biggin-yourairport.co.uk/consultative-minutes/">https://biggin-yourairport.co.uk/consultative-minutes/</a></i></p> <p><i>Additionally, these minutes now contain update reports on progress on completion of actions contained within Section 6 of the NAP review document. The Safety and Noise Abatement Review Board (SANARB) play a key role in the ongoing scrutiny of the airports procedures whilst reviewing the outcomes of investigations of complaints and violations triggered by the Noise &amp; tack Keeping System (NTKS).</i></p>	Completed & Ongoing activity
7	<p><b>Monitor the track-keeping and maximum noise level compliance and takes actions as necessary.</b></p>	
	<p><i>Maximum noise level compliance is measured by the two monitors located in the approach and departure paths for both runways.</i></p> <p><i>The output from the noise monitors is reviewed by an airport consultant and reported via the noise desk to both the Safety and Noise Abatement Review Board (SANARB) for potential sanctions and the BHACC via independent reports produced by Bickerdike and Allen.</i></p> <p><i>Summaries of these reports are included in the minutes of the BHACC and published on the Airport's website at <a href="https://biggin-yourairport.co.uk/consultative-minutes/">https://biggin-yourairport.co.uk/consultative-minutes/</a></i></p> <p><i>Track keeping violations are detected through the Noise Monitoring and Track Keeping System (NMTKS) automatically, generating a report that triggers further investigation.</i></p> <p><i>The outcomes of the investigations are submitted to the SANARB for review and subsequent penalties. This includes breaches of Track Violation Limits (TVL's) and Noise Sensitive Areas (NSA'S). Additionally, the SANARB will review all noise complaints including ground noise, circuits and all other complaints irrespective of the nature of the complaint.</i></p>	Completed & Ongoing activity

13a	<b>Operate the Airport to ensure that the resultant noise, expressed in the form of Summer Daytime noise contour area does not exceed that specified, namely 4.3 km<sup>2</sup> at 57 dB LAeq,16h.</b>	
	<p>Noise contours are produced Quarterly by Bickerdike Allen and reported to the BHACC. The Airport has successfully kept the footprint within the reasonable endeavours target.</p> <p>Summaries of these reports are included in the minutes of the BHACC and published on the Airport's website at: <a href="https://biggin-yourairport.co.uk/consultative-minutes/">https://biggin-yourairport.co.uk/consultative-minutes/</a></p> <p>The actual 57db LAeq daytime, morning and evening noise contours compared with predicted noise contours is published in the 2020 Annual Noise Report. This report is published at <a href="https://biggin-yourairport.co.uk/wp-content/uploads/2021/07/A11103-R04-DR_1.0-Biggin-Hill-Airport-Annual-Report-2020.pdf">https://biggin-yourairport.co.uk/wp-content/uploads/2021/07/A11103-R04-DR_1.0-Biggin-Hill-Airport-Annual-Report-2020.pdf</a></p>	Completed & Ongoing activity
13b	<b>Operate the Airport using reasonable endeavours to achieve actual noise contours for daytime, early morning and late evening less than the 2020 forecast noise contours.</b>	
	<p>Noise contours are produced Quarterly by Bickerdike Allen and reported to the BHACC. The Airport has successfully kept the footprint within the reasonable endeavours target.</p> <p>Summaries of these reports are included in the minutes of the BHACC and published on the Airport's website at: <a href="https://biggin-yourairport.co.uk/consultative-minutes/">https://biggin-yourairport.co.uk/consultative-minutes/</a></p> <p>The actual 57db LAeq daytime, morning and evening noise contours compared with predicted noise contours is published in the 2020 Annual Noise Report. This report is published at <a href="https://biggin-yourairport.co.uk/wp-content/uploads/2021/07/A1103-R04-DR_1.0-Biggin-Hill-Airport-Annual-Report-2020.pdf">https://biggin-yourairport.co.uk/wp-content/uploads/2021/07/A1103-R04-DR_1.0-Biggin-Hill-Airport-Annual-Report-2020.pdf</a></p>	Completed & Ongoing activity
iv	<b>Prepare and issue Integrated Noise Monitoring (INM) report when contours are prepared.</b>	Ongoing
	<p>Noise contours are produced quarterly by Bickerdike Allen and reported to the BHACC. The Airport has successfully kept the footprint within the reasonable endeavours target.</p> <p>The CEO presents a summary of the quarterly reports produced by Bickerdike Allen to the BHACC and confirms the Airport's performance is ensuring the noise contour footprints remain within the reasonable endeavours limits agreed in 2015.</p> <p>Summaries of these reports are included in the minutes of the BHACC and published on the Airport's website at <a href="https://biggin-yourairport.co.uk/consultative-minutes/">https://biggin-yourairport.co.uk/consultative-minutes/</a></p>	Completed & Ongoing activity

2. Evidence could not easily be found (paras 17 -20 CAA ERCD report):

NO.	ACTION	STATUS
	<i>MONITOR AND MANAGE</i>	
4	<b>Undertake community noise surveys using NMTKS.</b>	
	<p><i>The Airport conducts noise surveys through the deployment of a mobile noise monitor at the request of residents.</i></p> <p><i>The ‘deployment on request’ has been in practice since the procurement of the noise monitor and it is offered via responses to noise complaints and reviewed by the Noise and Safety Sub Committee to the BHACC.</i></p> <p><i>Due to the low number of requests for the noise monitor to be deployed to a residents property all responses to noise complaints now include an invitation to have the noise monitor installed. Applicants are invited to email: <a href="mailto:noise-action@bigginhillairport.com">noise-action@bigginhillairport.com</a> with their request.</i></p> <p><i>The relatively low number of noise monitor deployments aligns with LBB’s RSK Report, which states: It does appear that LBHA are following the existing NAP, and the relatively low number of individual complaints suggests measures are working reasonably.</i></p> <p><i>The number of noise monitor deployments are recorded and reported on in the Noise and Safety Sub Committee Chairman’s update to the BHACC. Summaries of these reports are included in the minutes of the BHACC and published on the Airport’s website at <a href="https://biggin-yourairport.co.uk/consultative-minutes/">https://biggin-yourairport.co.uk/consultative-minutes/</a></i></p> <p><i>The specific results of the surveys are shared with the individual residents and the Airport is provided with a copy of those results. Post deployment meetings with residents are set up on request.</i></p>	Completed & Ongoing activity

8a	<p><b>Implement a scheme to incentivise operators of light and training aircraft to install noise suppression equipment or to replace noisy aircraft.</b></p>	
	<p><i>The airport continues to work with operators of light training aircraft to incentivize the installation of exhaust noise suppression equipment.</i></p> <p><i>The Light Aircraft Exhaust Silencer Incentive Scheme (LASIS) is outlined within Appendix 2 to the MIL. Pursuant to the LASIS, LBHA offers a 25% discount on published landing fees to owners and operators of light single engine aircraft who elect to fit a European Aviation Safety Agency (EASA) or Federal Aviation Administration (FAA) approved exhaust silencer system that can be demonstrated to reduce aircraft noise output by 5 dB.</i></p> <p><i>Once the terms and conditions of the LASIS have been met and installation has been verified, then LBHA will issue a certificate of compliance for discount.</i></p> <p><i>The Airport has established a Light Aviation Steering Group, which meets bi monthly and has a specific focus on all matters related to the Light Aviation Community. This steering group, which is a break away from the Tenants and User meeting, ensures the Airport’s increased oversight of safety and noise concerns, address operational procedures and ensure incentive programmes like the LASIS can be reinforced at regular opportunities.</i></p> <p>Unfortunately, due to the cost of exhaust noise suppression equipment and the installation and testing costs, the taken up of this scheme is extremely low. The Airport will continue to encourage operators to take advantage of the scheme.</p>	<p>Completed &amp; Ongoing activity</p>



<b>14b</b>	<b>Operate a ban on fixed wing aircraft that do not meet the ICAO Chapter 4 noise certification numerical standards between 06:30 and 07:00 (except for existing based aircraft)</b>	
	<p><i>For new based and non-based aircraft operations, the Airport has limited the use of the airport to those aircraft types that meet ICAO Chapter 4 standard.</i></p> <p><i>LBHA operates pursuant to ‘Prior Permission Required’ (PPR) regulations such that aircraft operators must seek approval for a flight to or from LBHA. With the exception of emergency diversions, this allows LBHA to verify that the aircraft in question meets the aerodrome noise limitations before the flight in question commences.</i></p> <p><i>The PPR system is overseen by Air Traffic Control (ATC), who certify if an aircraft is permitted to use the Airport at a specified time. ATC is aware of those aircraft that meet ICAO Chapter 4 noise certification.</i></p> <p><i>There are very few aircraft that operate from Biggin Hill that do not meet the requirements of ICAO Chapter 4.</i></p> <p><i>Where LBHA has doubts regarding the noise certification of any aircraft it will request a copy of the Aircraft Noise Certificate in order to verify compliance. The Airport continually reviews such procedures and the Airport will amend the UK AIP to make this restriction clear. That said, the UK AIP submission is already extremely complex and any additions must be considered in terms on any safety impact.</i></p>	Completed & Ongoing activity
<b>16</b>	<b>Operate the Airport in accordance with the noise abatement procedures delineated in the UK Aeronautical Information Publication (AIP).</b>	
	<p><i>All limitations are set out in full in the UK AIP (which automatically confers inclusion in all IFR and VFR flight guides) such that operators understand the noise abatement measures applicable to the Airport.</i></p> <p><i>Regarding levels of fines, these are outlined within paragraph 19 of the Management Information Letter (MIL) and the terms are set out in Appendix 4 of the MIL. SANARB reviews breaches of the NAP and makes recommendations to the Airport regarding whether an operator should be fined or not. The outcome of SANARB reviews are contained within the Noise and Safety Sub Committee reports to the BHACC. Summaries of these reports are included in the minutes of the BHACC and published on the Airport’s website at <a href="https://biggin-yourairport.co.uk/consultative-minutes/">https://biggin-yourairport.co.uk/consultative-minutes/</a></i></p>	Completed & Ongoing activity

20	<p><b>Monitor and report progress against Noise Action Plan actions to BHACC, provide statistics in The Performance Monitoring Report.</b></p>	
	<p><i>On an annual basis the Airport Issues a Performance Monitoring Report (PMR) on actual summer contours. The 2020 Annual Noise Report is published at <a href="https://biggin-yourairport.co.uk/wp-content/uploads/2021/07/A1103-R04-DR 1.0-Biqgin-Hill-Airport-Annual-Report-2020.pdf">https://biggin-yourairport.co.uk/wp-content/uploads/2021/07/A1103-R04-DR 1.0-Biqgin-Hill-Airport-Annual-Report-2020.pdf</a></i></p> <p><i>The Airport monitors progress against the NAP through the Noise and Safety Sub Committee and reported to the BHACC on a quarterly basis. The independent Chairman of the Noise and Safety Sub Committee reports directly to the BHACC and the minutes of the BHACC are published on the Airport's website at <a href="https://biggin-yourairport.co.uk/consultative-minutes/">https://biggin-yourairport.co.uk/consultative-minutes/</a></i></p> <p><i>In addition to the formal report submitted by the Chairman of the Noise and Safety Sub Committee, the Airport CEO provides a comprehensive report that covers:</i></p> <ul style="list-style-type: none"> <li>• <i>Quarterly movement figures</i></li> <li>• <i>Overall Business Performance</i></li> <li>• <i>Resident Companies Update</i></li> <li>• <i>Development; including 03 RNAV approach</i></li> <li>• <i>Health &amp; Safety and Security</i></li> <li>• <i>Environment</i></li> <li>• <i>Planning Matters</i></li> <li>• <i>Government Policy</i></li> <li>• <i>Community Matters</i></li> <li>• <i>Events</i></li> </ul>	<p>Completed &amp; Ongoing activity</p>

21	<p><b>Engage with local planning authorities to ensure awareness of aircraft operations is considered in land use development, for instance with LBB over future work on the local plan.</b></p>	
	<p><i>The Airport works closely with LBB to advise against and also discourage residential and other noise sensitive development close to the airport boundaries or in areas likely to be affected by aircraft noise.</i></p> <p><i>For the period on and before 2015 up to the current date BHAL have been in communication with the LBB at every stage of the London Borough of Bromley Local Plan process, with approximately 28 written documents throughout this period evidencing our responses. We have also attended and made public representations at Local Plan public hearings where and when appropriate.</i></p> <p><i>In addition, we also have active involvement with our stakeholders via our “Locate” initiative which has also resulted in constructive feedback, the results of which have been incorporated into our Local Plan representations, thereby ensuring so far as practicable that the views of our stakeholders are represented too. The “Locate” initiative is a membership group of stakeholders coordinated and led by BHAL, consisting of airport tenants, customers, adjacent landowners, officers of the London Borough Bromley, and officers representing the surrounding local authority districts, as well as their respective councillors.</i></p> <p><i>The purpose of the Locate initiative is to engage on matters regarding the Airport and the Strategic Outer London Development Centre of which it forms part.</i></p> <p><i>Similarly, during the same period, we have actively monitored and made written representations (5 written documents recorded in this regard) to the London Plan, and where appropriate have attended public enquiry hearings.</i></p>	Completed & Ongoing activity
v	<p><b>Prepare and issue five yearly Performance Monitoring Report</b></p>	Ongoing
	<p><i>This activity is activity has been undertaken as part of the 5-year review of the NAP.</i></p> <p><i>Bickerdike Allan were commissioned to undertake a review of the Noise Action Plan 2025 Forecast Noise Contours (Review of Noise Action Plan 2016 – 2020).</i></p> <p><i>The NAP review itself constitutes a five yearly Performance Monitoring report and more than meets this requirement.</i></p> <p><i>Additionally Annual reports, the latest of which is published at <a href="https://biggin-yourairport.co.uk/wp-content/uploads/2021/07/A1103-R04-DR 1.0-Biggin-Hill-Airport-Annual-Report-2020.pdf">https://biggin-yourairport.co.uk/wp-content/uploads/2021/07/A1103-R04-DR 1.0-Biggin-Hill-Airport-Annual-Report-2020.pdf</a></i></p>	

vii	<b>Investigate the potential and benefit that might arise from introducing a Biggin Hill specific Code of Practice for Arriving Aircraft.</b>	<b>2017</b>
	<p><i>Briefing Leaflets (Code of Practice) covering departing aircraft have been produced and published.</i></p> <p><i>The briefing leaflets were produced in 2017 and were updated 1<sup>st</sup> November 2020. The leaflets cover VFR Noise Abatement Procures and Important Information for Flight Crew: IFR Noise Abatement Procedures.</i></p> <p><i>The leaflets (Code of Practice) are available in Flight Operations and are sent to all operators who receive a warning letter regarding a breach of the Airport' noise amendment procedures.</i></p> <p><i>These code of practice leaflets are currently under review and the Airport is already progressing a specific Code of Conduct for helicopter operations.</i></p> <p><i>The Airport will publish the new Code of Conduct post the NAP review and develop them with support from SANARB and locally based operators. Progress regarding the development will be reported through the BHACC.</i></p>	Completed & Ongoing activity
viii	<b>Investigate the potential and benefit that might arise from introducing a Biggin Hill specific Code of Practice for Departing Aircraft.</b>	<b>2017</b>
	<p><i>Briefing Leaflets (Code of Practice) covering departing aircraft have been produced and published.</i></p> <p><i>The briefing leaflets were produced in 2017 and were updated 1<sup>st</sup> November 2020. The leaflets cover VFR Noise Abatement Procures and Important Information for Flight Crew: IFR Noise Abatement Procedures.</i></p> <p><i>The leaflets (Code of Practice) are available in-Flight Operations and are sent to all operators who receive a warning letter regarding a breach of the Airport' noise amendment procedures. These code of practice leaflets are currently under review and the Airport is already progressing a specific Code of Conduct for helicopter operations.</i></p> <p><i>The Airport will publish the new Code of Conduct post the NAP review and develop them with support from SANARB and locally based operators. Progress regarding the development will be reported through the BHACC.</i></p>	Completed & Ongoing activity

**3. Actions not stated to have been met, inaccurate or lack clarity (paras 21-26 CAA ERCD report):**

*(Actions 20 & v have been addressed in the previous table)*

NO.	ACTION	STATUS
	<i>MONITOR AND MANAGE</i>	
<b>8b</b>	<p><b>Implement a scheme to restrict circuit training to certain operating hours.</b></p> <p><i>All circuits are approved by the Senior Air Traffic Control Officer (SATCO) or Chief Executive Officer (CEO). This approvals process ensures circuit traffic for training flights and other operating activities, such as engine test flights, are conducted at times that are within the lease and restricted to times appropriate for that activity. Contrary to the CAA’s opinion, this CEO/SATCO level of scrutiny comfortably exceeds the time restrictions contained within the NAP as justification of the need for the circuit is robustly challenged.</i></p> <p><i>The enhanced scrutiny includes:</i></p> <ul style="list-style-type: none"> <li><i>o All circuits must be approved by the SATCO or CEO</i></li> <li><i>o The crew must contact ATC by phone immediately prior to the flight to receive a detailed briefing. An ATCO briefing instruction has been produced to ensure consistency.</i></li> <li><i>o Pilots are instructed to fly the circuit at 2000ft QNH (1400ft QFE) The business aircraft circuit altitude of 2000ft (light aircraft visual circuits are published at 1600ft QNH, 1000ft QFE) is much higher than the light aircraft circuit and this is in place to minimise noise impact.</i></li> <li><i>o Additionally, during COVID-19 procedures, additional time restrictions were put in place and circuits were banned during weekends and were only permitted between 0900 hrs – 1800 during week days.</i></li> <li><i>o Whilst circuits are not currently banned at weekends, they are only approved for safety/flight currency requirements and only if crews were unable to undertake these during the week.</i></li> </ul> <p><i>A circuit is flown in a pattern as shown on the community website: <a href="http://www.biggin-yourairport.co.uk/noise-airspace">www.biggin-yourairport.co.uk/noise-airspace</a> “What is a Circuit”. The pattern is made up of four legs, for safety all of which may be extended or reduced, as instructed by ATC, to fit in with other traffic within the ATZ, departing aircraft or aircraft on finals for landing. This may result in an aircraft entering a NSA. The patterns shown are indicative only and given that circuits are flown visually there is variability of patterns flown.</i></p> <p><i>Crews must comply with Visual Circuit Instructions as published within the UKAIP:</i></p> <ul style="list-style-type: none"> <li><i>o All circuits at London Biggin Hill Airport are conducted to the west of the aerodrome (Right Hand - Runway 21, Left Hand - Runway 03). Overflight of the following Noise Sensitive Areas should be avoided, unless necessary to fulfil an ATC instruction such as to extend downwind for spacing, Keston Village, The Leavesdon Estate and Leaves Green. Aircraft unable to comply with these requirements should not plan to make use of London Biggin Hill Airport.</i></li> </ul>	Completed & Ongoing activity

	<ul style="list-style-type: none"> <li>○ Aircraft joining the visual circuit from the east or southeast should avoid overflight of the Noise Sensitive Areas of Downe Village and Biggin Hill Village.</li> </ul>	
<b>10a</b>	<b>Implement introduction of a Global Positioning System (GPS) based Runway guidance system.</b>	
	<p><i>In progress, see paragraphs 4.3 to 4.7 (typographical error corrected).</i></p> <p><i>The CAA and Airport are in dialogue to address aspects regarding the flyability of the procedure, prior to achieving CAA endorsement to proceed to the validation stage of the ACP. BHACC members will be interested to know that the Airport has undertaken 2 Human Factor Live trial flights of the procedures. The feedback from both flights was extremely positive with both crews reporting that the procedure was both safe and flyable. The flights also provided clear evidence that both pilot and controller workloads were low.</i></p> <p><i>At this time the Airport is unable to provide a definitive timescale for either the approval or implementation of the RNAV approach</i></p>	Ongoing activity
<b>10c</b>	<b>Work with NATS and others to secure the early removal of the VOR beacon at Biggin Hill.</b>	
	<p><i>In progress - see paragraphs 4.12 and 4.13 (typographical error corrected).</i></p> <p><i>The latest update from the CAA Head of Airspace Modernisation (as at 13<sup>th</sup> June 2022) on the UK wide DVOR rationalisation Programme is as follows:</i></p> <p><i>The UK has been running a programme to rationalise and modernise its en-Route [funded] DVORs and NDBs since 2008; removing 3/5ths of the en-route DVORs, and all en-route NDBs, and upgrading the remainder as a resilience piece of infrastructure.</i></p> <p><i>To help mitigate the CAA published CAP1781: ‘DVOR / DME / NDB Rationalisation: Guidance for the use of RNAV Substitution’ (<a href="#">CAP1781: DVOR / DME / NDB Rationalisation: Guidance for the use of RNAV Substitution (caa.co.uk)</a>) in June 2021. To help the sponsors of impacted terminal, conventional IFP (predominantly at airports) plan for this eventuality the CAP suggests various options and details how the use of RNAV Substitution <b>may</b> be helpful. This CAP was supported by CAP1926 ‘General Requirements and Guidance Material for the use of RNAV Substitution’ (<a href="#">CAP1926: General Requirements and Guidance Material for the use of RNAV Substitution (caa.co.uk)</a>) in Feb 2022 and a CAP1781 Q&amp;A sheet (<a href="#">CAP1781A - Your CAP1718 questions answered (caa.co.uk)</a>).</i></p>	Ongoing activity

	<p><i>Whilst the proposed switch off date is still December 2022, the conclusion of discussions with Airports was that there could be a mechanism whereby some, if not all, the DVORs slated for switch off could be kept going for a further 24 to 36 months.</i></p> <p><i>LBHA has a current ACP in process to produce a 21 overlay to remove the dependency on the DVOR; however, the progress of the ACP is subject to CAP1616.</i></p>	
<b>xi</b>	<b>Review communications material and the Airports' website with respect to noise/noise management</b>	
	<p><i>This remains an on-going activity and addressed in action 6.1 (14 &amp; 16) (typographical error corrected).</i></p> <p><i>Additionally, note work undertaken on actions 14 &amp; 16 Section 6.1 of the NAP review outlined within Enclosure 3 at page 3 of this report.</i></p> <p><i>In accordance with paragraph 4.34, LBHA is already monitoring the management practices being employed at other Airports to assess whether they can be usefully applied to LBHA.</i></p>	<p>Ongoing activity</p> <p>Website updated</p>





### Enclosure 3: BHACC Progress Report

## Progress Report on the NAP Review Action Plan

The Airport continues to complete actions identified within Section 6 of the NAP Review initially completed on 12<sup>th</sup> July 2021 and, after consultation through the SANARB, Noise and Safety Sub Committee, the BHACC and LBB, was submitted to LBB on 19<sup>th</sup> August 2021.

This report is the first of these updates and highlights some specific actions:

- **Actions: 1 to 5: Air Space Change Proposals**

The CAA and Airport are in dialogue to address aspects regarding the flyability of the procedure, prior to achieving CAA endorsement to proceed to the validation stage of the ACP. BHACC members will be interested to know that the Airport has undertaken 2 Human Factor Live trial flights of the procedures. The feedback from both flights was extremely positive with both crews reporting that the procedure was both safe and flyable. The flights also provided clear evidence that both pilot and controller workloads were low.

- **Actions 6 & 8: Accuracy of Webtrak:**

**Action completed:** The Web Trak system is in use at many Airports across the world and is a highly accurate track keeping system. LBB have confirmed that *'the weight of evidence that the Council has been presented with does not suggest there are any significant inaccuracies in the Webtrak system. Therefore, the Council will be encouraging the airport to publicise the actions it has taken in the public domain to increase understanding of, and confidence in, the accuracy within the system.'*

- **Action 9: Circuits and ground noise:**

The BHACC members may not be aware that the Airport already imposes limits on circuit flying that exceed the requirements of both the NAP and the Lease and these will be maintained. Turning to ground noise, the Airport is in the process of updating its Ground Noise Management Plan and has placed the mobile noise monitor with residents living directly adjacent to the Airport to accurately assess noise impact. The Airport have commenced discussions with Bombardier regarding the potential construction of a dedicated engine ground running platform.

- **Action 12: Publication of NSAs and TVLs**

The Airport now shows the web Trak NSAs on those complaints to residents that make reference to aircraft being off track or penetrating an NSA. Additionally, the Airport shows the Track Violation Limits for those aircraft departing from runway 21 or 03 subject to CAA departure release. The Airport is now investigating the best way to provide specific communities with more detailed publication of the NSA relative to their location (Tatsfield).

**Action 13: Helicopter Operations:**

The Airport held a very constructive workshop with Castle Air on 29<sup>th</sup> March to review helicopter operations. The outcome of the workshop was the decision to develop a standalone helicopter procedure briefing pack to differentiate helicopter operations from light aviation procedures. The workshop also identified specific arrival and departure procedures and routes to reduce noise impact for those residents living close to the Airport.

- **Actions 14 & 16: Online and web-based briefing material:**

Significant progress has been made to improve the online briefing material regarding airspace structure, approach procedures, NSAs and terminology. This briefing material is now live on the Airport website. In conjunction with the Airport's newly established communications team, the Head of CSR is now expanding this work to look at how we can use social media platforms in publishing the work the Airport is undertaking regarding its noise management activities.

- **Action 15: Increase use of Noise Monitors.**

The Airport continues to encourage the increased use of its mobile noise monitor through responses to noise complaints and direct engagement with residents. The Airport is in the process of procuring a second mobile noise monitor, which it hopes to deploy from June onwards.

- **Review of Penalty structure for breaches of the NAP**

Whilst acknowledging that compliance with the NAP is achieved through consultation and engagement and this remains the primary matrix of success, the Airport is updating its guidance to SANARB regarding warnings and penalties. The guidance will provide a clear framework for the level of charge and the timing between a first and second occurrence and the issuing of a penalty.

**Chief Executive's Office**



**Ade Adetosoye**  
Chief Executive  
London Borough of Bromley  
Address

By email: [Ade.AdetosoyeCE@bromley.gov.uk](mailto:Ade.AdetosoyeCE@bromley.gov.uk)

22 August 2022

Dear Mr Adetosoye

Thank you for your letter of 28 July 2022 in reference to ACP-2013-08, regarding the proposal to introduce an instrument-based approach to Biggin Hill Airport's Runway 03. Please accept my apologies for the delayed response.

As you allude to in your letter, developing and assessing a proposal to change airspace design is a complex and technical process and our primary statutory duty is to maintain high standards of safety.

We appreciate that there has been no public update on the CAA website regarding the activity and progress that has been taking place towards the CAA's decision since the original submission from the airspace change proposal (ACP) sponsor was uploaded on 19 May 2017.

However, as you would anticipate, there has been significant ongoing dialogue between the CAA and the ACP sponsor since this time. This has included the request for and submission of clarifying comments, updates and supplementary information from the sponsor to support the application.

We can confirm that the CAA has now received all requested information and is in the process of considering all documentation and responses to form our decision on the ACP. It is estimated that we will make our final decision in late Q3 or early Q4 2022.

I hope this addresses your concerns but please let us know if you would like any further clarifications.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Moriarty', with a long horizontal flourish extending to the right.

Richard Moriarty  
**CHIEF EXECUTIVE**

Report No.  
ACH22-030

## London Borough of Bromley

### PART 1 - PUBLIC

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**Decision Maker:** ADULT CARE AND HEALTH POLICY DEVELOPMENT AND SCRUTINY COMMITTEE AND EXECUTIVE

**Date:** 7<sup>th</sup> September 2022 and 19<sup>th</sup> October 2022

**Decision Type:** Non-Urgent Executive Key

**Title:** ADULT SOCIAL CARE REFORMS

**Contact Officer:** Heather Sinclair-Constance, Programme Manager – Adult Social Care Reform  
Tel: 020 8313 4641 E-mail: heather.sinclair-constance@bromley.gov.uk

**Chief Officer:** Kim Carey, Director of Adult Services

**Ward:** All

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#### 1. REASON FOR REPORT

- 1.1 In September 2021, in the Build Better plan, the government announced £5.4bn of investment in the adult social care system in England over 3 years to transform the sector. £3.6bn is allocated for the charging reform (including paying a Fair Cost of Care) and £1.7bn for the systems reforms.
  - 1.2 The government is committed to the introduction of charging reforms by October 2023 including a new £86,000 cap on personal care costs; changes to the means test thresholds, further bringing into effect section 18(3) and a move towards paying a fairer rate of care.
  - 1.3 This report is for information, providing a summary of the changes embedded within the Adult Social Care Reform White Paper – People at the Heart of Care and an update on the work undertaken by the Council to prepare and implement the changes.
  - 1.4 A decision is also requested to drawdown the grants totalling £908k to support the work detailed in this report.
- 

#### 2. RECOMMENDATION(S)

- 2.1 Adult Care and Health PDS and Executive are asked to note and comment on the contents of this report.
- 2.2 Executive are requested to agree the drawdown of the grants totalling £908k as detailed in paragraph 9.1 and 9.2 from central contingency to support the work detailed in this report.

## Impact on Vulnerable Adults and Children

1. Summary of Impact: The Adult Social Care Reform White Paper 'People at the Heart of Care' sets out a 10-year Vision for how the government will transform support and care in England by putting people at its heart.
  2. The White paper sets out a range of policies that the Department of Health and Social Care will deliver in partnership with the adult social care sector and those who draw on care and support over the next three years.
- 

## Transformation Policy

1. Policy Status: New Policy: A 10-year vision to transform adult social care in England delivered over three-years.
  2. Making Bromley Even Better Priority:
    - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
    - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
- 

## Financial

1. Cost of proposal: Estimated Cost: £908k
  2. Ongoing costs: Not know at this time
  3. Budget head/performance centre: Adult Social Care
  4. Total current budget for this head: £79.3m
  5. Source of funding: Department of Health and Social Care funding to support the reform
- 

## Personnel

1. Number of staff (current and additional): Current staff 1.6 FTE
  2. If from existing staff resources, number of staff hours: 21 hours from existing resource.
- 

## Legal

1. Legal Requirement: Statutory Requirement:
    - Health and Care Act 2022
    - Care Act 2014
  2. Call-in: Not Applicable
- 

## Procurement

1. Summary of Procurement Implications: Not Applicable
- 

## Property

1. Summary of Property Implications: Not Applicable
-

## Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable
- 

## Customer Impact

1. Estimated number of users or customers (current and projected): Not know at this time.
- 

## Ward Councillor Views

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

### 3. COMMENTARY

#### 3.1 Introduction

3.1.1 In December 2021, the Adult Social Care Reform White Paper 'People at the Heart of Care' set out a 10-year Vision for how the government will transform support and care in England by putting people at its heart, revolved around three objectives:

- 1) People have choice, control, and support to live independent lives.
- 2) People can access outstanding quality and tailored care and support.
- 3) People find adult social care fair and accessible.

3.1.2 These proposals are backed by the new Health and Care Levy, of which £5.4bn is being invested into adult social care over the next three years as follows:

Charging reform (£3.6bn)	Systems reform (£1.7bn)
<ul style="list-style-type: none"><li>• A new <b>£86,000 cap</b> on personal care costs.</li><li>• <b>Extending means tested support</b> for anyone with less than £100,000 in chargeable assets and an increase in the lower capital limit (LCL) threshold to £20,000.</li><li>• From October 2023, enabling <b>Self-funders who are not already living in a care home, and who have not been living in a care home in the previous six months, to access care at local authority commissioned rates</b> (Section 18 (3)). Self-funders will be entitled to ask their local authority to arrange care on their behalf when seeking residential and nursing care placements.</li><li>• From April 2025 at the latest, all self-funders, including people who were already living in a care home in October 2023, will be able to ask their local authority to arrange care on their behalf as detailed in Section 18 (3).</li><li>• Making <b>care fees fairer</b> between private and local authority payers, called 'Fair Cost of Care'.</li></ul>	<ol style="list-style-type: none"><li><b>1. Workforce</b> - £500m investment in the social care workforce.</li><li><b>2. Housing</b> - £300m to integrate housing into local health and care strategies.</li><li><b>3. Digital and Technology</b> - £150m for technology and widespread digitalisation across social care.</li><li><b>4. Data, assurance, and improvement</b> - More than £70m to assist local areas to better plan and develop the support and care options available.</li><li><b>5. Innovation and Scaling</b> including models of care, unpaid carers, information, and advice -<ul style="list-style-type: none"><li>○ Up to £25m support a change in services provided to unpaid carers.</li><li>○ £30m to help local areas innovate around the support and care they provide in new and different ways.</li></ul></li></ol>

3.1.3 The White paper will:

- Build on the Care Act 2014 (focus on wellbeing) to ensure fully **personalised, user-led social care is embedded** for everyone.
- **Reform the adult social care charging system** to make the system fairer for everyone and paying providers a fair rate for care.
- **Acknowledge the important role of carers**, while enabling those who provide unpaid care to be supported to achieve their own life goals.



- **Recognise the adult social care workforce**, by providing opportunities to develop their careers, supporting them to deliver outstanding quality of care.
- **Develop an Assurance Framework** for adult social care and introduces a duty for the Care Quality Commission to independently review and assess local authority performance in delivering their adult social care duties under Part 1 of the Care Act 2021.
- **Empower people who draw on social care**, unpaid carers and families.
- Implement commitments in the Health & Social Care Data Strategy **“Data Saves Lives”** including new national data frameworks, gathering provider data regularly and sharing of data across health and care.
- **Develop a local supported employment** scheme to identify effective ways local authorities can support autistic people and people with learning difficulties into employment.
- **Support sustainable care markets** and tackle variability in market shaping and commissioning.
- Integrate housing into local health and care strategies and expanding the choice of **housing options**.
- **Ensure greater adoption of technology** and widespread digitisation.

3.1.4 Local authorities will need to achieve the White Paper’s objectives in the face of rising demand and demographic changes. In Bromley, we see the reform as an opportunity to refresh our vision for adult social care and start to build a 21<sup>st</sup> century social care system that delivers our Making Bromley Even Better Priorities.

3.1.5 A visual representation of the White Paper’s objectives and deliverables, is in Appendix A.

3.1.6 High-level Timelines and Milestones:

Milestone	Baseline date
Department of Health and Social Care Fair Cost of Care Policy	16 December 2021
Fair Cost of Care - Home Care Toolkit and Guidance ‘go live’	February 2022
Impact Statement: Adult Social Care System Reform	February 2022
Operational guidance to implement a lifetime cap on care costs	4 March 2022
Supporting local preparation: draft guidance	4 March 2022
Implementing the cap on care costs: draft operational guidance	4 March 2022
Market Sustainability and Fair Cost of Care Fund 2022 to 2023: guidance	24 March 2022
Fair Cost of Care - iESE Care Home Tool	26 May 2022
Adult social care charging reform: minimum viable product (MVP) software requirements specification Guidance published	July 2022
High-level charging reform technology implementation plan developed	July 2022
Trailblazer early IT assessment commencement	September 2022

Milestone	Baseline date
Department of Health and Social Care Market Sustainability and Fair Cost of Care Fund Deadline  For submission of: <ul style="list-style-type: none"> <li>• Cost of Care Table</li> <li>• Cost of Care Report</li> <li>• Provisional Market Sustainability Plan</li> <li>• Spend Report</li> </ul>	14 October 2022
IT supplier development complete and	January 2023
Implementation completed for trailblazer	January 2023
Department of Health and Social Care Market Sustainability and Fair Cost of Care Fund Deadline  For submission of: <ul style="list-style-type: none"> <li>• Final Market Sustainability Plan</li> </ul>	February 2023
Early assessments commencement for all local authorities (excluding trailblazers)	April 2023
Assurance Framework	April 2023
IT implementation completed for all local authorities	October 2023
Charging Reform 'go live'	October 2023

### 3.1.7 The overarching risks outlined in reform:

- Delivery of what is an ambitious package of measures over the next three years. Given the ongoing fluctuating impact of Covid and associated NHS pressures on the health and social care systems, the system may struggle with capacity to implement the immediate reforms proposed in the white paper.
- Whilst system reform funding and measures are separate to charging reform, there is a risk that the expectation for many complex reforms at once is too much for the system to handle.
- Implementation of Section 18 (3) of the Care Act for those in care homes means that self-funders can ask for the local authority to commission care at local authority levels and on their behalf. We need to understand the likely demand and increased assessments.
- The most significant challenge for local authorities at present, is the potential for unanticipated costs – ordinary residents from other local authorities becoming Bromley's responsibility.
- New assurance framework will change the way local authorities are assessed in how they deliver adult social care functions, and it will have an impact both on the delivery of services under inspection and on officer resources to prepare for inspection regimes.
- Lifetime contribution change and the personal saving limit changes will result in funding for many of those people becoming the Council's responsibility, which represents a potential large financial risk.
- Local authorities will have to take over social care funding of more people due to changes to the capital limits and the care cap.

- The 'fair cost of care' is likely to cause an increase in cost of provider services to local authorities.
- There will be resource impacts (more requests for information, advice and guidance, assessments, financial assessments, brokerage, reviews, complaints) which will cost money to deliver.
- Staffing costs will also increase as a result of the employer's contribution towards the social care levy.
- Experts may be required to implement some of the changes required (e.g., LAS/ContrOCC care cap tracking), but all local authorities will have this requirement so expertise may be in short supply.
- There are potential workforce shortages, which may increase pressure on wages and the existing workforce.
- These issues are also affecting the provider sector, which will put an upward pressure on costs.

### 3.1.8 Risk Mitigations – Staffing:

- Bromley's biggest risk mitigation is its excellent workforce, which has already demonstrated its resilience, innovation, and ability to respond at pace to system change.
- The Council recruited additional staffing capacity to help reduce the assessment backlog caused as a result of the pandemic, this resource is still in place and could be used to help mitigate the anticipated increased assessments.
- The Council recruited specialist staff to support the implementation of the new case management system, this resource is still in place as the new system is still in the project phase. The charging reform technology implementation will require the same skill set, knowledge, and expertise; therefore, we will be able to utilise them.
- Greater staffing mix, for instance use of unqualified staff i.e., Care Manager Assistants with Care Manager (Social Worker) oversight.
- Implement system-wide usage of Trusted Assessors.
- Consideration of new assessment models to manage predicted increased demand.

### 3.1.9 Risk Mitigations – Finance:

- Bromley has excellent relationships and partnerships with all care settings in the borough, which has been further strengthened throughout the pandemic.
- Several of the policies changes outlined in the White Paper are already being implemented in Bromley through Making Bromley Even Better.
- Charging self-funders to arrange care.
- Increase use of online self-service options for adult/carer.

## 3.2 Trailblazers

3.2.1 The government invited six local authorities (Wolverhampton, Blackpool, Cheshire east, Newham, North Yorkshire, and Oxfordshire) with different economic, geographical and care market characteristic, to be part of a Trailblazer programme for the adult social care charging reform. The purpose of trailblazers is to develop and refine the implementation plan and approach, and to test key elements of the charging reform plans in January 2023 ahead of the national rollout in October 2023.

3.2.2 The initiative has already generated valuable evidence and insight to help the government to monitor progress, identify challenges and improve understanding of how the reforms will work in practice. Trailblazers have co-produced documentation to education and inform other local authorities including 'Eight Key Things Trailblazers Think You Could Be Doing Now'.

- 3.2.3 The Council met with the London Borough of Newham to share learning, best practice, and its approach to implementing the reform. The insight gained was invaluable and helped to inform our understanding of the resources we will require, address capacity limitations, gaps in provision and skills.
- 3.2.4 A meeting with North Yorkshire is scheduled for October 2022 and will help to further develop our understanding of the reforms in practice and implementation plans give our similar demographic, geographic and care market characteristics.

### **3.3 Planning for Implementation**

- 3.3.1 The Adult Social Care Programme Board was established in July 2022 to provide oversight and lead on implementing and embedding the reform changes in Bromley and is jointly chaired by the Directors of Adult Services and Finance. The Board will agree priorities, oversee workstreams and monitor process against the reforms and other related national guidance in line with emerging guidance and mitigate risks. Membership of the Board includes relevant corporate representation from across the Council.
- 3.3.2 Several workstreams have been set up to undertake the detailed planning needed to support implementation of the government's reforms, which is outlined in Appendix B.
- 3.3.3 The Board is working to ensure we have appropriate programme management arrangements and resources for this large-scale reform. The Council will be creating the capacity to manage the programme from within the grant and in line with the government advice.

## **4. MARKET CONSIDERATIONS**

- 4.1 There are 52 CQC registered care homes in Bromley, for Older People as well as people with Learning Disabilities, Mental Health, and Physical Disabilities. In addition, 87 Domiciliary Care Agencies delivering long-term packages of care to 18 plus Bromley residents, 6 Extra Care Housing Schemes and 12 Learning Disability Supported Living providers (with over 61 individual settings).
- 4.2 According to ADASS, a sustainable care home market sits at circa 85%. Most homes within Bromley continue to sit close to, or above 85% occupancy, indicating a sustainable market overall. Learning Disability homes are at 93% occupancy with a low throughput, while Mental Health and Physical Disabilities homes are at 98%. We also have a good 18 plus domiciliary care provision.
- 4.3 An integrated wrap around support offer to care setting in Bromley was accelerated in response to the COVID-19 pandemic. Previously, individuals' teams supported care settings in various ways, sometimes with overlapping functions. More efficient systems and processes established during the pandemic have been successfully formalised and mainstreamed. In addition, Bromley's relationship with the provider market has changed, working with providers as partners. As a result, our partnership is effective, intelligence based and support specific needs of our residents, the market including its workforce.
- 4.4 We know that:
- 50% of people who draw on care in Bromley are self-funders (people who pay privately for their care)
  - 20% are funded by the Council,
  - 10% by Health, and
  - 20% live outside of the area, but have been placed in a care home, by another local authority. This practice is known as an 'Out of Borough' placement and usually occurs as a

last resort or where the person who draws on care has a family member resident in the area.

- 4.5 We have a high level of home ownership in the borough - 73% of housing is privately owned compared to 50% across London, a lower proportion of social rented housing at 14%, and whilst the privately rented sector has grown steadily in recent years, it remains relatively small at 14%.
- 4.6 Whilst many people prefer to stay in their own homes, if possible, some expressed a wish to move into more suitable accommodation. Over half the people consulted for Bromley's Ageing Well Strategy thought that their current home would be inappropriate or need adaptations in the future. We have seen residents make lifestyle choices to move into new luxury 5\* care homes recently opened within the borough for several reasons such as their previous home may have been too large for their needs, the passing of a loved one, or as previously mentioned a lifestyle choice.
- 4.7 We are taking steps to understand and estimate, as far as possible, the additional likely demand because of the charging reforms. Working with partners and adopting a systems approach, will enable us to consider the specific groups who are more likely to approach the Council from the introduction of the cap on care costs and extended means test. For instance, self-funders, people with assets under £100k and working-age adults.
- 4.8 Information from across the care and health system will need to be used to build a picture on people who arrange their own care, who may be eligible, taking into consideration current use of other services by self-funder populations and future and other potential cohorts.

## **5. STAKEHOLDER ENGAGEMENT**

- 5.1 In June 2022, the Director of Adult Services wrote a letter to the care market outlining the Council's approach to preparing and implementing the changes in the reform and asked providers to partner with us and complete the Fair Cost of Care Exercise.
- 5.2 Working in partnership with the Care Provider Alliance, the Council was able to help providers understand the impact of non-engagement in the exercise:
- We are less likely to see funding at the level needed to implement the coming reforms.
  - Without funding, providers are likely to face significant financial pressure beyond current levels.
- 5.3 As a result, the Council has achieved a good return rate for both our Care Homes and Domiciliary Fair Cost of Care Exercise, exceeding the ADASS London 30% minimum rate.
- 44% of returns (38 out of 87) were received from Domiciliary Care Providers delivering services in Bromley.
  - Of which 43% of returns (37 out of 87) have been included in the Bromley Fair Cost of Care Exercise following a review of the returns for completeness, identification of outliers seeking clarification from the providers and agreeing adjustments where needed to validate the data.
  - 62% of returns (21 out of 34) were received from Registered Care Homes - 65+ Older People in Bromley.
  - Of which 59% of returns (20 out of 34) have been included in the Bromley Fair Cost of Care Exercise following a review of the returns for completeness and identified outliers to validate the data as previously mentioned.

- 5.4 The Council has met with the Department of Health and Social Care's Charging Reform Implementation Team to discuss our progress, opportunities the reform brings, outline how we plan to mitigate the predicted local implementation risks and to kept abreast of any new development. The department is also using Bromley as a sounding board although the Council is not part of the Trailblazer Programme.

In addition, we were invited by the Department of Health and Social Care to join its Reform Communications Group, which includes communications representatives from Trailblazer local authorities. Our local communication strategy is currently being developed, which will include key messages to residents, staff, partners, stakeholders that builds on the national communication campaign, and communications strategies developed by the trailblazer programme.

- 5.5 Meetings were also arranged with other local authorities in the planning stage of our reform programme set up to help inform our plans this included. The authorities we met were:

- Essex
- Merton
- Barnet
- Tower Hamlets
- Camden
- Barking and Dagenham

The insight gained was invaluable and helped to inform our understanding of the resources we will require, understand our capacity limitations, gaps in provision and skills. We have agreed to continue sharing our learning, best practice, and approach to implementing the reform.

## **6. IMPACT ASSESSMENTS (INCLUDING VULNERABLE ADULTS AND CHILDREN)**

- 6.1 The Department of Health and Social Care published a national impact assessment in respect of the White Paper in January 2022. Local authorities have been informed that a revised version of the impact assessment will be published later this year to consider updated inflation, evidence from the Fair Cost of Care Exercise and the outcome of consultation on the Adult Social Care Charging Reform: distribution of funding 2023 to 2024.
- 6.2 A detailed equalities impact assessment for Bromley will be completed considering the revised national impact assessment as part of the work to prepare and implement the changes embedded within the reform.

## **7. TRANSFORMATION/POLICY IMPLICATIONS**

- 7.1 The Adult Social Care Reform addresses the MBMB priorities 2 and 5 as detailed below.
- (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence, and making choices, and
  - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.

## **8. IT AND GDPR CONSIDERATIONS**

- 8.1 The government published the technology specification on 13 July 2022 to support technology implementation for charging reform. This sets out the detailed technical requirements for developing care account functionality in existing ASC case management systems.

- 8.2 The Council has completed a 'Care Cap Preparedness Survey' to assess our readiness and understanding of the current functionality of Bromley case management systems to support the charging reform technology implementation. This includes developing the care account functionality and the use of CareCubed in Adult Services Operations and Brokerage.
- 8.3 A Data Protection Impact Assessment will be completed in partnership with colleagues in IT. The use of any new technology solutions to support implementation of the reforms will include the standard wording and expectations upon staff, partners, and providers in relation to IT and GDPR.

## 9. FINANCIAL CONSIDERATIONS

- 9.1 The Department of Health and Social Care have announced two grants to support preparation for the implementation of the reforms totalling £908k for 2022/23:
- **Market Sustainability and Fair Cost of Care Fund (£804k):** this is intended to support local authorities to prepare their markets for reform of the adult social care system, including the further commencement of Section 18(3) of the Care Act 2014 in October 2023, and to support local authorities to move towards paying providers a fair cost of care. Up to 25% of this funding can be spent on implementation activities, and the remainder must be used to increase rates if its rates are below the fair cost of care (for placements for those aged 65 and over, and domiciliary care for those aged 18 and over, including in extra care settings).
  - **Charging Reform Implementation Support Grant (£104k):** this is to support to local authorities towards expenditure in funding adult social care charging reform implementation. The grant covers the planning and preparation costs associated with charging reform to recruit additional staff to manage the increased demand for assessments and the implementation of the care account module.
- 9.2 This Committee is asked that Executive be requested to agree that these grants are drawn down from central contingency to support the work in preparing to implement the reforms, with agreement of how these will be spent, including distribution to providers, delegated to the Director of Adult Social Care in consultation with the Director of Finance and the Portfolio Holder for Adult Care and Health.
- 9.3 With regard to the potential cost implication of the reforms themselves, initial modelling suggests this could be in the region of £6m in 2023/24, rising to £22m in 2026/27. The Council Tax report to February 2022 meeting of Executive identified potential net costs, after Government funding, of between £10m and £15m per annum. It is uncertain at this point how much of this will be funded from the government, so represents one of the most significant financial risks facing the Council at this time.
- 9.4 These estimates will be refined as part of the work detailed in this report, in particular the Market Sustainability and Fair Cost of Care Fund element due to be completed in October 2022 and will be used to inform the 2023/24 budget and four-year financial forecast.

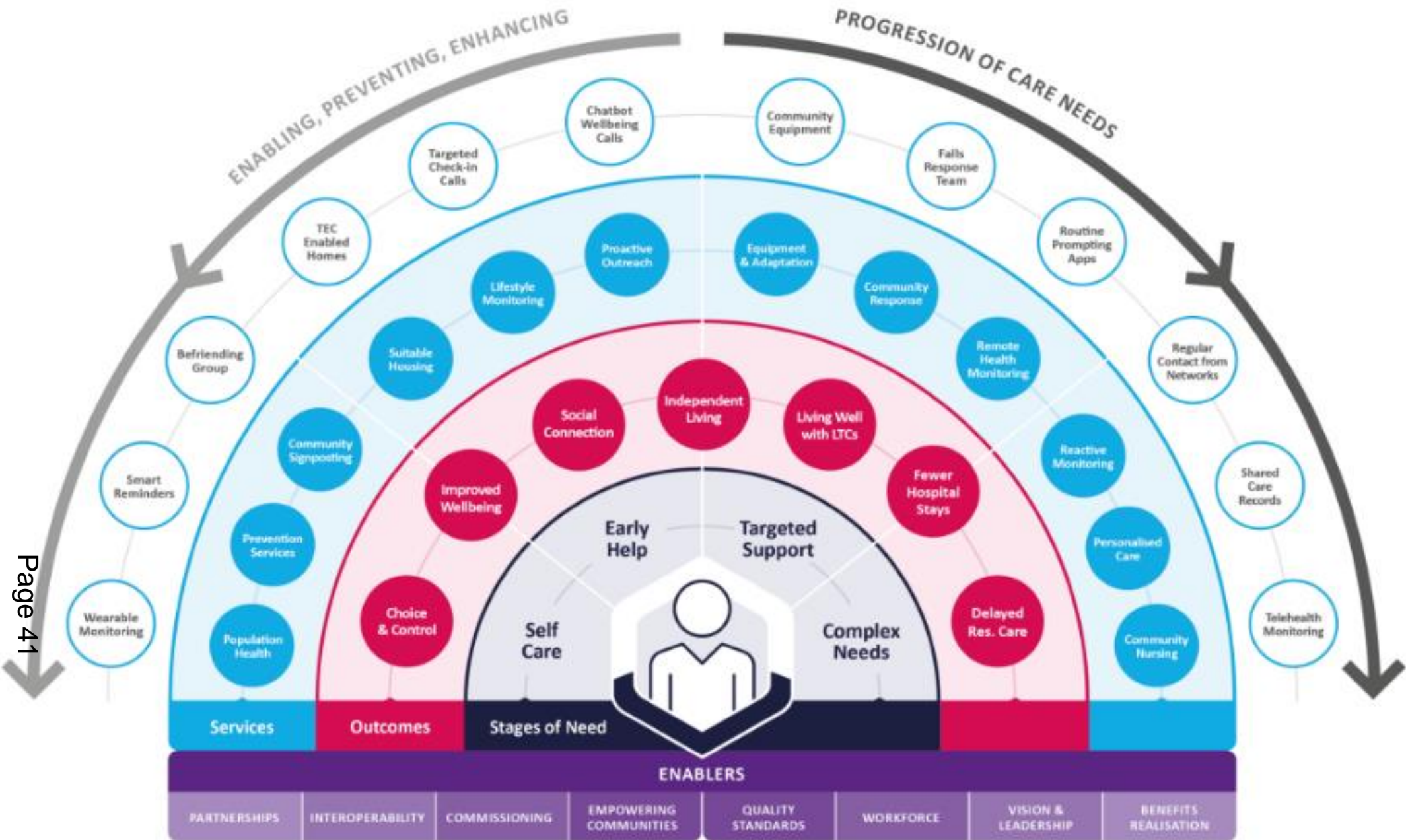
## 10. LEGAL CONSIDERATIONS

- 10.1 Local authorities are accountable to their local populations in how they deliver their statutory duties under the Care Act 2014 and other relevant legislation. The government will implement the proposed reform set out in this report through amendments to the Care Act 2014 and other relevant legislation.

<b>Non-Applicable Headings:</b>	<b>12. SOCIAL VALUE, CARBON REDUCTION AND LOCAL NATIONAL PRIORITIES</b> <b>13. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS</b> <b>14. STRATEGIC PROPERTY CONSIDERATIONS</b> <b>15. PROCUREMENT CONSIDERATIONS</b> <b>16. PERSONNEL CONSIDERATIONS</b> <b>17. WARD COUNCILLOR VIEWS</b>
<b>Background Documents:</b> (Access via Contact Officer)	People at the Heart of Care, Adult Social Care Reform White Paper.



Appendix A: People at the Heart of Care – A Visual Representation



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# Appendix B: Adult Social Care Reforms Programme Board Structure and Workstreams

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September 2022

# Adult Social Care Reform – People at the Heart of Care

## Governance – Terms of Reference

- The Adult Social Care Programme Board will steer and lead on implementing and embedding the reform changes in Bromley.
- To agree priorities, oversee workstreams and monitor process against the reforms and other related national guidance in line with emerging guidance and mitigate risks.
- To report and make recommendations to Adult Social Care Leadership Team or Adult Social Care Transformation Board, Corporate Leadership Team and Members.
- To ensure the workforce are capable and compassionate leaders, with access to continuous learning and development opportunities, are given support to deliver service improvement and innovation where needed.
- To review and amend the scope of the programme as new information is known as a result of DHSC publishing further guidance.
- To share information and intelligence relating to the reforms, for members to cascade accordingly.

# Adult Social Care Reform – People at the Heart of Care

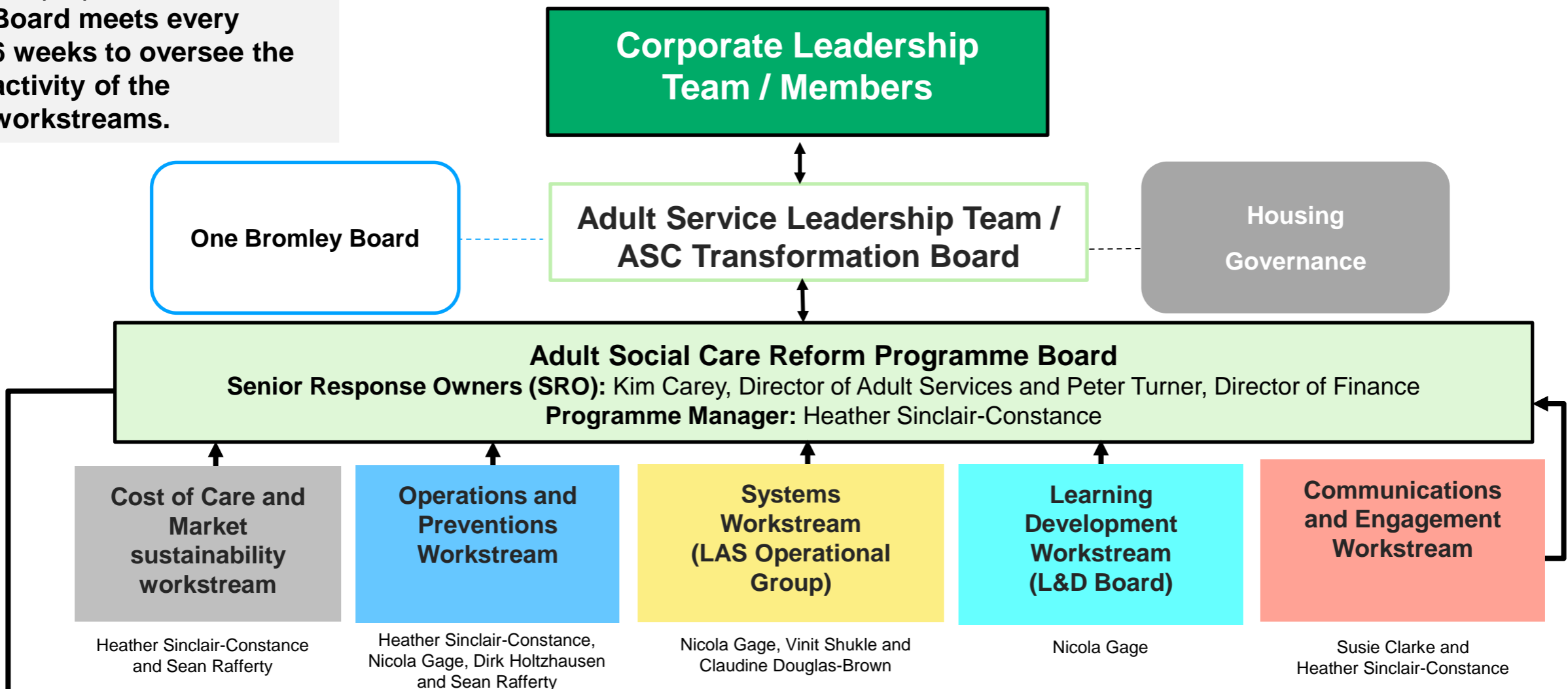
## Governance – Priorities

1. Ensuring that Bromley policies, resident guidance and letters reflect the changes, including charging policy and documentation.
2. Ensuring that all internal and external communications are accurate and support conversations with providers, service users, their family, carers, self-funders and residents.
3. Completing Cost of Care and Market Sustainability exercises to ensure provider financial viability and sustainability.
4. Ensuring that Adult Services and Financial Services are digitally ready for changes including set up of self-service portals for care accounts and billing.
5. Financially prepare for changes such as increases in funding, changes to budgets and resource allocation.
6. Ensuring the workforce have capacity to manage increased requests for assessments, reviews, financial assessments, IAG and brokerage. For example; using systems to increase productivity and efficiency, consideration of additional recruitment needs, and training required on the changes.

# Adult Social Care Reform – People at the Heart of Care

## Programme Structure

It is proposed that the Board meets every 6 weeks to oversee the activity of the workstreams.



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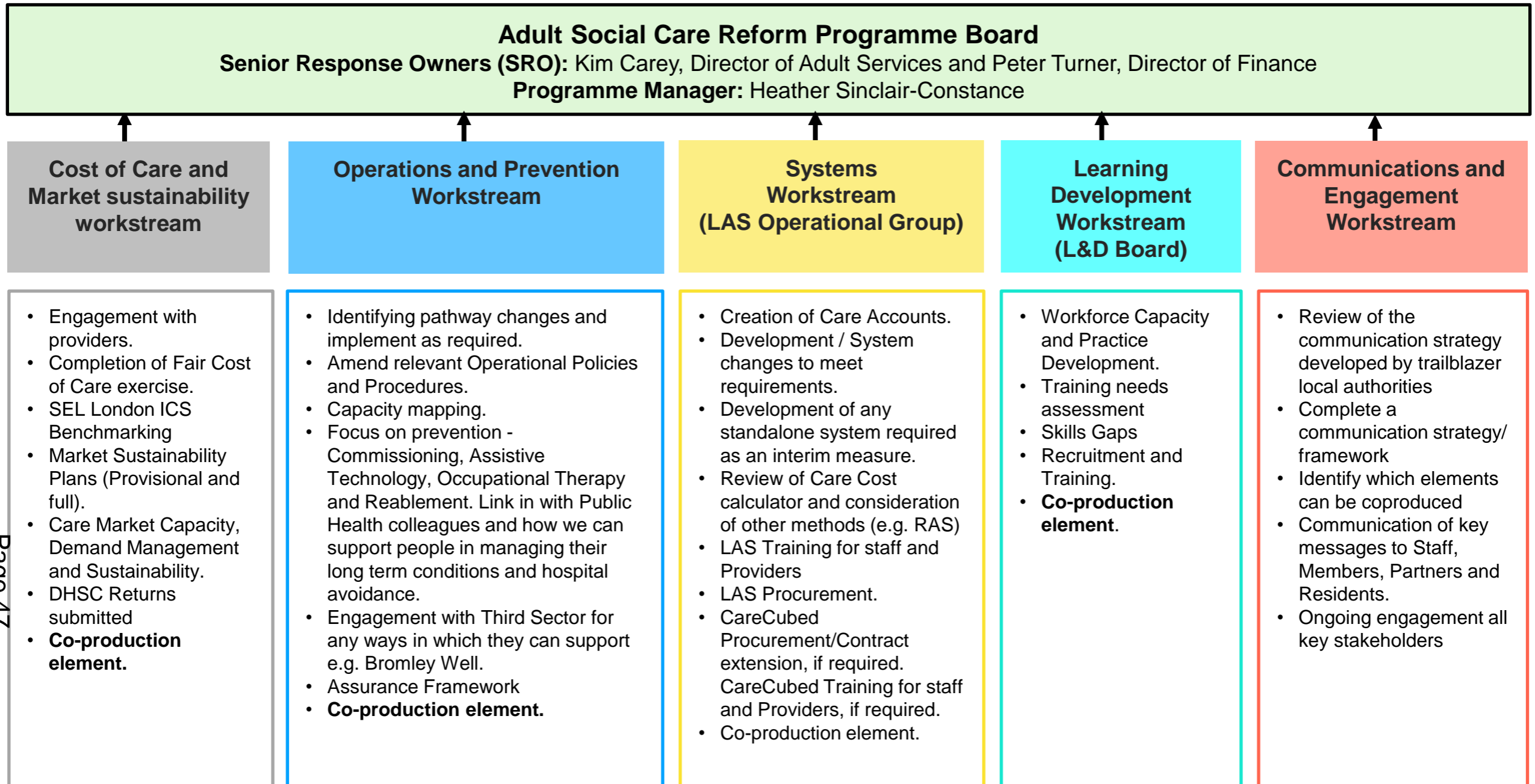
### Cross-cutting Areas

<b>Finance:</b> James Mullender	<b>Financial Assessment and charging:</b> Claudine Douglas-Brown	<b>Operational Policy and Process:</b> Alice Lawson	<b>Data Analysis and Demand:</b> Lynne Doyle	<b>Legal:</b> Chuma Oraedu	<b>Procurement:</b> Carol Fletcher
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# Adult Social Care Reform – People at the Heart of Care

## Programme Structure



## Adult Social Care Programme – September 2022 Progress Update

Action Identified	Progress	Comments
Establish a Programme	✓	<ul style="list-style-type: none"> <li>Development robust programme plan to deliver agreed objectives. This includes establishing the programme Board and related workstreams.</li> <li>Full participation from Adult Social Care, Providers, Bromley Communications, Bromley IT LiquidLogic, Liberata, procurement, public health etc.</li> </ul>
Programme Management and Oversight	✓	<ul style="list-style-type: none"> <li>Programme reporting and updates process developed to support delivering on agreed programme outcomes and key milestones – reviewed every 6-weeks by the Board.</li> </ul>
Understanding Guidance	✓	<ul style="list-style-type: none"> <li>Translating Government guidance into local plans and process.</li> <li>Establishing a support network to share learning, best practice and intelligence – SEL Fair Cost of Care Group, ASC Transformation Leads and targeted comparator boroughs.</li> <li>ADASS London Survey's</li> <li>LiquidLogic Readiness Survey</li> <li>Gap analysis in progress to ensure compliance with the new legislation.</li> </ul>
Fair Cost of Care Exercise	✓	<ul style="list-style-type: none"> <li>Fair Cost of Care exercise undertaken on 'whole care market' in Bromley to help understand actual care costs.</li> <li>62% achieved for Registered Care Homes and 40% achieved for 18+ domiciliary care providers.</li> <li>Data analysis and validation required to support the completion Annex A &amp; B</li> <li>Return on Capital and Return on Operations assessments also required to support the completion Annex A &amp; B.</li> </ul>
Consultation and Engagement	✓	<ul style="list-style-type: none"> <li>Successful engagement sessions with internal stakeholders, and Providers supported by the Care Providers Alliance.</li> <li>On-going communication and engagement planned with residents, Providers, Staff, Partners etc.</li> <li>Development of Communications Strategy/Framework</li> </ul>





THE LONDON BOROUGH

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# Agenda Item 7

Report No.

London Borough of Bromley

PART 1 - PUBLIC

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**Decision Maker:** EXECUTIVE

**Date:** 19<sup>th</sup> October 2022

**Decision Type:** Non-Urgent Executive Key

**Title:** Delegation of Function Amendment And Change to the Scheme of Delegation to Officers (Trading Standards)

**Contact Officer:** Graeme Preston, Trading Standards Manager,  
Tel: 020 8313 4514 E-mail: graeme.preston@bromley.gov.uk

**Chief Officer:** Colin Brand, Director of Environment and Public Protection

**Ward:** (All Wards);

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1. Reason for report

The report follows a decision by the Executive on 30<sup>th</sup> June 2021 to accept Delegation of Function in certain Trading Standards investigations.

This report is in part concerned with one of those investigations where delegation of function has been provided by the two local authorities in Appendix 1.

This report relates to retrospective delegation of function from these two authorities in order to correct an error on the face of the approved minutes,

This report also seeks to explicitly delegate the Director of Environment and Public Protection to accept and to give a delegation of function from local authorities or their Executives in respect of other current and future investigations.

The purpose is to clarify the previous decision in order to preclude the possibility of the risk of a successful challenge in related prosecutions.

## **2. RECOMMENDATIONS**

### **The Executive is asked to agree:**

- 2.1 That the delegation of functions from local authorities (listed in Appendix 1) for adoption for the purpose of legal proceedings be ratified retrospectively by the Executive;**
- 2.2 To Delegate authority to the Director of Environment and Public Protection to accept and to give a delegation of a function from another local authority or their /Executive regarding unrelated current and future investigations by adopting the following amendment to the Scheme of Delegation to Officers in relation to section 15-2 - Functions Delegated to the Director of Environment & Public Protection by adding new (j) and consequential renumbering:**

**(j) Exercise the functions of the Council to delegate a function or to receive a function from another local authority or its Executive in relation to trading standards and consumer protection, including prohibiting the sale of dangerous goods, promoting fair trading and investigating or prosecuting offences. Note: this delegation operates in addition to Article 11.04 of the Constitution.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Trading Standards' investigations regularly relate to vulnerable groups, in Bromley and elsewhere, particularly those vulnerable by virtue of age and/or credulity who can be adversely impacted, both financially and emotionally, by the actions of unscrupulous businesses.
- 

### Corporate Policy

1. Policy Status: Existing Policy
  2. Making Bromley Even Better Priority:  
(4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
- 

### Financial

1. Cost of proposal: NA
  2. Ongoing costs: NA
  3. Budget head/performance centre: NA
  4. Total current budget for this head: NA
  5. Source of funding: NA
- 

### Personnel

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

### Legal

1. Legal Requirement: Statutory Requirement: Section 9EA of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
  2. Call-in: Not Applicable
- 

### Procurement

1. Summary of Procurement Implications: N/A
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All Wards
- 

### Ward Councillor Views

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

### 3. COMMENTARY

- 3.1 The investigation of doorstep crime and significant consumer detriment is considered to be a priority in Bromley, with many of the victims, particularly those of doorstep crime, being either elderly or vulnerable.
- 3.2 The investigation process can involve the scrutiny of financial records, intelligence or consideration of complaints made to Trading Standards or partner agencies; the process often uncovers additional victims that were not always apparent in the first instance. Moreover, rogue traders regularly operate, physically and electronically, beyond local authority borders; as such, the perpetrators of the crime may reside in Bromley, but the victims may reside elsewhere, and vice versa.
- 3.3 With the above in mind, whilst there could be a single perpetrator operating within the borough, the geographical spread of the associated victims can span the country, and Trading Standards Services or Police Forces within the relevant victim locations are not usually prepared to progress substantial investigations based on individual reports.
- 3.4 Home Office counting rules for fraud indicate that primacy for this type of investigation sits with the authority of the suspect's address, or for business related fraud, the office address or the Head Office of the company. However, in order to investigate, officers need the delegated authority to interview both victims and alleged perpetrators that reside (or operate) outside of our borough. The ability to do so affords substantial evidential value, which in turn can make the difference between securing a successful prosecution or not.
- 3.5 There will be investigations of significance, whereby the alleged perpetrators reside in Bromley, and whose victims are multiple and widespread.
- 3.6 Moving forwards, a specific Money Laundering investigation requires the delegation (with the local authorities listed in Appendix 1) as well as, separately, delegation of function for other current and future cases as required.
- 3.7 Executive functions are vested in the Leader of the Council who can discharge them personally, or arrange for them to be discharged by:
- the Executive,
  - a sub-committee of the Executive,
  - a Portfolio Holder,
  - an officer or  
by another local authority
- 3.8 Article 11 of the Constitution, which covers delegation to and from other local authorities, was possibly ambiguous as it could be inferred that accepting or delegating Executive functions to other local authorities is a matter for Council rather than the Leader /Executive. This was recognised, and the General Purposes and Licensing Committee agreed to modify Article 11 of the Constitution to clarify the separation between Executive and Non- Executive functions on 23<sup>rd</sup> March 2021; this change was approved by full Council on 19<sup>th</sup> April 2021. .
- 3.9 The progression of this and other investigations will bring considerable benefits to Bromley's trading environment, as well as consumers. Bromley based businesses trade with people all over the UK, and there is a reputational risk attached to allowing illegal practices or serious magnitude to go unchallenged.

- 3.10 Where investigations have started in Bromley, they may not be able to continue without the evidence that could be obtained from victim witnesses outside of the borough, and this cannot be obtained without the necessary delegation of authority that is being sought. This in turn leads to a risk that the confidence of consumers is detrimentally affected if it is perceived that rogue traders go unpenalized. In addition, should a soft enforcement stance be taken, rogue traders may see Bromley as an environment where their practices can go unchallenged.

#### **4 IMPACT ON VULNERABLE ADULTS AND CHILDREN**

- 4.1 This investigation features vulnerable adults, including one in Bromley, with significant losses financially and incalculably to their wellbeing arising from doorstep crime. Other investigations particularly those relating to doorstep crime will impact on vulnerable adults.

#### **5 LEGAL IMPLICATIONS**

- 5.1 Section 9EA of the Local Government Act 2000 (the '2000 Act') and the Local Authorities Functions and Responsibilities (England) Regulations 2000 allow an authority to delegate Executive functions to the Executive of another authority. The Executive can accept the delegation of function from the authorities set out in the recommendations pursuant to these provisions. As explained in this report, the previous report was intended to include the delegations now sought in the recommendations to this report but due to an oversight they were not expressly set out in the minutes. The recommendations to this report now seek authority from the Executive to correct the error on the face of the minutes, retrospectively. Officers should ensure appropriate agreements are in place to formalise the delegation of function from other authorities.
- 5.2 Although arguably there is unlikely be any valid challenge in relation to the Executive giving retrospective agreement it is considered that it would be safer to proceed with the authorising minutes reading clearly.
- 5.3 Article 7.06 of the Constitution provides that the exercise of functions which are the responsibility of the Executive will be determined by the Leader.
- 5.4 Regulation 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (the '2012 Arrangements') provides that where, by virtue of regulation 5 (Discharge of an executive's functions by another relevant authority or another relevant executive) or 6 (Discharge of a local authority's functions by the relevant executive of another authority), arrangements are in force for the discharge of any functions of a local authority, or for the discharge of any functions which are the responsibility of the executive of that authority, by the relevant executive of another authority, those functions are to be treated, for the purposes of section 9E of the 2000 Act, as functions which are the responsibility of the relevant executive of that other authority.
- 5.5 Section 9E sets out who is responsible for executive functions (here Regulation 7 is saying it is to the Executive- see 5.3 above) and allows further delegation (unless the Leader says otherwise). Section 9E (3) then provides that the executive may arrange for the discharge of any of those functions : (a) by a committee of the executive, (b) by an area committee, or (c) by an officer of the authority.
- 5.6 Pursuant to the 2012 Arrangements and 2000 Act the Executive is being asked to agree the following recommendation:
- To Delegate authority to the Director of Environment and Public Protection to accept a delegation or to give a delegation of a function (as may be the case) from another local

authority or their Executive regarding unrelated current and future investigations by adopting the following amendment to the Scheme of Delegation to Officers in relation to section 15-2 - Functions Delegated to the Director of Environment & Public Protection by adding new (j) and consequential renumbering:

“(j) Exercise the functions of the Council to delegate a function or to receive a function from another local authority or its Executive in relation to trading standards and consumer protection, including prohibiting the sale of dangerous goods, promoting fair trading and investigating or prosecuting offences. Note: this delegation operates in addition to Article 11.04 of the Constitution.”

- 5.7 The change to the Scheme of Delegation to Officers will be reported to Council as required by the Council’s Constitution

<b>Non-Applicable Sections:</b>	PROCUREMENT IMPLICATIONS, Personnel Implications. Policy Implications FINANCIAL IMPLICATIONS
Background Documents: (Access via Contact Officer)	<a href="#">Council 19 April 2021 Minor Constitution Changes Report</a>

Appendix 1 List of Local Authorities

Brighton and Hove City Council
North Yorkshire County Council



Report No.  
HPR2022/0

## London Borough of Bromley

### PART 1 - PUBLIC

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<b>Decision Maker:</b>	<b>EXECUTIVE</b> For pre-decision scrutiny by the Executive, Resources and Contracts Policy, Development and Scrutiny Committee on 18 <sup>th</sup> October 2022
<b>Date:</b>	19 <sup>th</sup> October 2022
<b>Decision Type:</b>	Urgent Executive Key
<b>Title:</b>	<b>BROMLEY HOUSEHOLD SUPPORT FUND</b>
<b>Contact Officer:</b>	Tracey Wilson, Head of Compliance & Strategy Tel: 020 8313 4515 E-mail: Tracey.Wilson@bromley.gov.uk
<b>Chief Officer:</b>	Sara Bowrey, Director, Housing, Planning & Regeneration
<b>Ward:</b>	All Wards

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## 1. REASON FOR REPORT

- 1.1 To note the Government announcement regarding the Household Support Fund (HSF) and to agree proposals for the allocation and distribution of the HSF.

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## 2. RECOMMENDATION(S)

### Executive is requested to:

- 2.1 Note that Bromley Council's allocation for the Household Support Fund (HSF) is £1,868k;
- 2.2 Approve the drawdown of this amount from the 2022/23 Central Contingency to the Operational Housing revenue budget;
- 2.3 Approve the full utilisation of this ringfenced grant, in 2022/23, as detailed in paragraph 3.9 of this report
- 2.3 Agree that any final changes are delegated to Chief Officer in consultation with the Portfolio Holders for Renewal, Recreation & Housing and Resources, Commissioning & Contracts Management.

## 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 age, disability, mental health, pregnancy or young children and people.
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## Corporate Policy

1. Policy Status: Existing Policy – extension of previous funding
  2. BBB Priority: Children and Young People Quality Environment Supporting Independence Healthy Bromley
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## 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: £7,262k
  5. Source of funding: Department for Work & Pensions
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## Personnel

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

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

1. Summary of Procurement Implications:
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 10,000 beneficiaries
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## 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 26 August 2022, the Government announced that the Household Support Fund (HSF) would be extended from 01 October 2022 to 30 March 2023, with final guidance received at Local Authority level on 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 The expectation is that the fund should be used to support households in the most need; particularly those who may not be eligible for the other support government has recently made available but who are nevertheless in need. This may include, but is not limited to, people who are entitled to but not claiming qualifying benefits, people who are claiming Housing Benefit (HB) only, people who begin a claim or return to payment of a benefit after the relevant qualifying date as well as people who have fuel costs but who cannot access the £400 of energy support from the Energy Bill Support Scheme or the equivalence package confirmed on 29 July 2022. There may be groups who are vulnerable to rising prices even though they are supported through these schemes, for example large families or single-income families. It is important to stress that The Fund is intended to cover a wide range of low income households in need including families with children of all ages, pensioners, unpaid carers, care leavers and disabled people.
- 3.3 Energy bills may be of particular concern to low income households during the period of The Fund and LAs should prioritise supporting households with the cost of energy. Support which can make a quick but sustainable impact on energy costs is particularly encouraged; for example, insulation of hot water tanks, fitting draft excluders to a door, or replacing inefficient lightbulbs or white goods. The Fund can also be used to support households with the cost of food and water bills, essential costs related to energy, food and water, 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 We have been asked to consider providing support to disabled people in the Borough. This is because disabled people in particular may be facing acute challenges due to the disproportionate impact that rising costs bring for the additional services they need in order to manage their conditions, remain independent and avoid becoming socially isolated. For example, some disabled people may have increased utility bills due to the usage of equipment, aids or adaptations associated with their disability. They may also have additional heating, water or transport costs.
- 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 October 2022 to 31 December 2022 will be due 25 January 2023
  - a final MI return for the period 01 April 2022 to 31 March 2023 will be due 28 April 2023

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 March 2023 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 an urgent decision is sought from the Executive.
- 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, the Council proposes to utilise funding in the form of Energy Pre-Paid Cards and Paypoint Vouchers.
- 3.9 A provider on the Crown Commercial Services has been identified that is able to provide energy cards with assurance that this can be set up within four weeks.

A summary of proposed spend is shown below:

**Table 1**

	Volume	£'000
Families eligible for free school meals during holiday periods	9,200	552
Housing Benefit & Council Tax Support	7,788	974
Adult & Children's Disability	2,176	272
Contingency	160	20
Administration	N/A	50
<b>Total</b>	<b>19,324</b>	<b>1,868</b>

- 3.10 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
- 3.11 Families Eligible for free school meals; £552k 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

3.12 Housing Benefit & Council Tax Support - £974k has been set aside for households in receipt of housing benefit only, this will include those living in temporary accommodation, those of state pension age and those in certain types of sheltered or supported housing

3.13 Adult & Childrens Disability Teams: £272k has been set aside to support disabled children and disabled adults who may be further impacted by rising costs due to the nature of their disability.

3.14 If there is an underspend in the Adults & Children's disability team, this will be reviewed in January and if required, partner agencies will be contacted so that they may assist their disabled cohort with applying for the scheme.

3.15 Contingency: £20k 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: £50k has been identified for administration which is less than 3% of the overall funding.

3.17 DWP have recommended that at least part of the scheme should be application-led to allow residents to come forward for assistance. We will write to all 7,788 residents in receipt of Housing Benefit and Council Tax Support and invite them to apply online. The letter will include guidance on how people can access help to complete the form if they are unable to do this due to their circumstances, whether this is financial or due to disability/access issues. We will also write to adults and children supported by Social Care and invite them to apply online, but we recognise there could be barriers for people with disabilities for a number of reasons, so we will ask that social care staff assist with applications for these people or we will have two staff in the Household Support Fund team who can apply on residents' behalf.

#### **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 April 2023 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 The Council is instructed to process information relating to the administering of the Household Support fund in a secure manner giving consideration to appropriate technical and organisational measures to comply with, but not exclusively;

- UK Data Protection Act 2018
- UK Data Protection Act – Part 3 Law Enforcement Processing
- General Data Protection Regulation 2016
- Freedom of Information Act 2000
- Re-use of Public Sector Information Regulations 2005
- Local Government Act 2000
- Computer misuse Act 1990
- Police and Criminal Evidence Act 1984
- Privacy and electronic Communications Regulations (PECR) 2003

10.2 All gathering, storing and use of information for the purposes of provisioning, and delivery Household Support Funding will be conducted in line with the principles of current UK DataProtection law and specifically Article 32, General Data Protection Regulation 2016

10.3 The Council shall ensure that all information processed for purposes of provisioning, and delivery of preventative services is necessary and proportionate to the activity and only retain information for a lawful amount of time as identified in the retention schedule.

10.5 Any requirements to engage IT for equipment or implementations of products and services must be done in a timely way.

## 11. STRATEGIC PROPERTY

11.1 N/A

## 12. PROCUREMENT RULES

12.1 This report seeks to award a contract to Blackhawk Network, and other providers as necessary, on the CCS RM 6255 Framework via direct award for provision of vouchers at a total value of £1,868k, with the total costs of using the arrangement included within the administrative costs identified.

12.2 The relevant transparency notices will be published.

12.3 The Council's Contract Procedure Rules require the following for authorising an award via a framework for a contract of this value; the Approval of the Budget Holder must be obtained. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.

12.4 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

## 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:

	<b>£'000</b>
Families eligible for free school meals during holiday periods	552
Housing Benefit & Council Tax Support	974
Adult & Children's Disability	272
Contingency	20
Administration	50
	<b>1,868</b>

13.2 With the exception of the £50k for administration costs, it is proposed that the entirety of this funding will be used to purchase Energy Pre-Paid Cards and Paypoint 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 allocated to the Council a ring-fenced fund to provide a Household Support Fund (HSF) Grant for the period 1st April 2022 to 30th September 2022. This was to be allocated as the Council deemed 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). The Executive agreed to receive this HSF Grant and formulated a Scheme to allocate and distribute the grant at its meeting on the 25<sup>th</sup> of May 2022.
- 15.2 The Government has since announced at the end of September 2022 that a further round of HSF Grant which will be available from 1 October 2022 to 31 March 2023. The Council is waiting for the final details however the Government have issued draft Guidance to Councils which is reflected within the body of this report. The draft Guidance states the objective of the Fund is to provide support to vulnerable households in most need of support to help with significantly rising living costs. The draft guidance makes it clear that although the further round of HSF Grant is considered an extension to the previous two HSF schemes, it is a new grant subject to its own grant conditions as is set out in the Grant Determination letter.
- 15.3 The primary purpose of the grant for the previous rounds was to provide support to the Council for expenditure lawfully incurred or to be incurred by them in accordance with the HSF Grant Conditions to provide support to households, particularly those including children and pensioners, to help them with significantly rising living costs. The award of the grant was based on discretionary allocations which were made through a set application process in order to determine each award against agreed eligibility criteria.
- 15.4 The Council was required to comply with grant conditions attached to the Grant and to also ensure that recipients complied in order to meet the requirements of proper use and accounting of the grant paid. The Government also reserved certain rights to investigate improper use and receipt of the Grant and to seek recovery. Given the nature of the payments the Council designed a Scheme where its financial management reduced the possibility of fraud and improper use of the grant.
- 15.5 Previous relevant Guidance was issued by the Government which made it clear that the Council has a general legal duty, when exercising its discretion to have a clear rationale or documented Policy/Framework outlining its 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 rationale is sound.
- 15.6 In relation to the announcement of the next round of HSF grant, it would appear that the proposed Scheme as set out in this report will comply with legal decision-making in accordance with Administrative law. On this basis it is anticipated that the further HSF Grant Determination will be very similar to the previous HSF Grant, conditions of Grant and Guidance issued. The draft Guidance does indeed repeat the same relevant considerations and issues mentioned above. However, the scope is different in that it states that Authorities should ensure that they consider the needs of various households including families with children of all ages, pensioners, unpaid carers, care leavers and disabled people. The draft Guidance states that the expectation is that The Fund should be used to support households in the most need; particularly those who may not be eligible for the other support government has recently made available but who are nevertheless in need. The draft Guidance sets out a non definitive list of the type of support that could be eligible for grant support.



- 15.7 Given the obvious urgency in making actual grant determinations and payments to people and households, this report is delegating all final decision-making to each relevant Chief officer in consultation with the Portfolio Holders for Renewal, Recreation & Housing and Executive, Resources & Contracts. Officers must ensure that the any further decision-making is made accordance with the Grant and Administrative law.
- 15.8 The report explains that whilst the Government have asked local authorities to seek to cover food and energy costs, the Council proposes to utilise funding in the form of Energy Pre-Paid Cards and Paypoint Vouchers.
- 15.9 Subject to complying with the Councils Contract Procedure Rules and the Public Contracts Regulations 2015 (the Regulations) (albeit that the value is likely to be below the relevant threshold) a provider on the Crown Commercial Services Framework has been identified by officers that is able to provide energy cards with assurance that this can be set up within four weeks .This aligns with the urgency and priority considered by the Council to be necessary, in the allocation and distribution the grant.
- 15.10 The Council has the legal power to receive and distribute the Grant and to make discretionary grant determinations as permitted within the Conditions of Grant. In particular, the Council has power under Section 1 of the Localism Act 2011 to deliver grant funding to eligible persons as will be designated within the Councils Scheme.
- 15.11 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.
- 15.12 As payments will be made to individuals and households it is considered that these payments will not amount to subsidy within the meaning of the Subsidy Control Act 2022. The previous Guidance recommended that Councils consider giving applicants the ability to review a decision. In this regard it is considered acceptable for such matters to be dealt with under the Councils standard complaints/grievance procedure.
- 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.

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