

EAST HERTS COUNCIL

KEY DECISION TAKEN UNDER AUTHORITY DELEGATED BY EXECUTIVE ON
6 SEPTEMBER 2016

REPORT BY THE HEAD OF HOUSING AND HEALTH

DECISION: Signing of the Hertfordshire Home Improvement Agency Partnership Agreement and delegation of delivery of Disabled Facilities Grants from East Herts Council to Hertfordshire County Council

WARD(S) AFFECTED: ALL

DECISION: That:

the Head of Housing and Health, acting in consultation with the Executive Member for Health and Wellbeing, under the authority delegated by the Executive at its meeting on 6 September 2016 when it approved the following:

the Head of Housing and Health be authorised, in consultation with the Executive Member for Health and Wellbeing, to contribute to and agree the detailed arrangements to establish the HIA

- signs the Hertfordshire Home Improvement Agency Partnership Agreement, and
- delegates authority from East Herts Council to Hertfordshire County Council to deliver the Disabled Facilities Grants (DFG) Programme via the Hertfordshire Home Improvement Agency.

1.0 Background

Signature of the Hertfordshire Home Improvement Agency Partnership Agreement

- 1.1 East Herts Council has input to and agreed the wording of the Hertfordshire Home Improvement Agency Partnership Agreement which Hertfordshire County Council's Legal Team has taken the lead on drafting.
- 1.2 The Partnership Agreement describes the basis on which the Hertfordshire Home Improvement Agency will operate and defines the roles and responsibilities of the Original Partner Authorities, these being Broxbourne Borough Council, East Herts District Council, Hertfordshire County Council, North Herts District Council and Watford Borough Council. The full Partnership Agreement and associated schedules is attached at Appendix A.
- 1.3 East Herts Council's Legal Service has reviewed earlier drafts of the agreement and requested certain amendments which have all been included in the final version. Thus, East Herts Council is satisfied with the terms of the Partnership Agreement.

Delegation of East Herts Council's authority to make Disabled Facilities Grants determinations

1.4 Currently, various responsibilities related to the process for determining a Disabled Facilities Grant in East Herts is split between East Herts Council and the County Council. The duty to provide grants for adaptations lies with East Herts Council, although the assessment for what adaptations may be required is carried out by the County Council's Occupational Therapy service. The new shared service Home Improvement Agency, HIA, aims to bring these two parts of the process together so as to create a single end-to-end service for applicants, with each applicant being supported by a single named caseworker to ensure the work is carried out properly and to give each applicant a consistent point of contact.

1.5 To do this, the HIA requires East Herts Council to delegate its authority to the HIA to make grant determinations on East Herts Council's behalf. East Herts Council has the power to make this delegation of authority to Hertfordshire County Council.

2.0 Legal implications

2.1 Delegation of authority to make Disabled Facilities Grants determinations, in relation to residents of the East Herts district, to Hertfordshire County Council, the operator of Hertfordshire Home Improvement Agency, is being made under the provisions of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, herein termed 'the Regulations'. Specifically, section 5 of the Regulations allows East Herts Council to delegate functions of its Executive to another relevant authority/another authority's Executive.

2.2 For clarity, with regard to the decision here recorded:

- the Executive function subject to delegation to another relevant authority is the determination of Disabled Facilities Grants applications
- the authority to make this delegation is held by the Executive which, at its meeting on 6 September 2016, further delegated this authority to the Head of Housing and Health, acting in consultation with the Executive Member for Health and Wellbeing
- the other relevant authority is Hertfordshire County Council.

2.3 The delegation of East Herts Council's Executive function to make Disabled Facilities Grants to Hertfordshire County Council is therefore compliant with the Regulations.

2.4 Although the County Council will carry out the activities described, East Herts Council will retain the statutory duty to ensure that DFG monies are administered correctly. This is recognised in the Hertfordshire Home Improvement Agency Partnership Agreement.

2.5 Signature of the Partnership Agreement is integral to formally becoming part of the Partnership as approved by the Executive on 6 September 2016.

3.0 Financial implications

3.1 At its meeting of 6 September 2016, the Executive approved:

using the Council's revenue and capital budgets [that would otherwise be] allocated to processing and paying for Disabled Facilities Grants for 2017/18 onwards to fund East Herts' contributions to the shared Home Improvement Service be approved.

3.2 The HIA Business Case, which forms Schedule 4 of the Partnership Agreement, is predicated on East Herts Council contributing resources during 2017/18 capped at £42,000. This figure is commensurate with the annual cost to the council of carrying out the DFG-related function to be delegated to the HIA, net of residual costs the council will retain following delegation, notably internal recharges. The actual level of payment to the HIA in 2017/18 will be pro rata-ed to reflect the point during the financial year that the HIA commences operation; until that point, the council retains its DFG responsibilities.

3.3 The HIA Business Case anticipates that from 2018/19 onwards, the HIA will be self-funding, drawing its running costs from (a) capitalisation of some running costs associated with the capital expenditure charged to the DFG resources in the BCF and (b) fees charged to clients. In many cases, the fees will be payable from the DFG monies to which the client is eligible.

3.4 Should the HIA wish to seek additional revenue contributions from partner councils, including East Herts Council, this can only happen if all the partner councils unanimously agree. Thus, the council has control over any future contributions.

3.4 East Herts Council officers have contributed to collation and review of the Business Case.

3.5 The decision recorded here will incur no revenue or capital liabilities for East Herts Council beyond those envisaged at the time of the Executive's approval of use of resources that would otherwise be used for DFGs on 6 September 2016.

Decision made by:

Jonathan Geall

Head of Housing and Health

Signed:

Date: 23-5-17

Executive member consulted:

Cllr Eric Buckmaster

Executive Member for Health and Wellbeing

Signed:

Date: 23-MAY-2017