

## EAST HERTS COUNCIL

### KEY DECISION TAKEN UNDER AUTHORITY DELEGATED TO CLLR ERIC BUCKMASTER, EXECUTIVE MEMBER FOR HEALTH & WELLBEING

#### REPORT BY THE EXECUTIVE MEMBER FOR HEALTH & WELLBEING

DECISION: Approval of the Hertfordshire Home Improvement Agency Partnership Agreement and delegation of authority to determine Disabled Facilities Grants to Hertfordshire County Council and

WARD(S) AFFECTED: ALL

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#### **DECISION: That:**

the Executive Member for Health and Wellbeing, under the authority delegated by the Leader on 6 June 2017 approves:

- the Hertfordshire Home Improvement Agency Partnership Agreement
- arrangements under the provisions of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 for Hertfordshire County Council to exercise East Herts Council's functions under the Housing Grants, Construction and Regeneration Act 1996, and any other functions, as they relate to Disabled Facilities Grants and the implementation of the Hertfordshire Home Improvement Agency Partnership Agreement that Hertfordshire County Council would not otherwise have the statutory power to exercise.

## **1.0 Background**

### ***Approval 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 in 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.

***Approval of arrangements under the provisions of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 for Hertfordshire County Council to exercise East Herts Council's functions under the Housing Grants, Construction and Regeneration Act 1996, and any other functions, as they relate to Disabled Facilities Grants and the implementation of the Hertfordshire Home Improvement Agency***

- 1.4 Currently, various responsibilities related to the process for providing and/or determining a Disabled Facilities Grant in East Herts as governed by the Housing Grants, Construction and Regeneration Act 1996 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.
- 1.5 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.
- 1.6 In addition, the Hertfordshire Home Improvement Agency aims to develop other services in line with the Partnership Agreement.
- 1.7 To enable this, Hertfordshire County Council requires East Herts Council to delegate its authority to the County Council to make grant determinations and other functions related to delivery of the Partnership Agreement 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 exercise East Herts Council's functions under the Housing Grants, Construction and Regeneration Act 1996, and other functions, as they relate to Disabled Facilities Grants and the implementation of the Hertfordshire Home Improvement Agency, 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 The Regulations state that a member of the executive other than the executive leader can authority this delegation (section 4 (b) (ii) of the Regulations). Within East Herts, the Leader has the authority under Part Two, Article 7, paragraph 7.6 to allocate executive functions; the Leader exercised this power by delegating the authority make the decision recorded in this Key Decision Form to Cllr Eric Buckmaster, Executive Member for Health and Wellbeing, on 6 June 2017.
- 2.3 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.

- 2.4 The Executive approved 'the proposal that East Herts Council becomes a partner in the Hertfordshire Home Improvement Agency (HIA) at its meeting on 6 September 2016. Approval of the Partnership Agreement recorded in this report is integral to formally becoming part of the Partnership

### **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:

Cllr Eric Buckmaster, *acting under authority delegated by the Leader on 6 June 2017*

Executive Member for Health and Wellbeing

Signed: \_\_\_\_\_

Date: 4th July 2017