



EXECUTIVE

Date: Tuesday 8 November 2016

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Sarah Selway, Democratic Services Manager (Committees) on 01392 265275.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Edwards (Chair), Bialyk, Bull, Denham, Hannaford, Leadbetter, Morse, Owen, Pearson and Sutton

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To sign the minutes of the meeting held on 23 August, 13 September and 11 October 2016.

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of item 12 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part I, Schedule 12A of the Act.

5 Staffing within the Housing Development Team

To consider the report of the Assistant Director Housing.

(Pages 5 - 18)

6 Exeter City Council's Council Tax Support Scheme for 2017-18

To consider the report of the Assistant Director Customer Access.

(Pages 19 - 56)

People Scrutiny Committee considered the report at its meeting on 3 November 2016 and its comments will be reported.

7 Discretionary Housing Payments Policy

To consider the report of the Assistant Director Customer Access.

(Pages 57 - 68)

People Scrutiny Committee considered the report at its meeting on 3 November 2016 and its comments will be reported.

8 Creation of part time temporary post for Housing Needs Administration

To consider the report of the Assistant Director Customer Access.

(Pages 69 - 72)

9 Proposed Greater Exeter Growth and Development Board

To consider the report of Chief Executive & Growth Director.

(Pages 73 - 86)

10 Review of Staffing - Democratic & Civic Support

To consider the report of the Corporate Manager Democratic and Civic Support.

(Pages 87 - 92)

11 Urgent Decision - Zero Energy Buildings Catalyst Project

For Executive to note the Urgent Decision to allow the council to enter into a partnership agreement with DCLG in respect of the Zero Energy Buildings Catalyst (ZEBCat) project, which is aimed at developing an innovative approach to low carbon building retrofit and to commit a capital budget of £480,000 in 2018/19.

The urgent decision was made following approval in principle of the award of the European Structural Investment Fund (ERDF) grant which contained a number of requirements to comply with the grant conditions two of which were a partnership agreement signed by all parties and confirmation that the match funding is in place by 17TH October 2016. Exeter City Council's financial regulations require executive approval when committing budget in future years where there is no approved budget in place. A budget of £480,000 will be factored into the HRA Capital Programme for 2018/ 19, which will comprise £264,000 match funding from the HRA and £216,000 ERDF capital grant, as part of the 2017/18 budget setting process. The project will be delivered by a partnership of six organisations; Devon County Council (Lead Partner), Regen SW, Exeter City Council, North Devon Homes, Sanctuary Housing and Energiesprong UK.

Owing to the urgency to meet the grant conditions an urgent decision was required. The Chairman of the Scrutiny Committee- People was consulted and approved the decision. The record of decision was signed by the Assistant Director Housing and the Housing Portfolio Holder.

This is a pilot project which will involve 6 existing Exeter City Council Houses to demonstrate how whole building net zero energy retrofit can be delivered. This approach is just one way of delivering Zero Carbon Retrofit and needs to be considered with other methods including Passivhaus Enerphit Standard for retrofit and other emerging standards and technologies when considering retrofit to the wider stock going forward into the future.

Part II: Items suggested for discussion with the press and public excluded

No representations have been received in respect of the following items in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

12 The Future of Older Person's Services for Housing

To consider the report of the Assistant Director Housing.

(Pages 93
- 140)

Date of Next Meeting

The next scheduled meeting of the Executive will be held on **Tuesday 6 December 2016** at 5.30 pm in the Civic Centre.

A statement of the executive decisions taken at this meeting will be produced and published on the Council website as soon as reasonably practicable.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265115 for further information.

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Agenda Item 5

REPORT TO Executive

Date of Meeting: 8 November 2016

Report of: Assistant Director Housing

Title: STAFFING WITHIN THE HOUSING DEVELOPMENT TEAM

Is this a Key Decision?

No

Is this an Executive or Council Function? Executive

1. What is the report about?

1.1 This report sets out a proposal to increase the staffing establishment within the Housing Development Team for an additional full time Housing Development Officer on a fixed term contract to 31 October 2017 to assist with the delivery of new affordable housing.

2. Recommendations:

2.1 That the Executive resolve to agree to a temporary increase in the establishment of the Housing Development Team of a Housing Development Officer Grade 8 until 31 October 2017.

3. Reasons for the recommendation:

3.1 There has been an additional pull on staffing resources within the Housing Development team due to the secondment of the Housing Development Manager to a new role to consider the viability of setting up a housing development company. In addition to her current role she is also Client Lead for Exeter Active and the Bus Station. The Senior Housing Development Officer is currently acting up to the role of Housing Development Manager. Both secondments are to run until 31 March 2017. From April 2017 the Housing Development Manager will continue in her role as Client Lead for Exeter Active and Bus Station beyond and this creates an ongoing need for additional resources within the Housing Development Team. An additional officer will be required during this period to maintain the Council's work on maximising the delivery of new affordable housing, which continues to be an important element of our overall housing strategy.

4. What are the resource implications including non financial resources.

4.1 The temporary post will be a Housing Development Officer on an established Grade 8.

4.2 The net overall employee costs for the Housing Development team will not be increased as a result of the temporary Grade 8 Housing Development Officer post. This is because the funding until 31 October 2017 for the post will be met from a combination of savings from carrying a Grade 5 vacancy plus the savings that will arise from not substantially backfilling the Senior Housing Development Officer during the 9 months they act up to the role of the Housing Development Manager.

4.3 There is approximately a £35,000 underspend within the Housing Development team staff budget for 2016/17 after factoring in this temporary post. A new temporary full time Grade 8 Housing Development Officer from 1 November 2016 to 31 March 2017 would be covered within the existing budget for 2016/17. The period from 1 April 2017

to 31 October 2017 would also remain within the budgets for the establishment on the basis that the Grade 5 post would remain vacant for the full financial year. The total cost of this post would be £31,397. The split would be:

- 2016/17 - £13,082
- 2017/18 - £18,315

4.3 There are no budget implications, as employee costs will remain within approved budgets in 2016/17 and the proposal does not represent a funding pressure for the 2017/18 budget setting process.

5. Section 151 Officer comments:

5.1 On the basis that employee costs of the Housing Development Team in both 2016/17 and 2017/18 will remain within budget for the approved establishment, this raises no financial concerns.

6. What are the legal aspects?

6.1 Please see Monitoring Officer Comments below.

7. Monitoring Officer's comments:

7.1 This report raises no issues for the Monitoring officer.

8. Report details:

8.1 The report detail has been set out in paragraph 3 of this report.

8.2 The request is to temporarily increase the establishment of the Housing Development Team by one full time Grade 8 Housing Development Officer until 31 October 2017. The cost of this post would be covered within existing budgets as shown within paragraph 4.3 of this report. No additional resources are required. A team structure chart is included within this report to show the current and proposed resources within the team.

8.3 The role of the Housing Development Team is to maximise the delivery of affordable homes and initiatives around improving private sector housing stock across the city. Affordable housing is negotiated with developers on S106 sites to maximise value to the city, including a number of transfers to the Housing Revenue Account. The team is involved in the project management and delivery of new council homes ensuring they are energy efficient and healthy. Alongside the delivery of new affordable housing, the team are also involved in the improvement of standards and access to private sector housing. Part of this work is seeking to reduce the number of long term empty properties in the City by establishing cross-departmental working initiatives and at the same time maximising New Homes Bonus income. More recently the team has been involved in additional private sector initiatives including setting up and leading the multi-agency Exeter Private Rental Forum.

8.4 This new post will focus on securing and delivering new affordable housing against the Council's planning policy of 35% on qualifying new development sites. This will include negotiating with developers to agree the affordable housing including dwelling number, size and tenure. The post holder will also be involved in reviewing, assessing and producing viability appraisals to secure affordable housing in line with the Council's planning policy. This post will help to ensure that negotiations on affordable

housing are concluded in a timely manner to help aid the delivery of new housing in the city.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 This decision will specifically contribute to the Council's Corporate Plan to secure 600 new homes including affordable housing in the City.

10. What risks are there and how can they be reduced?

- 10.1 Continuing without this resource would impact on agreeing the affordable housing provision on S106 sites. It would also have a negative impact on the timescale involved in reviewing and assessing viability appraisals. The ability to meet funding deadlines would be affected which could lead to fewer affordable homes being provided in the city and the ability meet the housing need.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

- 11.1 There will be no negative impact as the existing benefits of affordable housing delivery are unaffected by this proposal.

12. Are there any other options?

- 12.1 There is the option of not creating an additional post, but this is not supported because of the reasons set out elsewhere in this report.

Assistant Director Housing

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

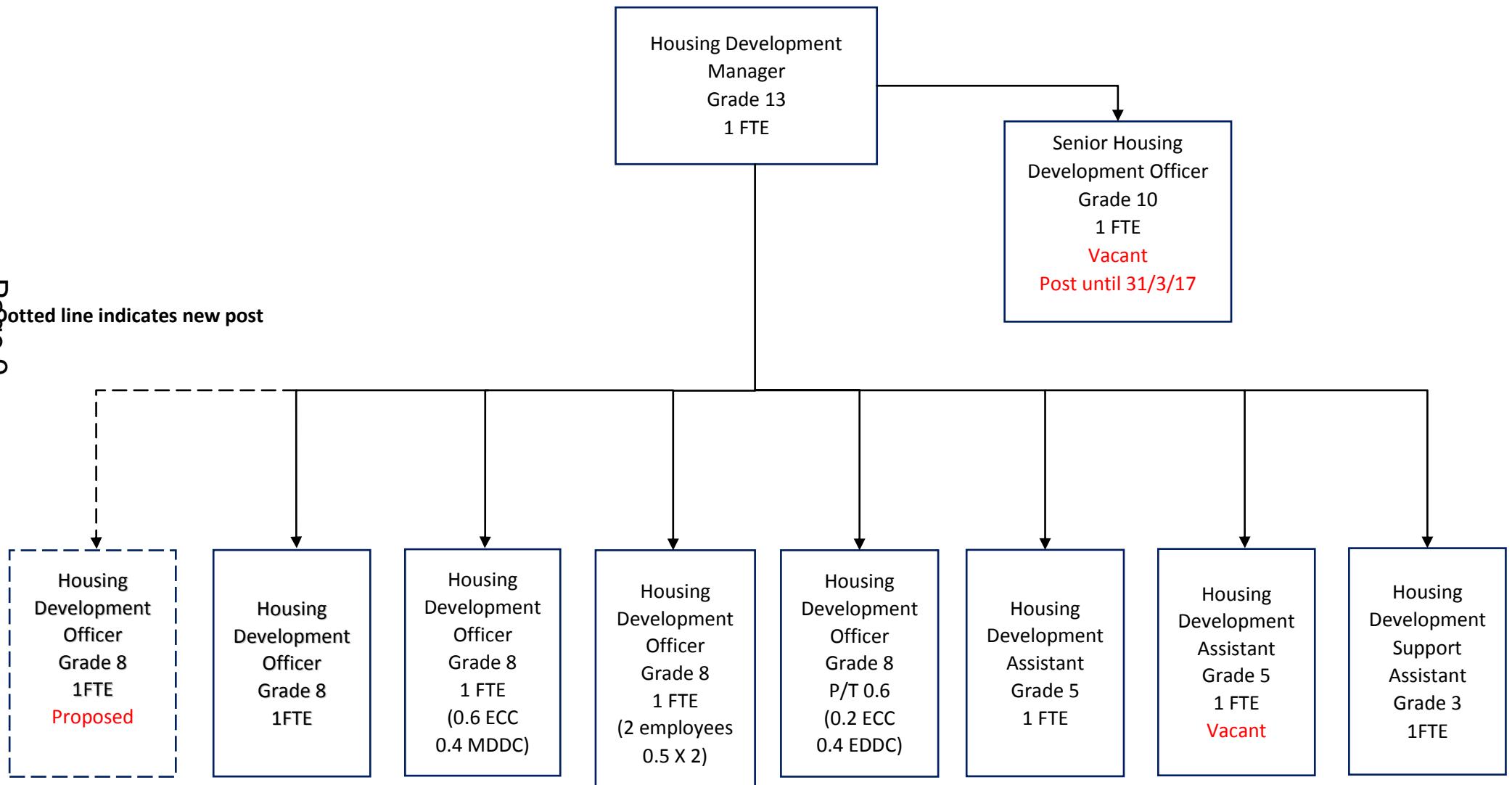
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Housing Development Team

Existing & Proposed Structure



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EXETER CITY COUNCIL

Job Description

| | | |
|---|---|---|
| DESIGNATION | : | Housing Development Officer |
| GRADE | : | Grade 8 |
| POST NO | : | CE06248, CE06251 & CE06252 |
| DIRECTORATE | : | Housing & Contracts |
| UNIT | : | Housing |
| RESPONSIBLE TO | : | Housing Development Manager |
| SUPERVISORY RESPONSIBILITY FOR | : | No Staff |
| LIAISON WITH | : | Elected Members, appropriate officers, developers, Registered Providers, owners of empty properties, landlords, lawyers, surveyors, residential and commercial estate agents, health and social welfare agencies, other local authorities including partner councils, government officials, Homes and Communities Agency (HCA), charities and voluntary agencies, press and media, businesses |

PURPOSE OF JOB

1. To deliver a portfolio of affordable housing schemes that meet identified housing needs;
2. Develop strategies and policies to meet the housing and support needs of the community;
3. Negotiate, deliver and make available a range of housing solutions for customers, housing providers and the Housing Options Team;
4. Contribute to the development and project management of council's development initiatives

MAIN ACTIVITIES:

1. Development Activity and Partnerships

Negotiate and deliver solutions on a commercial basis. Undertake a range of work that enables the provision of affordable housing at an operational level:

a) Develop and maintain “market awareness”

- Maintain an up-to-date awareness of the housing needs to be met taking account of all parties needs involved.
- Build and maintain a clear understanding of all “providers” (developers, property owners, landlords etc) and deliver mechanisms that can provide affordable accommodation for the Council’s customers and clients of Devon Home Choice with appropriate support;
- Maintain a close awareness of conditions in the private and social housing market, particularly in the rented sector, and ensure this information is shared with the team.
- Implement the processes involved in the provision of affordable housing from inception to delivery.
- Facilitate the development of the Council’s stock and land

b) Customer Liaison and Advice

- Contact and deal with inquiries from providers: developers, owners, owners' agents and landlords of sites, properties and empty homes taking account of the different parties' needs. Identify long-term empty properties;
- Act as a contact with the HCA and developing Registered Providers, providing information on subjects such as needs, pipeline schemes, grant levels and programming;
- Provide advice to planning colleagues, housing providers and others on affordable and market housing requirements to achieve mixed and balanced communities;
- Advise landowners, developers and others on housing needs, affordable housing options and related Council policy;

c) Partnership work

- Seek partners and work with agencies and individuals in Exeter who need accommodation for their clients e.g. Homelessness Units, Charities, Registered Providers, Student Bodies, Employers, Hostels etc;
- Review service standards, policy and best practice;
- Work with planners to negotiate and secure affordable housing on identified sites;
- Establish and use effective day-to-day procedures to implement development activities.

d) Feasibility Work

- Evaluate the likelihood and costs of bringing opportunities to fruition with providers including the Council's own developments:
 - Visit sites and properties and make suitable records of the visits;
 - Make comprehensive assessments of opportunities being presented from a social, economic and technical viewpoint;
 - Identify issues, constraints, opportunities, defects, possible costs;
 - Assess the building standards required to create homes that will meet housing need;
 - Anticipate the processes and timescales involved, plan accordingly;
 - Liaise with relevant professionals (planning, surveyors etc) and make a judgement about the feasibility of the project;
 - Encourage and assist providers to devise schemes and support them through to completion;
 - Gather and present the evidence necessary to achieve a successful outcome. If necessary, initiate the use of powers by other services including enforcement under Environmental Health, Planning or other legislation
- Assess and evaluate bids to be submitted for HCA funding, providing relevant feedback and tracking progress;

e) Development Ventures

- Provide assistance and input to the Senior Housing Development Officer on all pre-construction and construction matters relating to new build or refurbishment affordable housing initiatives
- Assist in the development and management of potential and new council developments / ventures
- Input data and review pro-val development appraisals presenting findings to Senior Housing Development Officer
- Provide input on feasibility studies and feasibility work for colleagues within Housing and other Council Departments
- Assist the Senior Housing Development Manager as acting Project Manager on all new development ventures

f) Negotiation

In the above context, with a portfolio of projects allocated by the Housing Development Manager:

- Manage that portfolio;
- Use a range of tools, methods and techniques to provide affordable housing;
- Apply financial acumen in the selection and use of the right tools;
- Marketing opportunities to create affordable housing;
- Generate and share ideas and solutions;
- Negotiate and deliver effective enabling solutions;
- Maintain and use a detailed knowledge of the schemes and routes to reusing empty homes and properties;
- Use powers constructively to get homes, properties and land back into use;
- Negotiate with private sector owners to bring properties into Council schemes (ExtraLet and PSL schemes) and manage the processes involved through to completion;
- Instruct the Council's solicitors on the affordable housing content of Section 106 Planning Agreements;
- Co-ordinate and progress the trickle transfer of the Laings Easiform homes and other similar decanting/clearance/rehabilitation opportunities;
- Negotiate and manage nomination and partnership agreements and service level agreements;
- Negotiate and manage the application and use of commuted sums for affordable housing;
- Assisting with the evaluation of competitive tenders.

2. Housing Strategies and HSSA Submission

- Prepare, review, monitor and update the Housing Strategy and/or associated strategies. Liaise with Stakeholders. Ensure that there is continuity with other Strategies and the Local Development Framework;
- Work with planning colleagues to develop and implement the Council's affordable housing planning policies;
- Input to the HCA's Policies and the Local Investment Plan (LIP);
- Contribute to the Council's Homelessness Strategy and Action Plans taking the lead, as required, on objectives and targets to be achieved;
- Take on the development of individual strategies as directed by the Housing Development Manager;
- Work with the Housing Needs Manager to develop initiatives to secure temporary accommodation for homeless people. Drive forward schemes, negotiate and manage owners, landowners and property owners.

3. General

- Work effectively with others in the team to:
 - ✓ Deliver results for customers and providers;
 - ✓ Develop and sustain effective working relationships with all internal and external stakeholders and contacts
 - ✓ Work in a collaborative and supportive way with peers to tackle cross-cutting issues
- Ensure the effective management of performance including:
 - ✓ Contribute to the implementation of the Council's performance management framework;
 - ✓ Promote health and safety to ensure that all team members are aware of, and comply with, health and safety requirements
 - Ensure appropriate arrangements for the management of risk
- Contribute to corporate priorities:
 - ✓ Ensure the effective implementation of corporate policies and procedures

- ✓ Contribute to effective internal and external communications
- Create value for customers:
 - ✓ Promote and monitor customer care standards and ensure that these are communicated
 - Identify, monitor and review customer needs
 - ✓ Promote service improvement;
 - ✓ Liaise with others across the organisation to meet customer needs and demands

4. Other

- Undertake any other activity appropriate to the grade of the post as may be required by the Housing Development Manager;
- As directed, providing assistance to the Housing Needs Manager with projects that address housing need and homelessness issues including case reviews.

Emma Osmundsen
Housing Enabling Manager
December 2010

EXETER CITY COUNCIL
PERSON SPECIFICATION

HOUSING & CONTRACTS
HOUSING

HOUSING DEVELOPMENT OFFICER (POST NO: CE06248, CE06251 & CE06252)

| <u>SELECTION CRITERIA</u> | <u>ESSENTIAL</u> | <u>DESIRABLE</u> |
|--|-------------------------|-------------------------|
| <u>QUALIFICATIONS</u> | | |
| 1. Degree | ✓ | |
| 2. Postgraduate housing or property related qualification | | ✓ |
| 3. Partial membership of a professional property organisation (CIH, RICS, RTPI or similar) e.g. student/affiliate | ✓ | |
| 4. Full membership of a professional property organisation (CIH, RICS, RTPI or similar) | | ✓ |
| <u>EXPERIENCE</u> | | |
| 1. Experience of negotiating with developers, owners and property agencies | ✓ | |
| 2. Knowledge of current funding mechanisms for social housing and preparing bids for funding | ✓ | |
| 3. Experience of project management, project planning and viability assessments (including financial appraisals of scheme work) | ✓ | |
| 4. Experience of negotiating S106 agreements successfully with developers on land issues, project build costs and carrying out option appraisals | ✓ | |
| 5. Experience or working knowledge of working with the most recent planning Acts and Policies | ✓ | |
| 6. Experience of partnership working with agencies at local level | ✓ | |
| 7. Experience of empty homes enforcement | | ✓ |
| 8. Preparation of housing strategies and policies | ✓ | |

| | | |
|---|---|--|
| 9. Experience of private sector housing and property letting procedures and practice | ✓ | |
| <u>ATTITUDE</u> | | |
| 1. Motivated | ✓ | |
| 2. Supportive | ✓ | |
| 3. Honest | ✓ | |
| 4. Committed to self-improvement and responsive to change | ✓ | |
| 5. Respectful | ✓ | |
| 6. Professional | ✓ | |
| 7. Innovative | ✓ | |
| <u>SKILLS/KNOWLEDGE/ABILITIES</u> | | |
| 1. Able to forward plan, prioritise workload and work with the minimum of supervision | ✓ | |
| 2. Knowledge of government guidelines relating to housing and planning at a local level | ✓ | |
| 3. Knowledge of residential development process | ✓ | |
| 4. Knowledge of building construction and maintenance | ✓ | |
| 5. Able to motivate and influence others using tact and diplomacy | ✓ | |
| 6. Able to think creatively and explore innovative options for housing | ✓ | |
| 7. Able to handle conflict and achieve a 'win-win' outcome | ✓ | |
| 8. Able to problem-solve assessing feasibility and risk | ✓ | |
| 9. Able to use a wide range of computer software to manage work and generate management information | ✓ | |

| | | |
|--|---|---|
| 10. Able to prepare and present reports in a way that achieves understanding in the audience | ✓ | |
| 11. Able to compile and analyse statistical and financial information | ✓ | |
| 12. Possession of sound negotiation skills | ✓ | |
| 13. Possession of teamwork skills | ✓ | |
| 14. Possession of consultation skills | ✓ | |
| 15. Possession of administrative skills | ✓ | |
| 16. Knowledge of research methods | | ✓ |
| 17. Able to work outside normal working hours, attending evening meetings as required | ✓ | |
| <u>OTHER CRITERIA</u> | | |
| Full Car Driving Licence | ✓ | |

**Emma Osmundsen
Housing Enabling Manager December 2010**

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Agenda Item 6

REPORT TO: PEOPLE SCRUTINY COMMITTEE

Date of Meeting: 3 NOVEMBER 2016

REPORT TO: EXECUTIVE

Date of Meeting: 8 NOVEMBER 2016

REPORT TO: COUNCIL

Date of Meeting: 13 DECEMBER 2016

Report of: Assistant Director Customer Access

Title: Exeter City Council's Council Tax Support scheme for 2017-18

Is this a Key Decision? No

Is this an Executive or Council Function? - Council

1. What is the report about?

- 1.1 This report is presented to seek members' views on the local Council Tax Support (CTS) Scheme for working age residents for 2017-18. The local CTS Scheme started in April 2013 and members are required to agree the Scheme rules annually.
- 1.2 It also seeks approval of the revised Exceptional Hardship policy to take effect from 1 April 2017.

2. Recommendations:

- 2.1 That members note the requirement to read and consider the contents of the accompanying Equality Impact Assessment, in order to consider the impact of the proposals on relevant groups.

2.2 That Council be RECOMMENDED:-

1. To approve the revised Exceptional Hardship policy.
2. To approve the following changes to the local Council Tax Support Scheme:
 - a) Removing the Family Premium for all new applicants
 - b) Reducing backdating to 1 month
 - c) Using a minimum income for self-employed earners after 1 year's self-employment
 - d) Reducing the period for which a person can be absent from Great Britain and still receive Council Tax Support to 4 weeks
 - e) Removing the Work Related Activity Component in the calculation of the entitlement for new applicants
 - f) Removing entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element) for looking after them
 - g) Removing entitlement to the additional earnings disregard for Universal Credit customers in work
3. To delay implementation of change 2e) above to 1 April 2018 if the policy is introduced to Housing Benefit from a date after 1 April 2017.

4. Not to adopt limiting the number of dependent children within the calculation for Council Tax Support to a maximum of 2.

3. Reasons for the recommendation:

- 3.1 Most of the changes (as listed in 8.4) are intended to align the Council Tax Support scheme with changes already introduced in Housing Benefit and / or Universal Credit. Change 8 responds to our increased understanding of Universal Credit as the roll out continues. The Equality Impact Assessment and consultation indicate that the impact on individuals is likely to be limited for changes 1 through 5 plus 7 and 8, and that any resulting hardship can be managed through the Exceptional Hardship scheme.
- 3.2 At the time of preparing this report the regulations introducing change 8 to Housing Benefit have not been released. It would not be consistent to introduce this change to CTS if it was not operating in Housing Benefit as well. As CTS can only be amended from 1 April each year, it would be preferable to introduce the change at the earliest opportunity after the change is introduced to Housing Benefit.
- 3.3 Introducing change 6 will require extensive safeguards to protect vulnerable families and we are currently not able to put these in place. At this point the detailed proposals for introducing this change to Housing Benefit – which we would wish to mirror – have not been released. More time is needed to consider how the change should work in Council Tax Support and develop the safeguards to support this change.
- 3.4 In 2015 the High Court considered the validity of a local CTS scheme in Haveringⁱ. Mr Justice Blake found that, for a scheme to be valid, Members making the decision must have “*conscientious consideration of the impact of the proposals on the relevant groups, whether by diligent reading of the EIA or some other evidence based assessment.*”
- 3.5 The Exceptional Hardship policy has been revised to allow additional help to be given to customers who find themselves in hardship after losing their entitlement to CTS through these changes.

4. What are the resource implications including non-financial resources.

Adopting all of the proposed changes would reduce the amount of Council Tax Support granted under the scheme. Caseload modelling indicates that the maximum eventual savings would be £275,000 annually. Because most of the changes will only affect new claims, the full amount of these savings is unlikely to be realised for five years. The savings only translate to increased income if the extra Council Tax charged is able to be collected. Exeter City Council's share of the extra income would be around £23,500 based on an 8.5% share of the collection fund and a 100% collection rate.

Applications for assistance under the Exceptional Hardship policy may increase if these changes are introduced, and if this is the case, there would be an impact on officers' time and Council finances. Previous years have shown a significant underspend of Exceptional Hardship therefore the financial impact is likely to be minimal.

5. Section 151 Officer comments:

The overall impact on the Council's financial position is small. However it is noted that this proposal was approved at the Devon Local Government Steering Group by Leaders of all Councils in Devon.

6. What are the legal aspects?

Paragraph 5 of Schedule 1B to the Local Government Finance Act 1992 requires billing authorities to adopt a Council Tax Support scheme each year, no later than 31 January.

7. Monitoring Officer's comments:

Provided the requirements contained within paragraph 6 above are met, this report raises no issues for the Monitoring Officer.

8. Report details:

8.1 Exeter City Council's local Council Tax Support scheme has been in place since national Council Tax Benefit was abolished in April 2013. Rules for pensioners are set nationally, leaving discretion for local rules for working age customers. The Scheme agreed by Exeter City Council from April 2013 was based on the old Council Tax Benefit scheme with the following key changes:

- Maximum support limited to 80%
- Capital limit reduced to £6,000
- Introduction of an Exceptional Hardship policy

This scheme has remained unchanged since April 2013.

8.2 An options paper was presented by County and District Heads of Finance to the Devon Local Government Steering Group (DLGSG) meeting of 15 April 2016. The preferred option at that meeting, which the Leaders of each Council approved, was to make a series of administrative changes to the CTS scheme from April 2017 and introduce a Minimum Income Floor (MIF) for self-employed claimants. This option was felt to provide sufficient financial savings for DCC – mostly through the introduction of MIF – and help to keep the local CTS scheme in line with changes to national schemes.

8.3 Since the DLGSG meeting, the Devon Benefit Officer Group (made up of Revenues and Benefits officers from Devon districts, Plymouth & Torbay as well as finance representatives from the major preceptors) has worked to progress the preferred option. In order to prepare for possible scheme changes and comply with the requirements of The Local Government Finance Act the following work has been undertaken:

- Consultation with major preceptors
- Development of a draft scheme
- Data modelling of potential financial impact
- Public consultation
- Development of an Equality Impact Assessment
- Revision to Exceptional Hardship policy

8.4 The draft scheme that was consulted on and for which the Equality Impact Assessment has been completed, consisted of eight changes to the current CTS scheme.

1. Removing the Family Premium for all new applicants
 2. Reducing backdating to 1 month
 3. Using a minimum income for self-employed earners after 1 year's self-employment
 4. Reducing the period for which a person can be absent from Great Britain and still receive Council Tax Support to 4 weeks
 5. Removing the Work Related Activity Component in the calculation of the entitlement for new applicants
 6. Limiting the number of dependent children within the calculation for Council Tax Support to a maximum of 2
 7. Removing entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element) for looking after them
 8. Removing entitlement to the additional earnings disregard for Universal Credit customers in work
- 8.5 A report summarising the results of the consultation is attached at appendix 2. During the 10 week consultation period, 76 responses were received (less than 1%). 70% of respondents were in favour of introducing all eight changes. Change 1 had the highest level of responses objecting to the proposal at 21%. Only just over a quarter of responses were from people claiming CTS which may help to explain why so few objections were received to changes that reduce entitlement.
- 8.6 The Equality Impact Assessment, attached at Appendix 1, highlights the effect that changes 1 and 6 will have on low income families. The annual financial cost of change 1 would be an average of only £31.87 per family and will affect only around 35% of new claims with dependent children. The change mirrors the changes already confirmed for Child Tax Credit from April 2017 and introduced to Housing Benefit in April 2016.
- 8.7 Change 6 however would see affected families losing an average £416.23 per year. The change was proposed to mirror a change previously announced for Housing Benefit, Child Tax Credit and Universal Credit. Detailed regulations for this have not yet been released and there has been much discussion in Westminster about which circumstances should be exempted. Situations where third or subsequent children are born as a result of rape or multiple births plus guardianship / fostering / adoption arrangements are amongst the circumstances being considered. At this stage it would therefore seem premature to introduce this change pending detailed consideration of who should be exempted and how this could be achieved.
- 8.8 Change 3, the minimum income floor (MIF) for self-employed claims, provoked the most comments and suggestions during the consultation. Responses highlighted groups of people who may find it difficult to achieve the level of income assumed under this change and this was reflected in the Equality Impact Assessment as well. It may be that in some circumstances those with disabilities or caring responsibilities for example may appreciate the flexibility of being self-employed and would not be able to commit to full time activity. Other individuals with superficially similar circumstances may have no difficulty achieving the income assumed by the MIF. Rather than making assumptions about the circumstance where MIF should not apply we intend to use the Exceptional Hardship process to consider individual circumstances and award further help where necessary.
- 8.9 Introducing complex exemptions to any of the other changes would offset much of the advantage of making changes to the scheme by increasing the administrative complexity. It will also be difficult to ensure that all the vulnerable individuals we would

wish to protect from the changes are covered. It is therefore better to utilise the Exceptional Hardship scheme to lessen the effects in individual cases where hardship could result. The Exceptional Hardship policy, attached at appendix 3, has been revised to ensure that it is available to anybody who loses their entitlement to CTS as a result of these changes.

- 8.10 The Local Government Finance Act 1992 requires the Council to consider transitional protection for any changes that will reduce a person's entitlement. Besides change 3, all changes will only affect new claims to CTS or existing claims when their household circumstances change. It is not therefore necessary to apply any transitional protection. Any cases of hardship, including in the short term, will be managed through the Exceptional Hardship scheme. Change 3 allows a period of 12 months at the commencement of a self-employed activity before the minimum income would be applied. For existing claims where the policy will reduce entitlement from April 2017 Exceptional Hardship will be offered for any cases that need help to manage the transition.
- 8.11 Individuals who will see a reduction in support will be identified and contacted prior to the change being introduced. They will be offered individual support to adjust which could include awards of Exceptional Hardship to manage the transition.

9. How does the decision contribute to the Council's Corporate Plan?

The Council Tax Support scheme supports Exeter's communities and neighbourhoods by helping low income residents afford their Council Tax liability. The Exceptional Hardship policy strengthens this support by ensuring that the scheme rules do not cause inadvertent hardship in individual cases.

10. What risks are there and how can they be reduced?

There is always a risk to Council Tax collection rates whenever people are required to pay more. However these changes will affect very small numbers of existing claimants. Overall, only a small amount of extra Council Tax is being charged so the effect on collection rates, if any, should be minimal.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

- 11.1 An Equality Impact Assessment accompanies this report at appendix 1. For the decision of Council to be safe from legal challenge (see paragraph 3.3) all Members are required to have read this assessment.
- 11.2 The Exceptional Hardship policy plays a pivotal role in ensuring that these changes do not cause a disproportionate disadvantage to households with protected characteristics. The changes made to the Exceptional Hardship policy accompanying this report at appendix 3 ensure that this discretionary additional help is available to those who lose their entitlement to CTS as a result of these changes.

12. Are there any other options?

Each change is capable of being introduced separately. The Council can therefore choose to adopt all, only some of, or none of the proposed changes. In each case this will leave our local CTS scheme out of line with rules in Housing Benefit or Universal Credit and may result in additional scheme costs through needing to administer different rules for all these schemes.

Bindu Arjoon
Assistant Director Customer Access

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

Localising support for Council Tax: vulnerable people – key local authority duties

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Appendix 1 – Equality Impact Assessment
Appendix 2 – Consultation results and summary report
Appendix 3 – Exceptional Hardship policy
Appendix 4 – Full scheme document

¹ R (on the application of Logan) v London Borough of Havering [2015] EWHC 3193 (Admin)



Council Tax Support

Equality Impact Assessment

October 2016

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Background

Exeter City Council introduced a local Council Tax Support scheme in April 2013 to replace the national Council Tax Benefit. Since then the scheme has only been updated annually to reflect changes in benefit rates and has not had any significant changes made. The working age scheme for 2017 looks to incorporate eight changes which will help to align areas of the scheme with changes in Housing Benefit and Universal Credit.

In preparing this assessment regard has been had to the policy paper issued by DCLG in 2014, “*Localising Support for Council Tax. Vulnerable people – key local authority duties.*”¹

The proposed changes

1. Removing the Family Premium for all new applicants
2. Reducing Backdating to 1 month
3. Using a minimum income for self-employed earners after 1 year's self-employment
4. Reducing the period for which a person can be absent from Great Britain and still receive Council Tax Support to 4 weeks
5. Removing the Work Related Activity Component in the calculation of the entitlement for new applicants receiving Employment and Support Allowance
6. Limiting the number of dependent children within the calculation for Council Tax Support to a maximum of 2
7. Removing entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element) for looking after them
8. Removing entitlement to the additional earnings disregard for Universal Credit customers in work

The scheme for pensioners continues to be prescribed nationally with entitlement protected at current levels.

Timescale

The revised scheme comes into force on 1 April 2017. The legislation requires that it is agreed by full Council before 31 January 2017. In practice this means agreement of a final scheme will be needed at the full Council meeting of 13 December 2016. Public consultation on a proposed scheme ran for 10 weeks from 27 June 2016, allowing time for responses to be included in the final report to Council and feedback taken into account in this impact assessment.

Key Issues

A brief summary of main impacts is shown here. Further detail on each of these impacts and the how the changes will operate can be found in the main body of the document.

¹ <https://www.gov.uk/government/collections/localising-council-tax-support>

| Change | Brief description | Estimated number of affected cases | Affected groups | Mitigation |
|---------------|--------------------------|---|--------------------------------------|--|
| 1 | Family Premium | Up to 700 after a number of years | Children, Women | Protections for passported cases, Exceptional Hardship |
| 2 | Backdating | 24 | None | Exceptional Hardship |
| 3 | Self employed | 267 | Carers, parents of disabled children | Protections for workers, Exceptional Hardship to support other groups unable to work full time |
| 4 | Absence from GB | Unknown - very low | Race | Exceptional Hardship |
| 5 | ESA element | 3 | Disability | Not affecting severely disabled, Exceptional Hardship |
| 6 | 3 or more children | Up to around 250 after several years | Children, Women | Complex series of exemptions needed |
| 7 | UC carers | 0 currently | Disability | Exceptional Hardship |
| 8 | UC earners | 0 currently | None | Exceptional Hardship |

Financial impact – Exeter City Council & Council Tax preceptors

The grant allocation for Council Tax Support is no longer identified separately; funding is included within the Formula Grant. It is for Billing Authorities to determine their working age schemes and calculate the cost of providing support at the chosen level. In order to make financial savings from the scheme, reductions must be made to the support for working age claimants.

Maintaining support at a higher level means less money is charged to Council Tax payers receiving Council Tax Support. This means less money can be collected to be spent on services by Devon County Council, Exeter City Council, Devon & Cornwall Police and Devon & Somerset Fire & Rescue Service.

| Change | | Applies to | Maximum estimated savings to scheme | Estimate for year one |
|---------------|-----------------------|--|--|------------------------------|
| 1 | Family Premium | New CTS claims / first children | £22,392 | 20% |
| 2 | Backdating | New CTS claims with backdating request | £2,072 | 100% |
| 3 | MIF for self-employed | Existing claims | £154,233 | 100% |
| 4 | Absence from GB | New absences from GB | No data | |
| 5 | ESA WRAC | New ESA awards | £909 | 50% |

| | | | | |
|---|--------------------|-----------------------|---------|---------|
| 6 | 3 or more children | New 3rd children | £95,734 | 20% |
| 7 | UC(CE) & SDP | New UC(CE) awards | | No data |
| 8 | UC earners | New UC in-work awards | | No data |

Data used in this report

The figures within this report are based on an extract from the Council Tax Support processing system on 21 September 2016. As caseload figures and expenditure fluctuates throughout the year it is not possible to be certain of the final figures until the end of the financial year.

Not all characteristics are recorded (and therefore available for this analysis) in every individual case; for example a disability characteristic does not always affect the amount of a CTS passported award.

This impact assessment will be reviewed annually when the scheme for the following year is agreed, to ensure that any changes to equality issues within the scheme are addressed effectively. The data used may also change to reflect the caseload fluctuations as stated above.

Financial impact – Claimants

Exeter currently has 4,611² Council Tax Support claimants below the age where the pensioner scheme would apply. Any changes made to the scheme will only affect claimants in the working age group. The only change which will affect existing claimants from 1st April 2017 is change 3 – applying a Minimum Income Floor to self-employed claimants. Current estimates show that 249 claims will see a reduction in CTS averaging £11.88 per week.

| Age | Cases | % of CTS caseload | Potentially affected | Not affected |
|----------------------|-------------|-------------------|----------------------|--------------|
| Working age | 4611 | 57.24% | 100% | 0% |
| Pensioner age | 3444 | 42.76% | 0% | 100% |
| Total | 8055 | 100% | 100% | 100% |

Protection of vulnerable customers

Central Government does not prescribe any specific groups within the working age caseload who must be given particular protection in a local scheme. They do however highlight our existing duties in relation to¹:

- The public sector Equality Duty (The Equality Act 2010)
- The duty to mitigate effects of child poverty (The Child Poverty Act 2010)
- The duty to prevent homelessness (Housing Act 1996 & Homelessness Act 2002)
- The Armed Forces covenant

Additionally Government expect local schemes to support the operation of work incentives in the wider welfare reform agenda.³

² Data as of 21 September 2016

³ Localising Support for Council Tax. Taking work incentives into account; DCLG, May 2012

Protections in the previous CTB scheme

Council Tax Benefit existed as a national scheme to provide assistance to low-income taxpayers since the introduction of Council Tax in 1993 until April 2013. It was a mature, robust and complex legislative system with protections for vulnerable groups built in. It has been subject to repeated legal challenge ensuring it generally satisfies equality duties.

The structure of the means test ensured that vulnerable groups were recognised and protected. Specifically, this worked in the following ways:

- Personal allowances were increased for families and all additional children
- Additional premiums for disabled household members and carers
- Income disregards for certain disability benefits, child benefit and child maintenance
- Earned income disregards; higher rates applied for full time work, disabled workers, certain part-time emergency workers and lone parent workers
- Childcare costs disregarded for workers with children
- Local disregard of War Pension income

Preserving the CTB means test in our local CTS scheme since 2013 has maintained the protections and work incentives that have been refined over many years.

Exceptional Hardship policy

Since the introduction of our local Council Tax Support scheme in April 2013 we have operated an Exceptional Hardship policy. This flexible scheme allows us to provide additional support to vulnerable customers who find themselves unable to afford their liability under the rules of the CTS scheme. An award of Exceptional Hardship can reduce a customer's liability to nil. The policy is being revised from April 2017 to ensure it can assist vulnerable customers adversely impacted by changes made to the CTS scheme in this or subsequent years.

It is a sensible approach to use Exceptional Hardship to deal with complex situations and recognise extra need in individual cases. Inserting legally complex exemptions into the main CTS scheme for groups which are hard to define risks not helping the right people.

Modelling options for a local scheme

Where possible, modelling of the existing caseload has been completed to examine the impact of the proposed changes on different groups. However, as many of the proposals relate to new claims made or changes happening after 1st April 2017, there is no reliable way to predict numbers or the characteristics of those who will be affected. In other cases, such as Universal Credit claimants in work, numbers are currently so low that no reasonable projection can be made. Where reasonable projections cannot be made we identify below those within the whole working age claimant population who may be "potentially affected". Actual numbers affected may be far lower, particularly in 2017/18 where changes only apply to new claims or changes.

Caseload data is continually changing so the modelling of different options and their effects will be an ongoing process.

Effect of the proposed scheme changes on particular groups

Family characteristic

Local Authorities are under a duty to reduce and mitigate the effects of child poverty in their area. The proportion of cases where a child is present in the household which could be affected by the changes is higher than within the overall CTS caseload. This is to be expected as generally more children in the CTS caseload are resident in working age households than pensioner households and pensioner households are protected by national rules.

| Family characteristic | All CTS cases | | Working age (potentially affected) | | Pensioner (not affected) | |
|-------------------------|---------------|-------------|------------------------------------|-------------|--------------------------|-------------|
| | Count | % | Count | % | Count | % |
| Single | 4998 | 62.05% | 2246 | 48.71% | 2752 | 79.91% |
| Couple with no children | 956 | 11.87% | 286 | 6.20% | 670 | 19.45% |
| Lone parent | 1454 | 18.05% | 1450 | 31.45% | 4 | 0.12% |
| Couple with children | 647 | 8.03% | 629 | 13.64% | 18 | 0.52% |
| Total | 8055 | 100% | 4611 | 100% | 3444 | 100% |

The means test in CTS ensures that households with children keep more income before their awards are affected than a similar household with no children.

Change 1 – Family Premium

| Change 1 - Removing the family premium for new applicants | Working age | | | |
|--|-------------|----------------------------|------------------------|--------------------------------|
| | Total | Potentially affected cases | Value / cost to scheme | Potential annual loss per case |
| Family premium awarded (standard claims) | 1029 | 718 | £22,392 | £31.87 |
| Passported households with dependant/s | 1050 | 0 | £0 | £0 |
| Couples with dependant/s | 629 | 275 | £8,803 | £32.01 |
| Female lone parent | 1377 | 425 | £13,044 | £30.69 |
| Male lone parent | 73 | 18 | £545 | £30.28 |
| Household includes carers premium | 315 | 42 | £1,351 | £25.98 |
| Household includes disability premium, disabled child or Severe Disability Premium | 543 | 101 | £3,249 | £32.17 |

Change 1 alters the means test for new claims from households with children or where claimant households with no children have a child join the household. The amount of support they receive will be lower than it would have been before the proposed change. Their support will still be higher than a similar household with no dependent children.

The Family Premium adds £17.45 to the claimant's weekly applicable amount which works out to an extra £3.49 weekly CTS. This is the most a household can lose through this change. Where a claimant's weekly income is less than their applicable amount they will lose less than £3.49 from their CTS award. Where income is more than £17.45 lower, the removal of Family Premium will not affect their CTS award.

Using our existing caseload to estimate likely impact, we expect only 35% of new claims with dependent children will see a lower CTS award as a result of this change. The rest are either in receipt of a passported benefit or have income below their applicable amount, even after reducing it by this change.

63% of those affected will be lone parents, however 70% of CTS households containing children are lone parents so this group is relatively less affected than couple households. As expanded upon below, nearly 95% of our lone parent claimants are female.

Change 6 – Three or more children

| Change 6 – more than two dependent children | Working age | | | |
|---|-------------|----------------------------|------------------------|------------------------------|
| | Total | Potentially affected cases | Value / cost to scheme | Average annual loss per case |
| Standard with more than 2 dependent children | 263 | 230 | £95,734 | £416.23 |
| Passported (so not affected) | 270 | 0 | £0 | £0 |
| Standard with carers premium | 38 | 29 | £10,609 | £365.83 |
| Standard with disability premium, disabled child or Severe Disability Premium | 52 | 39 | £10,729 | £275.10 |

Change 6 alters the means test for households who have a third or subsequent child from 1st April 2017. The amount of income they can keep before it reduces their CTS award will no longer increase beyond the rate for two children. Claimants in receipt of a passported benefit will not be affected by this change.

The child addition adds £66.90 (2016 figures) to the claimant's weekly applicable amount which can work out to an extra £13.38 weekly CTS. This is the most a household can lose through this change. Where a claimant's weekly income is less than their applicable amount they will lose less than £13.38 from their CTS award. Where income is more than £66.90 lower, the removal of Family Premium will not affect their CTS award.

Existing CTS cases with three or more children have been used to estimate the likely impact of this change. These claims will not be affected unless they have a further child after 1st April 2017.

This data shows that 43% of households with three or more children would be affected by the change. The rest are either in receipt of a passported benefit or have income more than £66.90 below their applicable amount. Households which have carers or disability premiums awarded are less likely than the overall population to be financially affected by the change.

Additional exemptions from this change are proposed in line with the policy for Housing Benefit. This should result in the actual numbers affected being lower than the estimates here.

Single parent households

| Single parent household | All CTS cases | | Working age (potentially affected) | | Pensioner (not affected) | |
|-------------------------|---------------|--------------------|------------------------------------|----------------------------------|--------------------------|----------------------------------|
| | Count | % of CTS claimants | Count | % of total working age claimants | Count | % of total pension age claimants |
| Female | 1381 | 17.14% | 1377 | 94.97% | 4 | 100.00% |
| Male | 73 | 0.91% | 73 | 5.03% | 0 | 0.00% |
| Total | 1454 | 18.05% | 1450 | | 4 | |

The proportion of lone parent working age households in the working age group, who may be affected by one or more of changes 1 to 8, is higher than the overall caseload of lone parent cases. This is because the majority of lone parent claimants are working age. Female lone parents account for nearly 95% of our lone parent claimants and 96% of those with more than two children. This group is highlighted in The Fawcett Society briefing paper as being “a group more likely to live below the poverty line”.⁴

It is likely that this group is further disadvantaged in the employment market because of their caring responsibilities dictating the hours & type of work they can reasonably undertake. It will therefore be important to take account of the added difficulties this group may face increasing their income when considering Exceptional Hardship claims.

Single person households

| Single person household | All CTS cases | | Working age (potentially affected) | | Pensioner (not affected) | |
|-------------------------|---------------|--------------------|------------------------------------|----------------------------------|--------------------------|----------------------------------|
| | Count | % of CTS claimants | Count | % of total working age claimants | Count | % of total pension age claimants |
| Female | 2969 | 36.86% | 1040 | 46.30% | 1929 | 70.09% |
| Male | 2029 | 25.19% | 1206 | 53.70% | 823 | 29.91% |
| Total | 4998 | 62.05% | 2246 | | 2752 | |

Single person households may also face a greater challenge increasing their income or managing additional expenditure than households with more members who can contribute. The proportion of single person households who may potentially be affected by the changes is lower than in the overall CTS population. Changes 1 and 6 only apply to families. Changes 2, 4, 5 and 7 will affect only very small numbers of claims.

⁴ <http://fawcettsociety.org.uk/documents/The%20Impact%20of%20Austerity%20on%20Women%20-%2019th%20March%202012.pdf>

Summary table – family characteristics

| Age | Neutral impact - it will not affect | Negative impact - it could disadvantage | Reason |
|--|-------------------------------------|---|--|
| Older people (born before 6 July 1953) | ✓ | | Older people cannot be affected by the proposed changes to the local CTS scheme. Their rules continue to be set by Central Government. |
| Younger people (born from 6 July 1953) | | ✓ | Any of the current 4,611 working age claim households will potentially be asked to pay more towards their Council Tax if their circumstances meet the criteria or change in the future. |
| Under 18s | ✓ | | Will not be liable for Council Tax and therefore unaffected. |
| Single people under 25 | ✓ | | The changes proposed do not distinguish on claimant age within the working age claimant group. |
| Dependent children in household | | ✓ | The means test allows additional amounts for each child in the household. Change 1 will reduce the amount allowed for families in all new claims and change 6 will limit the amount allowed to the level for two children. |

Gender

| Gender | All CTS cases | | Working age (affected) | | Pensioner (not affected) | |
|---------|---------------|---------------|------------------------|---------------|--------------------------|---------------|
| | Count | % | Count | % | Count | % |
| Male | 2102 | 26.10% | 1279 | 27.74% | 823 | 23.90% |
| Female | 4350 | 54.00% | 2417 | 52.42% | 1933 | 56.13% |
| Couples | 1603 | 19.90% | 915 | 19.84% | 688 | 19.98% |
| Total | 8055 | 100% | 4611 | | 3444 | |

No gender group is targeted by the changes proposed for the scheme. However, as there are relatively more of them in the caseload, a larger number of single females in Exeter is likely to be affected by the proposed changes to the Council Tax Support scheme.

Independent research also highlights the effect that the wider welfare reform changes will have on women:

“The Fawcett Society is extremely concerned about the impact of austerity on women’s equality in the UK. Our analysis - and the conclusions of independent research bodies and academics - has highlighted that the

cumulative effect of fiscal measures taken to reduce net public spending will have a disproportionate effect on women, making many women poorer and less financially autonomous. The knock-on effects of this will be to turn back time on a range of indicators of women's rights and equality.

The Fawcett Society has highlighted that women face a triple jeopardy: women are being hit in three key ways a result of the deficit-reduction measures:

1. Women are being hit hardest by cuts to public sector jobs, wages and pensions.
2. Women are being hit hardest as the services and benefits they use more are cut.
3. Women will be left 'filling the gaps' as state services are withdrawn.⁵

The report shows the current position of economic indicators highlighting that equality for women still falls below equivalent measures for men in areas such as full time pay, low paid work, ethnicity & poverty, personal pensions, lone parents and childcare.

Tenure type

| Tenure type | All CTS cases | | Working age (potentially affected) | | Pensioner (not affected) | |
|-----------------------|---------------|---------------|------------------------------------|---------------|--------------------------|---------------|
| | Count | % | Count | % | Count | % |
| Social Rented | 5071 | 62.95% | 3329 | 72.20% | 1742 | 50.58% |
| Private Rented | 1381 | 17.14% | 963 | 20.88% | 418 | 12.14% |
| Owner Occupier | 1603 | 19.90% | 319 | 6.92% | 1284 | 37.28% |
| Total | 8055 | 100% | 4611 | | 3444 | |

Tenants in both the private and social sectors may have also seen reductions in the amount of Housing Benefit available to them as a result of other welfare reforms. This includes the social sector size restriction, household benefit cap (reducing further from November 2016), freezes to Local Housing Allowance (LHA) rates and upcoming restriction of new social tenancies to the LHA rate. These households could therefore face multiple pressures on their budgets. 93% of those potentially affected by the changes will also have a rent liability. This compares to 80% of the total CTS caseload as proportionally more pensioner CTS claimants own their home.

Disabilities and carers

Disabled child

Compared to the overall caseload of potentially affected working age claimants, single females account for the highest proportion of lone parents with a disabled child. This reflects the fact that the majority of lone parents are female. Parents of disabled children could find their opportunities for increasing income more limited than other groups.

⁵<http://fawcettsociety.org.uk/documents/The%20Impact%20of%20Austerity%20on%20Women%20-%2019th%20March%202012.pdf>

| Disabled child | All CTS cases | | Working age (potentially affected) | | Pensioner (not affected) | |
|----------------|---------------|--------------------|------------------------------------|--------------------------------|--------------------------|--------------------------------|
| | Count | % of CTS claimants | Count | % of total with disabled child | Count | % of total with disabled child |
| Couple | 109 | 1.35% | 106 | 41.73% | 3 | 75.00% |
| Female | 141 | 1.75% | 140 | 55.12% | 1 | 25.00% |
| Male | 8 | 0.10% | 8 | 3.15% | 0 | 0.00% |
| Total | 258 | 3.20% | 254 | | 4 | |

Change 3 – Minimum Income Floor for self-employed

| Change 3 - Minimum Income Floor (MIF) for self-employed claimants | Working age | | | |
|---|-------------|------------------|------------------------|--------------------------------|
| | Total | Count (Affected) | Value / cost to scheme | Potential annual loss per case |
| Affected by MIF | 267 | 249 | £154,233 | £619.41 |
| Dependent children | 193 | 178 | £110,805 | £622.50 |
| Carers premium | 22 | 21 | £13,965 | £665.00 |
| Disability premium, disabled child or Severe Disability Premium | 42 | 38 | £27,584 | £725.89 |

Change 3 assumes a notional income for self-employed claimants after one year of trading. The policy would mirror that already in place in Universal Credit where affected customers are treated as having an income equal to 35 hours work at the National Living Wage (National Minimum Wage for under 25s). The modelling above shows the impact this change would have on existing self-employed cases once the one year trading point was reached. Experience where this policy has been adopted elsewhere in the country indicates that affected self-employed claimants are generally well able to cope with the extra expense.

It is possible that parents of disabled children may find the extra flexibility afforded by running their own business preferable to taking up employment. Similarly those with caring responsibilities or a disability may find it difficult to achieve a minimum income from self-employment. It is important that these limitations are recognised. This may be best achieved by an award through the Exceptional Hardship scheme.

Disability Premium

| Disability premium – only applicable to working age | Working age (potentially affected) | | |
|---|------------------------------------|--------------------------------|------------------------------------|
| | Count | % of working age CTS claimants | % of total with disability premium |
| Couple | 383 | 8.31% | 22.77% |
| Female | 725 | 15.72% | 43.10% |
| Male | 574 | 12.45% | 34.13% |
| Total | 1682 | 36.48% | 100.00% |

Change 5 – WRAC for new ESA claims

| Change 5 - WRAC for new ESA claims | Working age – standard cases | | |
|---|------------------------------|------------------|------------------------|
| | Total | Count (Affected) | Value / cost to scheme |
| Standard ESA claims with WRAC | 3 | 3 | £909 |
| Dependent children | 0 | 0 | £0 |
| Carers premium | 0 | 0 | £0 |
| Disability premium, disabled child or SDP | 0 | 0 | £0 |

Change 5 operates to keep CTS awards at the same level as they would have been prior to the change to Employment and Support Allowance (ESA) rules from April 2017. ESA awards for these claimants will reduce by £29.05 per week. Without this change these claimants will see an increase to their CTS awards when the reduction in their ESA is implemented. It is likely that this group could face particular difficulties increasing their income to cope with the loss of the ESA income, as described by Disability Alliance:

“Disabled people being supported by ESA receive a higher rate than those on JSA because they face additional barriers as a result of their illness or disability, and typically take longer to move into work.”⁶

Therefore, whilst not actually reducing the amount of CTS awarded to this group, they may find it more difficult to pay even the same amount of Council Tax when their overall income reduces. Numbers likely to be affected by this change are very low. It will be appropriate to identify any cases where hardship has been caused by the reduction in ESA income and consider awards of Exceptional Hardship to assist.

Severe Disability Premium

| Severe disability premium | All CTB cases | | Working age (affected) | | Pensioner (not affected) | |
|---------------------------|---------------|--------------------|------------------------|---------------------|--------------------------|---------------------|
| | Count | % of CTB claimants | Count | % of total with SDP | Count | % of total with SDP |
| Couple | 60 | 0.74% | 25 | 3.16% | 35 | 5.56% |
| Female | 795 | 9.87% | 382 | 48.23% | 413 | 65.66% |
| Male | 566 | 7.03% | 385 | 48.61% | 181 | 28.78% |
| Total | 1421 | 17.64% | 792 | | 629 | |

Change 7 – SDP for Universal Credit carers

Change 7 alters the means test for customers where another person receives the Universal Credit (Carers Element) for looking after them. This ensures consistent treatment between recipients of Carers Allowance and the benefit that replaces it; UC(CE). There should be no relative disadvantage to these customers because those affected would not have received a Severe Disability Premium under the previous rules before Universal Credit was introduced. There are currently no cases in our caseload that will be affected by this change. This will change as the rollout of

⁶ www.disabilityrightsuk.org/our-submission-parliamentary-review-proposed-%C2%A330-week-cut-esa

Universal Credit continues and awards of Carers Allowance are increasingly made through Universal Credit.

The data we hold does not allow us to identify the nature of individual disabilities and how this may impact their ability to manage a shortfall. It is likely that those in receipt of a qualifying benefit for the severe disability premium will face more challenges increasing their income than those entitled to the disability premium alone.

People in receipt of the ESA support component have been assessed to have the highest level of disability and support need. This group are not required to take up any work or work related activity. They could therefore face more difficulty increasing their income to meet any shortfall.

Carers

| Carers | All CTB cases | | Working age (affected) | | Pensioner (not affected) | |
|--------------|---------------|--------------------|------------------------|-------------------|--------------------------|-------------------|
| | Count | % of CTB claimants | Count | % of total carers | Count | % of total carers |
| Couple | 423 | 5.25% | 265 | 53.54% | 158 | 82.72% |
| Female | 229 | 2.84% | 202 | 40.81% | 27 | 14.14% |
| Male | 34 | 0.42% | 28 | 5.66% | 6 | 3.14% |
| Total | 686 | 8.52% | 495 | | 191 | |

Summary table - disabilities

| | Neutral impact - it will not affect | Negative impact - it could affect | Reason |
|----------|-------------------------------------|-----------------------------------|--|
| Physical | | ✓ | Ability to travel to make payments. Potentially less able to use online or telephone methods for payment and advice. Potential inability to increase <i>income</i> . |
| Sensory | | ✓ | Ability to access the initial information advising of the change. Potential difficulties accessing Council in person or by online / telephony routes for payments and advice. Potential inability to increase income. |
| Learning | | ✓ | Ability to access and understand initial information advising of the change. Potential difficulties accessing Council in person or by online / telephony routes for payments and advice. Potential inability to increase income. |

| | | | |
|---------------|--|---|--|
| Mental health | | ✓ | Ability to access and understand initial information advising of the change. Potential difficulties accessing Council in person or by online / telephony routes for payments and advice. Potential inability to increase income. |
|---------------|--|---|--|

Work status

| Work status | All CTB cases | | Working age (potentially affected) | | Pensioner (not affected) | |
|-------------|---------------|--------|------------------------------------|--------|--------------------------|--------|
| | Count | % | Count | % | Count | % |
| Working | 1165 | 14.46% | 1118 | 24.25% | 47 | 1.36% |
| Not working | 6890 | 85.54% | 3493 | 75.75% | 3397 | 98.64% |
| Total | 8055 | 100% | 4611 | | 3444 | |

Local schemes are expected not to discourage claimants from taking up employment or increasing hours of work. A higher proportion of households potentially affected are in work compared to the overall CTS population. This is to be expected if, almost inevitably, most working households are in the working age population rather than the pension age population (who are protected by national rules).

Change 8 – Additional earnings disregard in Universal Credit

Change 8 removes the additional earnings disregard from customers who are working while in receipt of Universal Credit. The disregard is currently £17.10 and can be worth up to £3.42 CTS weekly. There are currently 53 Universal Credit customers in receipt of CTS. None of these receive the additional earnings disregard so impact is difficult to estimate. Once a customer is earning sufficient to not be entitled to Universal Credit, the additional disregard can be applied as currently.

The additional hours disregard is linked to the number of hours a customer works and was tied to the equivalent addition in Working Tax Credit. The disregard / addition does not form part of Universal Credit calculation. When the assessment of earned income is undertaken by the local authority, the number of hours worked is available and relevant to the calculation of Housing Benefit or CTS. For Universal Credit cases the assessment of earnings is undertaken by DWP staff. The basis of this calculation is not always identifiable and is generally based on a past period. Obtaining reliable information on the number of hours worked for the relevant period is not often possible and applying these from a monthly award of Universal Credit to a weekly calculation of CTS results in inconsistent treatment of income and disregards.

Although there is the potential for this change to weaken work incentives, it is considered likely to have a minimal impact against the incentives to increase earning under Universal Credit.

Other protected characteristics

There is no data held by ECC Benefits Service for race, sexual orientation, religion or belief. It is possible that Change 6 – three or more children, could have a disproportionate impact on ethnic and religious groups where large families are more prevalent than the general population. Alison Thewliss MP addressed this point in a

debate on the introduction of this policy to Child Tax Credit on 12 October 2016⁷. Her quoted figures show 30% of UK families contain three or more children. This rises to 52% of Jewish families and 60% of Muslim families. As we do not hold data on these characteristics it is impossible to say whether this difference would be reflected in our caseload.

Change 2 - Backdating

Change 2 looks to reduce the maximum period a claim can be backdated from six months to one month. In 2015/16 this would have affected 24 claims. Backdating is allowed for a number of reasons and can apply to claimants in any of the groups discussed in this impact assessment. The change is intended to align rules with Housing Benefit rather than to make expenditure savings. With such low numbers affected it will be possible to manage any difficult cases through the Exceptional Hardship policy.

Change 4 – Absence outside GB

Change 4 limits the period a claimant can be away from their home to four weeks where this absence is outside Great Britain. No data is recorded on length of absences or destination so it is impossible to predict how many people this will affect. It is likely that the effects of this change will be felt more by non UK nationals and those with family outside the country (and therefore a greater need to travel abroad) than those with no links outside the country. It follows that there may therefore be a higher than average impact on minority ethnic groups. No data is held on these characteristics and therefore the scale of this anticipated impact cannot be confirmed. Aligning rules with those already in place in Housing Benefit will copy across the easements for the deaths of close relatives. The change is likely to affect very few people overall and again, difficult cases can be well managed through Exceptional Hardship awards.

Consultation

Major preceptors have been consulted throughout the process of developing a draft scheme. The legislation also requires us to consult the public on a draft scheme before it can be adopted. Exeter City Council's consultation period ran from 27th June to 4th September 2016. During the 10 week consultation period the following activity was undertaken:

- Personalised letters were sent to 1,214 ECC CTS customers in the groups which may be affected by the proposed changes, either immediately or in the future.
- Information on the consultation process, the draft scheme and links to the online survey were put on the ECC website, both on the consultation pages and the benefits pages.
- Leaflets promoting the consultation were sent to 5,000 ECC Council Tax payers with their bills.
- Leaflets were sent with around 1,000 recovery documents.
- Personalised letters were sent to 13 advice and support agencies operating in Exeter.
- Information on the consultation was sent to ECC staff working with customers who may be affected.

⁷ <https://hansard.parliament.uk/Commons/2016-10-12/debates/FCE9BF08-5EBB-4B4E-B9A8-00516EEFB3D2/ChildTaxCredits>

- The consultation was promoted through social media including to our community contacts to get the message out to as many hard to reach groups as possible.

Respondents highlighted the following points for consideration:

- Adverse impact on children of changes 1 and 6
- Potential disadvantage for carers and parents of change 3
- Change 5 would be removing support from disabled households who are less able to support themselves

Relevant feedback from the consultation responses has been considered in the preparation of this document.

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Proposed Council Tax Support Scheme 2017/18 – Consultation results and summary

Section 3 of schedule 1A to the Local Government Finance Act 1992 states:

"Before making a scheme, the authority must (in the following order)-

- a) ...
- b) ...
- c) *Consult such other persons as it considers are likely to have an interest in the operation of the scheme."*

The consultation document was prepared in collaboration with the Devon Benefit Officer Group (DBOG) and with substantial assistance of Devon County Council's Corporate Communications team. In developing the consultation questions regard was had to the Supreme Court decision of 29 October 2014¹ which considered the requirements for an effective consultation on Council Tax Support.

The proposals to be consulted on were agreed at a meeting of the Devon Local Government Steering Group in April 2016. As the proposed changes were common across the county, a single questionnaire was developed to be used by the different Billing Authorities. Devon County Council hosted the online survey with local branding so that responses were made to each Billing Authority.

Promoting the survey

Exeter City Council's consultation period ran from 27th June to 4th September 2016. During the 10 week consultation period the following activity was undertaken:

- Personalised letters were sent to 1,214 ECC CTS customers in the groups which may be affected by the proposed changes, either immediately or in the future.
- Information on the consultation process, the draft scheme and links to the online survey were put on the ECC website, both on the consultation pages and the benefits pages.
- Leaflets promoting the consultation were sent to 5,000 ECC Council Tax payers with their bills.
- Leaflets were included with approximately 1,000 recovery documents.
- Personalised letters were sent to 13 advice and support agencies operating in Exeter.
- Information on the consultation was sent to ECC staff working with customers who may be affected.
- The consultation was promoted through social media including to our community contacts to get the message out to as many hard to reach groups as possible.

Consultation responses

In total 76 online surveys were completed with two further submissions made; one from an individual making comments about the unfairness of the changes not

¹ R (on the application of Mosely) v London Borough of Haringey [2014] UKSC 56

affecting pensioners and one from an organisation which addressed the proposal for a minimum income floor for self-employed claimants in detail.

83% of respondents reported that they pay Council Tax to Exeter City Council; 27% of all respondents were in receipt of Council Tax Support.

Only two respondents were self-employed, 6 were carers, 32 had three or more children and 11 identified themselves as having a health problem or disability.

Overall 70% of respondents agreed with introducing the 8 changes proposed. In a weighted calculation of respondents' preferred options, introducing all 8 changes scored 377 points, ranking first of the five substantive options. Keeping the scheme the same as now ranked second with a score of 317 points. Increasing Council Tax ranked fifth with a score of 231 points.

Responses to the individual changes

Change 1 – Remove the Family Premium for all new working age applicants

70% of respondents supported this change with the remainder either disagreeing (21%) or unsure (9%). Nine people provided further comments, all of which suggested we maintain a scheme which is at least as generous as currently. Three comments felt it was unreasonable to penalise parents and that children were likely to suffer: "*Without this money our children don't eat as well, don't get to go out as often.*"

Change 2 – Reduce backdating to one month

75% of respondents supported this change with 22.5% against. Thirteen comments were made, 10 of which suggested retaining backdating at between 2 and 6 months. One suggested removing the limit on backdating altogether and two misunderstood the financing of the scheme and operation of the backdating rules.

Change 3 – Minimum income floor for self-employed claims

79% of responses agreed with this proposal with 13% disagreeing. Eight comments were made. Three want to keep the scheme as it currently stands and one wishes to reduce the period where the minimum income would not apply from the proposed 12 months down to 3. The other comments and the detailed email submission make a number of points which should be considered when deciding whether to adopt this change:

- Make allowance for people who are unable to work full time (carers, parents)
- Use the appropriate minimum wage for the age of the worker
- Only apply to those required to work full time under the Universal Credit rules
- Take account of pension contributions in the same way as for employed claimants

Change 4 – Reduce temporary absence from the UK from 13 to 4 weeks

89.5% of responses were in favour of this proposal. Seven comments were made; four suggested longer periods should be allowed – "*What about holidays over 4 weeks? 6 weeks would be more sensible.*" One comment suggested no absence should be allowed and another suggested a link with taxes and duties paid by the traveller.

Change 5 – Remove the Work Related Activity Component for new applicants

76.5% of respondents agreed with this proposal, 10.5% disagreed and 13% were unsure. Six people made comments opposing the change; “*People who cannot work due to illness need more support not less.*”

Change 6 – Limit the number of dependent children counted in the calculation to 2

76.5% of responses were in favour of this proposal with 15.5% opposed and 8% unsure. Nine comments were submitted; five suggested no limit and four suggested a limit of 3 or 4 children instead. Two comments pointed out that couples need to be having more than two children in order to maintain the UK population. Others that it is unfair; “*Don't punish children for their parents' decisions.*” “*It is not fair the government is telling people how many children they can have.*”

Change 7 – Remove the Severe Disability Premium where someone receives the Carers Element of Universal Credit to look after them

74.5% of respondents supported this proposal. Only three dissenting comments were made. One suggested the change “*is not fair to people with disabilities.*” Another suggested diverting money from footpath maintenance to keep support at current levels.

Change 8 – Remove the additional earnings disregard for Universal Credit claimants

83% of responses were in favour of this proposal. Three comments were made against the proposal suggesting that “*It removes incentive to work.*”

Additional comments received

Further free text opportunities were included on the survey allowing respondents to make comments on the proposals and alternatives. In total 27 further comments were received. These fell into the broad categories below:

| | |
|--|---|
| Criticism of Government policy - austerity, welfare cuts and protecting pensioners | 7 |
| Criticism of Council spending / suggestions for raising income | 7 |
| Support for the proposals in full or in part | 7 |
| Criticism of existing CTS scheme | 2 |
| Criticism of proposed changes | 2 |
| Suggestions for further changes to scheme | 2 |

Consideration of the responses

Overall there was a high level of support for the proposals amongst respondents. Although the number of responses was not especially high this is not unexpected given the technical nature of the changes proposed and the level of detail it was necessary to include in the survey.

The proportion of respondents who receive Council Tax Support was very low at 27%. This was despite activity targeted at this group to encourage them to have their say. This could indicate a lack of concern at the proposals, but may also reflect how lengthy and complicated the questionnaire had to be. It does mean though that

particular attention has been paid to the small number of comments and suggestions received.

Amongst the concerns raised and comments made were several which have caused us to look again at the proposals. Safeguards and exclusions were suggested in particular for the 2 child limit. On consideration of these responses and completion of the Equality Impact Assessment, the recommendation to Members is that Change 6 is not adopted at this point.

The comments and concerns regarding the Minimum Income Floor proposals have also been considered. The detailed submission from Low Income Tax Reform Group was received by a number of Devon authorities so a joint response is being prepared addressing their concerns and clarifying the areas of confusion.

Wherever possible complex exemptions from the changes will be avoided. It is considered to be more efficient and effective to deal with cases of particular hardship caused by the changes through payments under the Exceptional Hardship policy. This allows for extra help to anybody where the changes have an unfair effect or cause the household financial hardship.

Council Tax Support

Exceptional Hardship Policy

September 2016

VERSION CONTROL

| Version | Date | Notes |
|---------|----------------|---|
| 001 | October 2012 | |
| 002 | June 2014 | |
| 003 | September 2016 | To reflect scheme changes from April 2017 |
| | | |
| | | |

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BACKGROUND

The Exceptional Hardship Policy covers the shortfall between Council Tax liability and payments of Council Tax Support.

It has been set up from the revenue funds of Exeter City Council.

Every customer who is entitled to Council Tax Support, or who loses their entitlement because of changes made to the scheme and who has a shortfall is entitled to make a claim for help in the form of an Exceptional Hardship payment.

The main features of the payments are that:

- Exceptional Hardship payments are discretionary
- Customers do not have a statutory right to a payment
- The Benefits and Welfare Service will administer the policy
- Exceptional Hardship falls within S13A(1)(a) of the Local Government Finance Act 1992 and forms part of the Council Tax Reduction scheme
- Council Tax Support must be in payment, or would have been but for changes made to the rules of the scheme, within the week in which an Exceptional Hardship payment is awarded
- Exceptional Hardship payments cannot be awarded to settle arrears of Council Tax for periods prior to the introduction of Council Tax Support in April 2013

In addition to Exceptional Hardship there is a Discretionary Housing Payments scheme which covers the shortfall between rent and Housing Benefit or Universal Credit Housing Costs.

EXCEPTIONAL HARDSHIP AND EQUALITIES

The Benefits and Welfare Service will have regard to the Public Sector Equality Duty (PSED) when considering claims for Exceptional Hardship. It is recognised that Exceptional Hardship has a pivotal role to play in mitigating the effects of changes to Council Tax Support on the most vulnerable households, particularly on individuals with protected characteristics.

Being a flexible and discretionary policy, Exceptional Hardship is capable of making finer distinctions than can be achieved through the rules governing the main Council Tax Support scheme. By identifying those who suffer relative disadvantage because of their protected characteristics, Exceptional Hardship payments should aim to minimise or remove that disadvantage.

We recognise the importance of protecting our most vulnerable customers and also the impact Council Tax Support could have. We have created and maintain an

Exceptional Hardship policy to ensure that we protect and support those most in need. The Exceptional Hardship policy is intended to help in cases of extreme financial hardship, not to support lifestyle choices.

PURPOSE OF THIS POLICY

The purpose of this policy is to specify how Exeter City Council will operate the scheme, and to indicate some of the factors which will be considered when deciding if an Exceptional Hardship payment can be made.

Each case will be treated on its own merits and all customers will be treated fairly and equally in relation to accessibility to payments and also the decision making process.

Where a customer is not claiming a Council Tax discount or exemption to which they may be entitled or a welfare benefit or additional financial assistance, they will be advised, and where necessary assisted, in making a claim to maximise their income, before their claim for Exceptional Hardship payments will be decided.

STATEMENT OF OBJECTIVES

The Benefits and Welfare Service will seek through the operation of this policy to:

- Allow a short period of time for someone to adjust to unforeseen short-term financial circumstances to enable them to manage financially during this time
- Support people in managing their finances
- Help customers through difficult events that affect their finances
- Prevent exceptional hardship
- Support financially vulnerable young people in the financial transition to adult life
- Help those who are trying to help themselves financially
- Alleviate poverty
- Sustain tenancies and prevent homelessness
- Keep families together
- Encourage and support people to obtain and sustain employment
- Give support to those who are financially vulnerable.

An Exceptional Hardship payment is generally a short-term emergency award, whilst the customer seeks alternative solutions. However longer awards may be appropriate in some situations.

It will not be awarded for the following circumstances:

- Where full Council Tax liability is being met by Council Tax Support
- For any reason other than to pay Council Tax
- Where the council considers that there are unnecessary expenses and/or debts and that the customer has not taken reasonable steps to reduce these
- To reduce any Council Tax Support recoverable overpayment
- To cover previous years Council Tax arrears
- A shortfall caused by a Department for Work and Pensions sanction or suspension that has been applied because the customer has turned down work/interview/training opportunities
- When Council Tax Support is suspended

AWARDING AN EXCEPTIONAL HARDSHIP PAYMENT

The Benefits and Welfare Service will decide whether or not to award an Exceptional Hardship payment, and how much any award will be.

When making this decision the Benefits and Welfare Service will consider:

- The shortfall between Council Tax Support and Council Tax liability
- Checking that all eligible Council Tax discounts, exemptions and reductions are granted
- The steps taken by the customer to reduce their Council Tax liability
- Changing payment methods, reprofiling Council Tax instalments or setting alternative payment arrangements in order to make them affordable
- Steps taken by the customer to establish that they are entitled to other welfare benefits
- Steps taken by the customer in considering and identifying where possible the most economical tariffs for supply of utilities and services
- Steps taken by the customer to identify and reduce non essential expenditure
- If a Discretionary Housing Payment has already been awarded to meet a shortfall in rent
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the customer, their partner and any other occupants of the customer's home

- The financial difficulty experienced by the customer, which prohibits them from being able to meet their Council Tax liability, and the likely length of time this difficulty will exist
- Shortfalls due to non-dependant deductions
- The income and expenditure of the customer, their partner and any other occupants of the customer's home
- All income of the customer, their partner and any other occupants of the customer's home, including those which are disregarded when awarding Council Tax Support
- Any savings or capital that might be held by the customer or their partner
- Other debts outstanding to the customer and their partner
- Whether the customer has already accessed or is in the process of engaging assistance with budgeting and financial/debt management advice. The award of Exceptional Hardship payments may not be made until the customer has accepted assistance either from ECC or an appropriate advice service, and taken steps to manage their finances more effectively
- The exceptional nature of the customer and/or their family's circumstances that impact on finances
- The length of time they have lived in the property.

The list is not exhaustive and other relevant factors and special circumstances will be considered.

An award of Exceptional Hardship does not guarantee that a further award will be made at a later date, even if the customer's circumstances have not changed.

The Exceptional Hardship payment may be less than the difference between the Council Tax liability and the amount of Council Tax Support paid.

PUBLICITY

The Benefits and Welfare Service will publicise this policy and will work with advice and other organisations to achieve this. A copy of this policy will be made available for inspection and will be published on Exeter City Council's website.

MAKING A CLAIM

A claim for an Exceptional Hardship payment will be accepted in whatever format it is made. This may be in writing, by email, face to face or over the telephone. An application can be made by the applicant, a third party or advocate.

Applications for an Exceptional Hardship payment may also be made by referral from a member of Exeter City Council staff or from an advice agency or organisation representative

Following the initial claim the applicant may be asked to complete a form detailing their income and expenditure for the decision making process to begin and additional information may be requested to support the application.

CHANGE OF CIRCUMSTANCES

The Benefits and Welfare Service may revise an award of Exceptional Hardship payment decision where the customer's circumstances have changed, particularly where this changes the amount of their Council Tax Support entitlement

DUTIES OF THE CUSTOMER

A person claiming an Exceptional Hardship payment is required to:

- Give the Council such information as it may require to make a decision.
- Tell the Council of any changes in circumstances that may be relevant to their award.
- Give the Council such other information as it may require in connection with their claim.

AMOUNT AND DURATION OF AWARD

Both the amount and the duration of the award are determined at the discretion of Exeter City Council. This will be done on the basis of the evidence supplied and the circumstances of the claim.

- The start date of an award will usually be the Monday after the claim for an Exceptional Hardship payment is received by the Benefits and Welfare Service, although it may be possible to backdate this award, based upon the individual circumstances of each case.
- The Exceptional Hardship payment will normally be paid for a minimum of one week.
- The maximum length of the award will not exceed the end of the financial year in which the award is given.

PAYMENT OF AWARD

Any Exceptional Hardship payment will be paid directly to the customer's Council Tax account, reducing the amount of Council Tax payable.

OVERPAID EXCEPTIONAL HARSHIP PAYMENTS

Overpaid Exceptional Hardship payments will generally be recovered directly from the customer's council tax account, increasing the amount of council tax due and payable.

NOTIFICATION OF AN AWARD

The Council will notify the outcome of each application for Exceptional Hardship payments in writing. The notification will include the reason for the decision and advise the customer of their dispute rights.

THE RIGHT TO DISPUTE A DECISION

Exceptional Hardship payments are subject to the same statutory appeal process as decisions on main Council Tax Support.

If the customer is not satisfied with a decision in respect of:

- an application for an Exceptional Hardship payment
- a decision not to award an Exceptional Hardship payment
- a decision to award a reduced amount of Exceptional Hardship payment
- a decision not to backdate an Exceptional Hardship payment
- a decision that there has been an overpayment of an Exceptional Hardship payment

Exeter City Council will look at the decision again.

An officer, other than the original decision maker, will consider the dispute by reviewing the original application and any additional information and/or representation made and will make a decision within 14 days of referral or as soon as practicable thereafter.

Any request for a review must be made in writing, within two months of the date of the notification letter confirming the original decision.

The outcome of the dispute will be in writing, detailing the reasons for a change in the original decision or upholding the original decision.

If a response is not sent within two months or the taxpayer still believes the decision is wrong, they can appeal directly to the Valuation Tribunal.

FRAUD

The Benefits and Welfare Service is committed to protect public funds and ensure payments are paid to the people who are rightfully entitled to them.

A customer who claims an Exceptional Hardship payment by falsely declaring their circumstances, providing a false statement or false evidence in support of their application, may have committed an offence.

Where Exeter City Council suspects that such an offence may have been committed, this matter will be investigated as appropriate and could lead to criminal proceedings.

LEGISLATION

Section 9 of the Local Government Finance Bill 2012 amends section 13A of the Local Government Finance Act 1992 and sets out the requirement for local authorities to develop and adopt a localised Council Tax Support Scheme. This Exceptional Hardship policy forms part of this scheme.

COMPLAINTS

Exeter City Council's "Complaints, compliments and suggestions procedure" (available on our website at: <http://www.exeter.gov.uk/index.aspx?articleid=9261>) will be applied in the event of any complaint received about this policy.

POLICY REVIEW

This policy will be reviewed every 3 years and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation or ECC policy.

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Agenda Item 7

REPORT TO People Scrutiny; Executive; Council
Date of Meeting: 3 November 2016; 8 November 2016; 13 December 2016
Report of: Assistant Director Customer Access
Title: Discretionary Housing Payments policy

Is this a Key Decision?

No

Is this an Executive or Council Function? Council

1. What is the report about?

This report seeks member's approval for a Discretionary Housing Payment policy – attached at appendix 1 – that allows the Council to make awards of DHP in a fair, lawful and consistent way.

2. Recommendations:

The report recommends that Council approve the Discretionary Housing Payments policy.

3. Reasons for the recommendation:

The Council can make awards of Discretionary Housing Payments to Housing Benefits and Universal Credit customers who need additional help with housing costs. The aim of this policy is to ensure awards are made fairly and lawfully, supporting the Council's priority of meeting housing need for residents of the City.

4. What are the resource implications including non financial resources.

Discretionary Housing Payments are fully funded by Department for Work and Pensions (DWP) to a level agreed each year (£165,475 for 2016/17) although claims cannot lawfully be rejected on the grounds that the allocated funds have been spent. The level of funding provided by the DWP has always been adequate to meet the level of claims and so expenditure has remained within budget. Adoption of this policy should help to maintain that position as it clearly sets out the Council's aim of supporting people in the short term only and not on an ongoing basis. It promotes people taking ownership of their issues and finding solutions themselves with only short term help from ECC.

5. Section 151 Officer comments:

Adoption of this policy should not have any further financial implications for the Council.

6. What are the legal aspects?

As it is a discretionary fund, we are required to have a policy which sets out how we will exercise our discretion in making decisions on Discretionary Housing Payments. Failure to have a policy which officers follow when administering the scheme could leave us open to legal challenge.

7. Monitoring Officer's comments:

This report raises no additional issues for the Monitoring Officer than those already identified in the report.

8. Report details:

8.1 Discretionary Housing Payments (DHP) funding is given to all local authorities administering Housing Benefit. It is a flexible fund for people in receipt of Housing Benefit or Universal Credit Housing Costs who need extra help with their housing costs. The amount granted by Department for Work and Pensions varies each year in line with changes to Housing Benefit and other welfare benefits.

8.2 The regulations governing the use of DHP allow very broad discretion for local authorities to decide who can be awarded DHP and how much they can receive. The regulations are supplemented by Good Practice Guidance published by Department for Work and Pensions and a limited amount of case law.

8.3 As this is a discretionary fund we cannot have a policy which is unreasonably restrictive or fetters the discretion of decision makers. The policy seeks to highlight groups of customers who we particularly wish to support through the fund and sets out the broad parameters within which individual awards will be decided.

8.4 DHPs play an important role in helping tenants retain their tenancies, prevent homelessness, and enable tenants to move to more affordable accommodation. The payments can cover all or part of a shortfall in a tenant's rent, or cover rent in advance, deposits, and other costs that a tenant may incur to secure a new affordable tenancy. In the year to date half of expenditure has been paid towards the costs of moving, particularly rent deposits. A further 17% of the expenditure has been to support customers in the short term while they secure new, more sustainable accommodation. Decision makers work closely with the Housing Needs team, the PATH private rented team and other partners to deliver flexible additional support. This fund allows us to respond flexibly to local priorities and the impacts of national policies in our communities at no cost to the Authority.

8.5 Due to the limited nature of the fund, DHPs are normally only awarded to provide short term help and not on an ongoing basis. This will allow applicants time to consider their housing options, to take reasonable steps to improve or resolve their situation, and come to a long term sustainable solution. Supporting people in the short term to help them to improve their own situation is a key aim of this DHP policy.

9. How does the decision contribute to the Council's Corporate Plan?

This policy supports Exeter's communities and neighbourhoods by helping residents remain in suitable accommodation and reduces avoidable homelessness. By providing a level of support in addition to mandatory benefits we are able to support complex family and personal situations which are not recognised through statutory entitlement. This enables us to support customers through the transition to work, move to sustainable accommodation, keep families together and ultimately increase financial independence.

10. What risks are there and how can they be reduced?

There are minimal risks to adopting this policy. It protects us from the risk of legal challenge if we don't have a valid policy in place.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

Discretionary Housing Payments are available without discrimination to all Housing Benefit or Universal Credit Housing Costs customers with unmet housing costs. The policy includes the objectives to support vulnerable people in the local community, keep families together and safeguard residents in their homes. Providing additional funds in a more flexible way than mainstream benefits plays a valuable role in avoiding more costs to individuals and the wider public purse by reducing the risk of homelessness, helping to keep families together and providing crucial support to vulnerable individuals including those with protected characteristics.

12. Are there any other options?

The Council can choose not to adopt this policy. This would leave the authority vulnerable to legal challenge.

Bindu Arjoon
Assistant Director Customer Access

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquiries:
Democratic Services (Committees)
Room 2.3
01392 265275

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APPENDIX 1

REPORT TO **People Scrutiny, Executive and Council**
Date of Meeting: **3 November 2016; 8 November 2016; 13 December 2016**
Report of: **Assistant Director Customer Access**
Title: **Discretionary Housing Payments Policy**



Discretionary Housing Payments

DHP Policy

September 2016

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Background

Discretionary Housing Payments (DHPs) are allocated by local authorities to help those in receipt of Housing Benefit (HB), or the housing costs element of Universal Credit (UCHC), who require further financial assistance to meet their housing costs.

The legislation governing DHPs can be found in s69 of the Child Support, Pensions and Social Security Act 2000 and in the Discretionary Financial Assistance Regulations 2001 (SI 2001 No. 1167).

The DWP set a maximum amount each year that Exeter City Council can award through DHP.

DHPs play an important role in helping tenants retain their tenancies, prevent homelessness, and enable tenants to move to more affordable accommodation. The payments can cover all or part of a shortfall in a tenant's rent, or cover rent in advance, deposits, and other costs that a tenant may incur to secure a new affordable tenancy.

Due to the limited nature of the fund, DHPs are normally only awarded to provide short term help and not on an ongoing basis. This will allow applicants time to consider their housing options, to take reasonable steps to improve or resolve their situation, and come to a long term sustainable solution. Supporting people in the short term to help them to improve their own situation is a key aim of the DHP policy.

The main features of the scheme are that:

- DHPs are discretionary
- Applicants do not have a statutory right to a payment
- It is a cash limited fund
- The Benefits and Welfare Service administers the scheme
- DHPs are not a payment of Housing Benefit or Universal Credit
- Housing Benefit or Universal Credit with a Housing Costs element must be in payment in the benefit week that a DHP is awarded for.

Purpose of the Policy

The purpose of this policy is to specify how Exeter City Council's Benefits and Welfare Service will operate the scheme and to indicate some of the factors that will be considered when deciding if a DHP award can be made.

- Each case will be treated strictly on its merits.
- All applicants will be treated equally and fairly when the scheme is administered.

Statement of objectives

The Benefits and Welfare Service will seek through the operation of this policy to:

- help those who are trying to help themselves
- alleviate poverty
- safeguard Exeter residents in their homes
- encourage Exeter residents to obtain and sustain employment
- support vulnerable young people in the transition to adult life
- keep families together
- support vulnerable people in the local community
- help applicants through personal crises and difficult life events

DHP awards will not be used to undermine the ambition of welfare reform to encourage people currently out of work to take their first steps into employment, nor support irresponsible behaviour, nor assist in situations that are so prevalent that a consistent approach to making such payments would involve expenditure above the maximum allowed.

When administering DHP the Council will take a broad view, considering the whole circumstances of an applicant; all the options available to them; how the Council can use DHP to help the applicant overcome any barriers; and where necessary refer applicants to appropriate employment, welfare, budgeting and housing advice. Where it is apparent that an applicant is not claiming another state benefit they may be entitled to, they will be advised to make a claim in order to maximise their income.

Claiming a DHP

- DHPs can be requested from the Benefits and Welfare Service through any channel (telephone, face to face, email, in writing etc.) by anyone (claimant, family member, landlord, support worker etc.)

- Following the initial request a DHP application form may be issued to gather full details, unless the claim can be determined without a form.
- The applicant will be required to return the form to the Benefits and Welfare Service within one month of its issue with any relevant supporting evidence.
- The Benefits and Welfare Service may request evidence in support of an application.
- The Benefits and Welfare Service reserves the right to verify any information or evidence provided as part of or in support of an application.

Awarding a DHP

The Benefits and Welfare Service will retain full discretion when deciding whether or not to award a DHP, the amount and duration of any award. Decisions will be made in compliance with the relevant legislation and case law. When considering applications, regard will be had to this policy, guidance and good practice from the DWP.

The current DWP guidance can be found on gov.uk or using the following link in the electronic version of this document. [Current DWP DHP guide](#)

When making their decision the Benefits and Welfare Service will consider:

- the shortfall between Housing Benefit / Universal Credit and the rent liability
- the steps taken by the applicant to reduce their rent liability
- the medical circumstances (including ill health and disabilities) of the applicant, their partner and any dependants and any other occupants of the applicant's home
- the income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home
- any savings or capital held by the applicant or their family
- the level of indebtedness of the applicant and their family
- the exceptional nature of the applicant and their family's circumstances
- the length of time they have lived in the property
- the possible impact on the Council and other public authorities of not making such an award, e.g. the pressure on priority homeless accommodation
- previous awards
- such other circumstances and information that the officer considers relevant in a particular case

The decision maker may consider it appropriate to meet with the applicant to help achieve full understanding of their circumstances. This could be at the applicant's home or council offices. Applicants may be asked to provide details of their income and outgoings to assess the extent of their financial hardship.

An award of a DHP does not guarantee that a further award will be made at a later date even if the applicant's circumstances have not changed. The DHP awarded may be less than the difference between the rent liability and the amount of Housing Benefit / Universal Credit paid.

Period of award

The Benefits and Welfare Service will decide the length of time for which a DHP will be awarded on the basis of the evidence supplied and the facts known.

- The start date of an award will usually be the Monday after the written claim for a DHP is received by the Benefits and Welfare Service
- The maximum length of award will usually be to the end of the tenancy or a period not exceeding 12 months.

The Benefits and Welfare Service will consider any reasonable request for starting an award from an earlier date. Awards will normally be limited to starting in the current financial year.

Method of payment

The Benefits and Welfare Service will decide the most appropriate person to pay based upon the circumstances of each case. This could include paying:

- the applicant or their partner
- an appointee
- their landlord (or an agent of the landlord) or
- any third party to whom it might be most appropriate to make payment.

The Benefits and Welfare Service will pay an award of DHP by the most appropriate means available in each case.

This could include payment:

- to a bank account
- by crediting the applicant's rent account;

Payment frequency will normally be in line with payment of Housing Benefit.

Notification of a decision

The Benefits and Welfare Service will inform the applicant in writing of the outcome of their application as soon as is reasonably practical. Where the application is unsuccessful, the Benefits and Welfare Service will set out the reasons why this decision was made and explain the right of review. Where the application is successful, the Benefits and Welfare Service will advise:

- the weekly amount of DHP awarded
- whether it is paid in advance or in arrears
- the period of the award
- how, when and to whom the award will be paid
- the requirement to report a change in circumstances

Changes of circumstances

Decisions may be reviewed where the Benefits and Welfare Service think fit. Awards of DHP, including periods already paid, may be revised where the applicant's circumstances have materially changed.

The right to seek a review

DHPs are not payments of Housing Benefit or Universal Credit and are therefore not subject to the statutory appeals process.

The Benefits and Welfare Service will operate the following principles when dealing with a review request following a refusal to award a DHP, a decision to award a reduced amount of DHP, a decision not to backdate a DHP or a decision that there has been an overpayment of a DHP.

- An applicant (or their appointee or agent) who disagrees with a DHP decision may request a review. This should be delivered in writing to the Benefits and Welfare Service within one calendar month of the written decision about the DHP.
- A different officer within the Benefits and Welfare Service will review the case. The officer will review all the evidence held and will make a decision within 14 days of referral or as soon as practicable thereafter.
- The outcome of the review will be notified to the applicant in writing, setting out the reasons for their decision.
- The decision made by the reviewing officer will be final.
- In exceptional circumstances only, any of the above time periods for review may be extended by the officer. In deciding to extend, they will take into account any delay in seeking independent advice that was outside the control of the applicant.

Overpayments

- The Benefits and Welfare Service will normally seek to recover any overpaid DHP if the applicant has misrepresented or failed to disclose a material fact in their application or an error was made at the point of making the decision.
- An invoice will be issued to the applicant or the person to whom the award was paid.
- The decision letter that notifies a decision that there is an overpayment will also set out the right of review.
- Consideration of the reasonableness of recovery action in a particular case will be in line with the Council's overpayment policy.

Vulnerability and equalities

The Benefits and Welfare Service will have regard to the Public Sector Equality Duty (PSED) when considering claims for DHP. It is recognised that DHP has a pivotal role to play in mitigating the harshest effects of welfare reforms on the most vulnerable households, particularly on individuals with protected characteristics.

Being a flexible and discretionary fund, DHP is capable of making finer distinctions than can be achieved through legislation governing statutory entitlements. By identifying those who suffer relative disadvantage because of their protected characteristics, DHP awards should aim to minimise or remove that disadvantage.

Examples of where DHP can be used to further the aims of the PSED:

- Age – Where young individuals cannot reasonably occupy shared accommodation, DHP can be used to top up rent on self-contained property.

- Disability – Where household members are unable to share rooms due to disability but do not meet the threshold in the Housing Benefit regulations for an extra bedroom, DHP can cover the Social Sector Size Restriction.
- Pregnancy and maternity – Where claimants are expecting a child which will alter their bedroom requirement, DHP can cover the shortfall in advance of the birth allowing the claimant to move and settle before the baby arrives.
- Other protected characteristics (gender reassignment, race, religion or belief, sex and sexual orientation) – In any case where a customer's accommodation is unsuitable due to their protected characteristic, for example harassment from neighbours, DHP can be used to help claimants move to more suitable accommodation. It can also be used to support claimants in more expensive accommodation that is particularly suitable to needs arising from their protected characteristic.

Performance and Risk Management

This policy will be regularly reviewed and monitored to ensure that is effective and fit for purpose. The highest risk to the scheme will be the potential to overspend the fund. Expenditure will be reviewed on a monthly basis and reported through the appropriate channels.

Publicity

The Benefits and Welfare Service will publicise the scheme and will work with all interested parties to achieve this. A copy of this policy statement will be made available for inspection and will be posted on Exeter City Council's website.

Fraud

The Benefits and Welfare Service is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim a DHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the Social Security Administration Act 1992 or the Theft Acts 1968 and 1978. Where the Benefits and Welfare Service suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.

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Agenda Item 8

REPORT TO EXECUTIVE

Date of Meeting: 8 November 2016

Report of: Assistant Director – Customer Access

Title: Creation of a Temporary Part Time Housing Needs Administration post.

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1 What is the report about?

1.1 The report sets out the reasoning for and the funding arrangement of a temporary part time administration post in the Housing Needs Team.

2 Recommendations

2.1 The Executive agrees:

- a. A temporary part time post is created in the Housing Needs Team.
- b. That the post uses existing funding within the department.

3 Reasons for the recommendation

3.1 Access to information about a person's previous applications to the Council for Housing is relevant in understanding the needs of the customer. This information is best available alongside existing records where we can be confident that it is up to date and relevant. This requires the existing paper files to be sorted, scanned and catalogued appropriately.

4 What are the resource implications including non-financial resources?

An appropriate job description has been recommended by the HR Business Partner. The post would cost £3,400 for 12 months. There are currently vacant posts in the Housing Needs Structure and the costs of this post will be covered by those vacancies.

The work to be done is time limited as this will end once the backlog of files is complete. It is envisaged that this is a further 12 months' worth of work for one day a week. This provides better value for money than asking an agency to provide a staff resource which is costed at £5,000.

The recent amendment to the organisational change policy has enabled this to be moved forward before the rest of the proposed staffing changes in the Housing Needs Team. The Unions have been consulted and see no issue with the creation of this post.

5 Section 151 Officer comments

On the basis that the temporary post will be funded from existing budgets, this raises no financial concerns.

6 What are the legal aspects?

There are no relevant considerations.

7 Monitoring Officer's comments

This report raises no issues for concern to the Monitoring Officer

8 Report details

In 2015 the Housing Needs IT system was replaced with a system with integrated document management. This enabled a paperless approach to case management and a reduction in stationary costs for the production and maintenance of 1,500 new files a year.

As part of the implantation existing case data was transferred to the new system but there was no resource for the scanning of existing paperwork as this was planned on an ad hoc basis as needed.

Due to data retention good practice there has been an annual review of files to move closed files to storage and then destroy them after the required period. This has previously been completed by agency staff or through existing staff overtime.

An opportunity became available to offer work experience to a person with a protected characteristic initially supported through St Loyes to move towards employment when managing a disability. The Housing Needs Team took this opportunity to offer a placement and at the same time digitalise the existing paper file to provide benefit of access to the information and easier to manage data retention procedures.

This work experience was very successful with both the candidate and the support worker highlighting a good fit and positive integration into the team. The supported scheme came to an end and the decision was made to continue the arrangement informally until a more formal arrangement could be determined.

During this period there have been concerns that the arrangement could be deemed exploitative and a temporary part time role is suggested as the most appropriate mechanism for continuation. The job description and person specification was put together by the HR team to assist in this specific case. It is suggested that the post be advertised internally with the addition option for people currently completing work experience be allowed to apply.

9 How does the decision contribute to the Council's Corporate Plan?

9.1 The creation of a post will support the Council's objectives of reducing waste in the current work processes.

10 What risks are there and how can they be reduced?

10.1 There are no direct risks associated with this report.

11 What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 Not applicable.

12 Are there any other options?

Failure to resolve this issue will result in the work experience placement coming to an end and the work in processing the files coming to an end. The required processing of files and sifting for disposal or scanning would need to be found within existing staffing hours and is low priority. This would take skilled housing officers away from their work helping people to resolve their housing needs, which would not be an efficient use of resources or remain incomplete until the deadline for data retention audit was reached.

Assistant Director Customer Access

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

Room 2.3

01392 265275

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Agenda Item 9

REPORT TO: EXECUTIVE
Date: 8th November 2016
Report of: Chief Executive and Growth Director
Title: Proposed Greater Exeter Growth and Development Board

Is this a Key Decision?

YES

Is this an Executive or Council Function?

Both – please see the recommendations set out in paragraph 2 below

1. What is the report about?

1.1 To seek support for the establishment of formal joint governance arrangements for economic development and strategic planning and infrastructure project management and delivery for the Greater Exeter area to ensure that this functional economic area punches its weight regionally and nationally.

2. Recommendations:

2.1 That Executive approve in principle the setting up of the proposed Greater Exeter Growth and Development Board together with the local authorities covering the Greater Exeter functional economic area, namely East Devon District Council, Mid Devon District Council and Teignbridge District Council. The Board will be a Joint Committee under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.

2.2 That Executive note that Devon County Council have been asked to support this step but are not yet prepared to do so.

3. Reasons for the recommendations:

3.1 The proposed Joint Committee is intended to be an effective vehicle for areas of cross boundary working and strategic projects that promote the interests of the area that couldn't otherwise be pursued by any of the constituent members acting by themselves. There is a strong case that the growing economic, housing and infrastructure pressures and indeed opportunities facing the sub region, definable by the geography of the four District authorities, require a fundamental change to the informal voluntary partnerships which have served the area well to date but which will not provide the most effective approach going forward. It will also be the vehicle to simplify and reduce duplication in current areas of cross boundary working.

4. What are the resource implications including non-financial resources:

4.1 There is a need to consider the capacity that is available to service the Board from within the resources currently available to the local authorities. Proposals for a more

formal joined up approach to delivery of the Board's priorities and programme will follow once the Board is established.

5. Section 151 Officer comments:

5.1 There are no additional financial implications in this report.

6. What are the legal aspects?

- 6.1 Section 101 of the Local Government Act 1972 enables a local authority to enter into arrangements for the discharge of its functions jointly with, or by one or more other authority.
- 6.2 Section 102 of the Local Government Act 1972 contains a power to appoint Joint Committees.
- 6.3 The specific Terms of Reference and Rules of Procedure have been drafted and following consultation with the partners will be presented to Members for final approval
- 6.4 Teignbridge, Exeter, Mid and East Devon all operate an Executive / Cabinet and Leader model and each has a slightly different mechanism for amending its Constitution. Amendments to the Constitution will be required once the Terms of Reference have been agreed and approved by each Council
- 6.5 The proposed Greater Exeter Growth and Development Board (GEGDB) - the Joint Strategic Committee - and the proposed Joint Scrutiny Committee will comprise members from each of the Councils. Within the powers delegated to it by each Council, the Joint Committees can take a decision, or make recommendations in the case of Scrutiny, on behalf of each of the Councils.
- 6.6 Decision making at the GEGDB will require unanimity of vote. On that basis a decision taken by the GEGDB will be binding on all Councils. This speeds up the decision-making process and aims to eliminate the possibility that a Council may take conflicting decisions. This will effectively act as a safeguard for any one authority where for example the effect of a particular proposal would give rise to contractual or financial implications for any constituent authority.
- 6.7 The appointment of members to the GEGDB is not subject to the usual requirement of political balance but would be to the Joint Scrutiny Committee.
- 6.8 The GEGDB can only do what its participating Councils authorise it to do. It can only act within the powers delegated to it and, within each Council's area, within the budget and strategic policy framework approved by that participating Council.
- 6.9 Executive functions can only be exercised within the budget and strategic policy framework set by each of the Councils. Any proposed decision which is contrary to the Council's approved budget or strategic policy framework must be referred to each Full Council for decision.

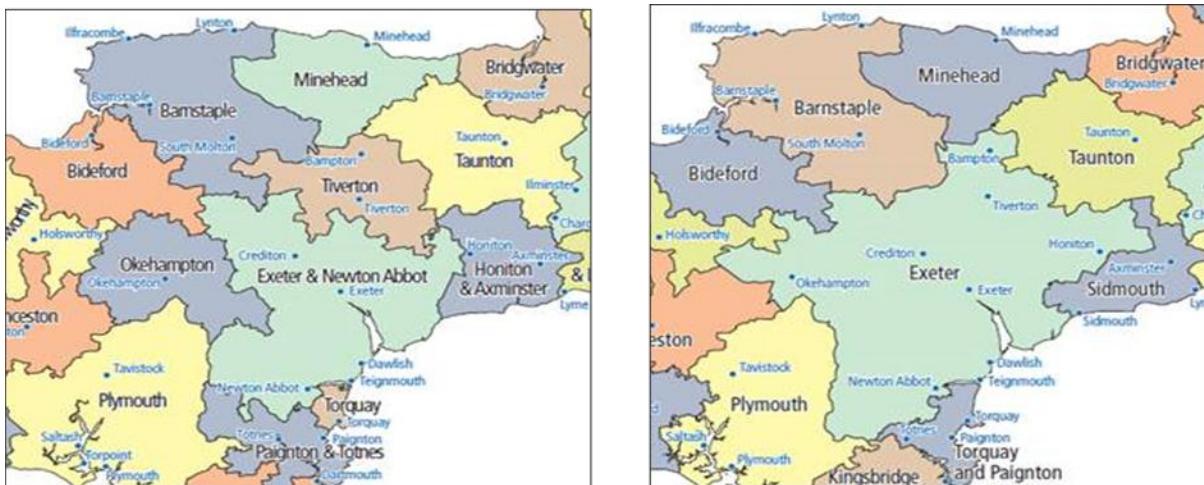
- 6.10 Where Executive functions will be delegated to the GEGDB, it operates as a Committee of the Executive of the participating Councils, which means that it operates under the Executive Decision Procedure Rules. This also means that the hosting authority will need to publish a Forward Plan of anticipated "Key Decisions" and meetings will need to be held in public.
- 6.11 As for all local authority meetings, every appointed member of the Joint Committees (except co-opted non-voting members) will have an equal vote.
- 6.12 Only Executive members of each authority may be appointed to the GEGDB.
- 6.13 The Joint Scrutiny Committee may not have an Executive member from any of the participating authorities appointed to it. The members to be appointed to the JSC will be chosen by the Party Leaders of each of the Councils.

7. Monitoring Officer comments:

- 7.1 This report proposes the 'in principle' idea of setting up a joint committee. In the event that a joint committee is set up, then that will be the subject of a further report setting out the terms of reference and rules of procedure of that committee. Any issues of concern to the MO will be addressed at that stage

8. Background

- 8.1 The local authorities covering Exeter, East Devon, Mid Devon and Teignbridge have a long standing relationship in regards to economic development and tourism promotion under the umbrella of the Heart of Devon. More recently, since 2010, Teignbridge and East Devon District and Exeter City Councils have been working in collaboration under the Exeter and Heart of Devon Growth Board, the remit of which has been to bring forward a major growth programme of housing and infrastructure centred on Exeter and extending into adjoining areas of East Devon and more recently Teignbridge.
- 8.2 East Devon, Teignbridge and Exeter have collaborated on the production of strategic housing market assessments and sub regional planning and more recently have moved forward the establishment of an arms-length company to run ICT services.
- 8.3 The three Councils have been exploring the opportunity for greater collaboration to address the effectiveness and efficiency of arrangements to promote economic development within the wider economic functional area and to address the challenging infrastructure, planning and funding environment to service the future needs of the area. The functional economic area can be illustrated by the following maps drawn from a comparison of the extent of the travel to work areas derived from the 2001 and 2011 Census. The Greater Exeter sub region has a combined population of some 470,000 people which is 61% of Devon's population (not including Torbay or Plymouth).



2001

2011

- 8.4 There is a shared recognition that the area's economic needs will necessarily and increasingly be met by a focus on the further development and exploitation of key assets in the knowledge economy and complementary developments within and around the city. As well as marked growth in Exeter, it is important to note that Teignbridge is growing rapidly both in terms of housing and employment. Newton Abbot has high retail retention and provides significant employment in manufacturing and distribution. East Devon has Cranbrook, Exeter Science Park, Skypark, Exeter Airport and the large distribution hub developments within its area. Mid Devon is currently progressing plans for major housing and employment developments notably at Cullompton.
- 8.5 There is a strong case that the growing pressures and indeed opportunities facing the sub region, definable by the geography of the four District authorities, require a fundamental change to the informal voluntary partnerships which have served the area well to date but which will not provide the most effective approach going forward.
- 8.6 In addition, changes to the financing of local government, the reduction of the grant settlement and the incentivising of growth, requires a more collaborative approach to delivering growth and this will serve the interests of our communities and enable us to take opportunities that are presented to make efficiency savings. There is a shared desire to build on this collaboration to unlock the potential for accelerated economic growth and to provide long term confidence in the economy and planning of the sub region.
- 8.7 The greater Exeter economy has proved to be resilient against the national economic context. The area has recorded some of the fastest growth rates in the country in recent years, but against the investments being made and improving competitive position of other places in the UK and in an internationally competitive environment, there is no room for complacency. Greater Exeter will be critical to the region's productivity and be a fundamental plank in the delivery of essential economic growth

going forward and especially in a devolution deal covering the wider Heart of the South West Local Employment Partnership (HotSW LEP) area .

- 8.8 Exeter sits at the heart of the economy with some 34% growth in employment between 2004 and 2014 (based on the Annual Population Survey). This doesn't just benefit the city as with one of the highest inward commuting patterns in the UK, and real interdependence with the wider area. The city's strength permeates across its expanding travel to work area. Eurostat data shows that from 2002-12, despite being in a region with almost the UK's lowest overall GDP per employee, Exeter saw the highest growth in purchasing power per inhabitant of any city in England and second only to Aberdeen in the UK. This is a sound basis for addressing the more persistent economic issues in the area of low incomes and too low levels of generation of new businesses.
- 8.9 We are now in a position where the housing and labour markets broadly align covering Exeter and large parts of East Devon, Mid Devon and Teignbridge. It is sensible and logical therefore to plan for growth on the basis of the reality of the functional economic geography. The imperative is to work collaboratively to drive the growth of the Greater Exeter area, taking a sub-regional approach, maximising the potential of the area which would benefit Devon as a whole.
- 8.10 It is essential to not only coordinate and combine effort and resources more efficiently around broad economic development activities, but also to take the bold step of addressing productivity growth by securing investment in innovation, skills and new business formation in order to ensure new jobs are created, incomes rise and that the area remains the economic engine of the region. KPMG in a recent study undertaken on behalf of Exeter City, Teignbridge and East Devon District Councils, have identified that there are a number of reasons why an innovation strategy designed specifically for Greater Exeter is likely to succeed:

8.10.1 Productivity

Exeter is the driver of productivity in a region where productivity growth is the key constraint on faster economic growth. In the decade before the recent financial crisis Greater Exeter and its surrounding area (Devon CC) saw economic growth in line with the UK averages, since then it has fallen behind. As Table 1 shows, that is entirely due to low productivity growth, as the growth in jobs has been consistently above the regional and UK average.

Table 1: Growth in GVA per head

| | Devon C C | | South West | | U K | |
|--------------|-----------|-----------|------------|-----------|-----------|-----------|
| | 2003-2008 | 2008-2013 | 2003-2008 | 2008-2013 | 2003-2008 | 2008-2013 |
| GVA per head | 4.4% | 0.4% | 3.9% | 1.4% | 4.4% | 1.4% |
| Jobs | 1.3% | 0.5% | 1.1% | 0.4% | 0.9% | 0.3% |
| Productivity | 3.8% | 0.4% | 3.6% | 1.7% | 4.0% | 2.0% |
| Population | 0.7% | 0.5% | 0.8% | 0.7% | 0.7% | 0.8% |

Source: ONS and KPMG analysis.

Note: GVA per head growth = job growth + productivity growth – population growth, although numbers may not sum due to rounding

Greater Exeter is an area of higher productivity within the Devon CC area. Its productivity, proxied by average annual wages, is around 16% higher than for the rest of Devon CC and over the past ten years its productivity has grown significantly faster. It was the driving force of the pre-crisis catch up to the national and regional averages.

As an economic centre of the wider Heart of the South West region, Exeter experiences greater productivity gains from agglomeration. Investing in creating economic activity around Exeter will bring higher total gains for the whole region. Agglomeration economics tells us that the geographic concentration of economic activity leads to greater total gains than if that activity were spread evenly. Research in this area suggests these benefits can be substantial. Productivity gains from agglomeration arise because businesses benefit from having better access to other businesses, their customers and a large pool of potential workers and it is easier for people from different businesses to share ideas. The more concentrated activity is, the bigger that these effects are, and the bigger the productivity, and employment gains.

8.10.2 Rural and Urban

It is often presumed that urban environments are best suited for investment in innovation. However, the Greater Exeter region provides a valuable testing ground as it is formed by a rural economy with a strong city centre at its core with important links to a number of nearby towns and villages providing a different quality of life than congested urban environments. This could prove to be a competitive advantage: the place to live where leading innovations are developed. In addition, the area is perfectly placed to pursue technological developments and innovations in areas such as agriculture, food and what is now being called “Nature-tech”.

Moreover the city is an interesting asset as it has the perfect population size and demographic mix to form a testing bed for product and service innovations having the features of a major city within the confined geography of 18sq miles, for example

including the same number of stations as Leeds, an international Airport, a stadium and a major regional hospital.

The fact that the city is based in a rural area, means that it is more isolated from the impacts of other cities and as such is a perfect place for proof of concept testing. To date, innovative companies have already recognised this fact and have invested in an Exeter location for precisely this reason. In addition the Exeter City Futures programme, based on the area's potential as a test bed, has only just begun to be explored and will engage with the wider area because of the interrelationship with the city on energy, transportation and health issues.

9.0 The Opportunity

- 9.1 As well as further improvements to coordinating and pooling the area's approach to economic development and building on the successes to date in the coordinated delivery of strategic investment and development, there are exciting opportunities to reap considerable economic benefit from focussing on developing the knowledge economy. Many cities across the UK are adopting innovation strategies as a means of accelerating current economic growth and safeguarding the future of this growth. For many years the UK viewed investment in skills improvements as the best way to achieve economic growth through productivity gains. And while skills remain very important needing further investment and coordinated effort, more investment is required in innovative growth as well as attending to the survival and growth of existing businesses. Many countries, including the UK, have entered a period of focussing on accelerated technological and scientific business creation.
- 9.2 KPMG report that small companies are 'disrupting' well-established businesses by rethinking technology and reinventing business models. This is important for two reasons. Firstly, the cities and areas that house and nurture these innovations, whether through academic institutions or businesses, will benefit from the creation of net additional high value jobs and related disposable income. Secondly, many stable sectors are at risk of being badly affected as technology changes the nature of jobs. Therefore to future-proof a local economy it will be important to ensure there is investment in new parts of the economy while defending sectors that are established and stable. This is an approach that has been taken successfully by many cities and areas around the world and needs to be at the core of taking forward the sub-regional economy.
- 9.3 Recent research by the Government shows that our sub-region has important comparative advantages in the concentration of environmental scientists in the world. Exeter through the University and the Met Office had more scientific contributors to the most recent globally recognised International Panel on Climate Change (IPCC) report on the impact of climate change than any other city in the world by a large margin. The location of the Met Office £97m supercomputer on the Exeter Science Park, will enhance its global competitive advantage. It is important to determine how these advantages can be levered for local benefit.

- 9.4 Key economic assets therefore obviously include the University of Exeter and the Met Office. The Innovation Exeter strategy under development aims to harness these and other innovation assets to establish Greater Exeter as one of the UK's leading knowledge economies. Strategic sites like Exeter Science Park and Skypark as well as the airport also have vital roles to play. The area has a concentration of outstanding schools and colleges specialising in maths and ICT and 400 researchers focused on climate and environment-related science. Through Innovation Exeter we intend to have a strong partnership with a common vision, a commitment to joined-up policy making and the political will to deliver this, assisted by a supportive LEP. But while there is much we can build on, there is much that we still need to do collectively to make the most of the opportunity.
- 9.5 In short, the data suggests that Greater Exeter also has a momentum we can build on: a trend towards knowledge-intensive growth resulting from firms locating close to one another to experience the benefits of agglomeration: reduced costs and the better exchange of goods, ideas and people. These benefits have already drawn a cluster of innovative data analytics companies to the city, such as ATASS, Black Swan, Argand, See Data and Crowd Cube. As a result, we now host the largest cluster of digital economy activity south west of Bristol. Exeter has the core assets required to become a national centre for applied environmental science, data analytics and high performance computing.

10. Revised Governance

- 10.1 Robust governance will be critical to the future success of the area. The current "informal" arrangements involving the Exeter and Heart of Devon Growth Board and Greater Exeter Vision Board have been very effective in serving the purpose for which they were established. Triggered by concerns about achieving a more concerted effort towards delivering and dealing with the consequences of the growth ambitions for the wider Exeter economy, discussions have taken place around establishing a more formal joined up agenda and working arrangements between authorities and key players recognising the important priorities, opportunities and challenges facing the functional economic and housing market area. With the work being undertaken to progress the extensive Innovation Exeter agenda and Greater Exeter discussions there is a need to take stock to ensure clear direction and resourcing to take priority projects forward and avoid the consequences of mixed messaging in marketing the area.
- 10.2 Whether or not the devolution proposals lead to a new relationship on planning and economic development matters across the LEP geography or not, there is a need for a formal body that has the advantages of acting as a single organisation with one strategy, plan and decision making process bringing together direction, commitment, effort and resources to remove duplication and address major strategic issues affecting this functional economic area. This is a significant step as it will mark a step away from the current informal arrangements to a robust formal structure that is capable of overseeing strategic decisions affecting economic performance,

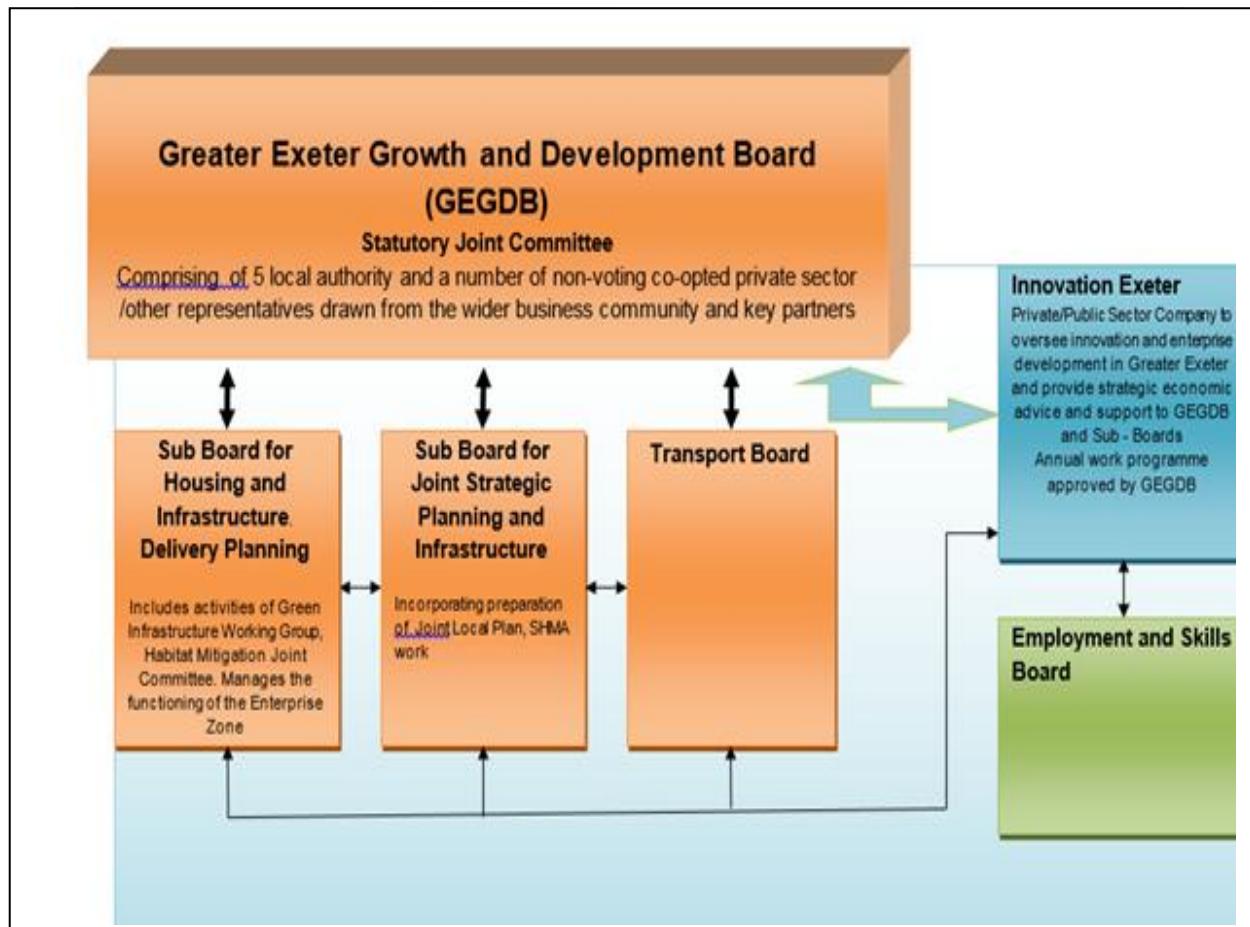
advocating the development case and pursuing funding for the area, managing the production of key statutory documents and taking collective financial decisions.

- 10.3 To date that “area” has been focussing on Exeter, parts of East Devon and Teignbridge but there is a clear logic to that area being drawn more widely and including Mid Devon to better represent the reality of the growing functional economic area, as defined by ONS data and the accepted travel to work area. This is more recognisable as a credible economic focus to business and the public rather than administrative boundaries. The HotSW LEP geography in reality consists of five or more recognisable functional economic areas each of which have distinctive priorities which the areas themselves will want to address and have influence over. The need to work across the wider LEP area or the peninsula as required, depending on the issue at hand, will remain a necessity.
- 10.4 The Council agreed at its meeting in July in principle to sign up to the creation of a combined authority for the Heart of the South West, subject to:
 - a) Exeter and the wider growth area being recognised as a fundamental contributor to improving productivity and this being given due prominence in any proposed devolution proposal or deal;
 - b) the inclusion of appropriate, place-based decision making arrangements that reflect sub-regional geographies (i.e. the Greater Exeter area), with powers and flexibilities to agree and oversee, for example, the programmes addressing productivity and economic development, including investment in skills and business development;
 - c) any governance review, consultation on that review and resulting scheme of governance making explicit reference to the principle of subsidiarity and double devolution and that review, consultation and scheme not reviewing, or advocating the review of, the organisation of local authorities in the Heart of the South West area i.e. participating local authorities’ electoral arrangements, governance arrangements, their constitution and membership, and structural and boundary arrangements;
 - d) The Leader of the Council participating in any meetings or negotiations, including meetings with Government members and officials, that relate to devolution and/or the creation of a combined authority.
- 10.5 It is proposed that the desired formal body for the Greater Exeter area will be the new Greater Exeter Growth and Development Board (GEGDB) including the local authorities covering the Greater Exeter functional economic area. This is consistent with the Council’s agreed position as set out above. The Board will be a Joint Committee under s101 (5), 102 Local Government Act 1972 and s9EB Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012. It will comprise the local authorities as voting members and a number of non-voting co-opted private sector /other representatives drawn from the wider business community. At this point East Devon District Council and Teignbridge District Council are also looking to agree this approach in principle in order to make progress. Mid Devon District Council are also currently being encouraged to join the existing collaborative approach and are

considering this proposal . Devon County Council have indicated that they are not ready to agree ‘in principle’ to actually set up of a Joint Committee at this stage.

- 10.6 The Vision and ambitions of the new body would be set out in its own, formally agreed, Growth and Development Strategy (GDS). It will have oversight of the delivery of this Strategy and for bid submissions for the Local Growth Fund and other significant sources including European funding where appropriate. Delivery of the GDS will be underpinned by several key strategies covering the area including an Innovation Exeter Strategy, Skills Strategy, a Transport and Infrastructure Prospectus (possibly as part of a HOTSW wide integrated Prospectus), Local Plan (joint), Strategic Housing Market Assessment and subsequent Capacity Assessment and Sustainability Appraisal. Formally approved Terms of Reference (TOR) would provide the mandate to deliver the vision and effectively coordinate the delivery of the plans that emanate from these strategies. It is proposed that the objectives and responsibilities of the Board would include at least the following, to;
- facilitate and enable real and effective collaboration between the member local authorities on economic development, strategic planning and promoting growth;
 - agree and set the strategy for promoting and enabling the development of a competitive business environment relevant to the ambitions of the functional economic area;
 - deliver cross-boundary programmes of work including agreeing specific priorities, plans, and projects;
 - lead on and coordinate liaison with the LEP and other key agencies;
 - develop and oversee the delivery of a skills strategy to ensure that local people have the skills to compete for jobs in the key sectors that are critical to the growth of the area’s economy;
 - continue the essential integrated approach to planning the next generation of necessary developments to address housing pressures and the transportation and communication (including ultra-fast broadband) requirements of a successful growing economy;
 - support the ‘Duty to Cooperate’ in its widest sense in the promotion of strategic overview of forward planning across the area;
 - seek agreement on alignment between funding streams and prioritise competitive funding bids.
- 10.7 The Board will set up sub boards or bodies to inform or undertake these functions on its behalf. Each will exist only for as long as is required. In order that the Board engages with the relevant community of interest and stakeholders in its endeavours, consideration should be given to having a limited number of advisory sub boards to provide expert advice and to explore the opportunities to accelerate or improve delivery or the removal of barriers to progress. The existing Exeter and Heart of Devon Growth Board has performed this function well and could continue as a sub board with its focus on development delivery and infrastructure. There is a discussion to be had over the involvement, continuation, merger or otherwise of existing similar

boards in the area. The continuation of other sub boards could be time limited according to the issue or project in hand. The relationship between the GEGDB, the sub boards and the proposed economic development company below is depicted in the following diagram.



- 10.8 Servicing of the Board and coordinating and managing delivery as required by the Board will need resourcing in terms of both staff and revenue funding at least. As a minimum, in order to make progress, it is suggested that there should be a senior officer identified to support the Board and being responsible for coordination and economic development strategy development and implementation, and for planning and infrastructure development and investment.
- 10.9 Delivery and organisation support in the form of admin and project leadership and delivery will also be required. Partners will need to reflect on how this will be resourced from existing staff and funding or otherwise and whether additional external funding will also be sought.
- 10.10 In terms of financial/legal Implications, in the absence of the Board being a formal body initially at least then one authority will need to act as the accountable body in the event of bids or contracts for funding and delivery. The accountable body(ies) will

provide the Board with regular at least quarterly progress and financial updates as required.

The final structure chosen for the “formal body” may have to be so designed as to have its own capability and capacity to secure, hold and administer funding. Amongst other questions to be answered on the intended scope of this body is whether it takes on the mantle of administering the Enterprise Zone and/or other “pooled” funding which will be essential to its ability to deliver its agenda.

11.0 Delivery

- 11.1 The local authorities currently fund the provision of economic development activity through staffing and initiatives to different levels and East Devon and Exeter provide grant funding for the Exeter and East Devon Growth Point team. Innovation Exeter is supported by the City Council and the University. Local Plan related work is resourced by each authority on a varied basis also.
- 11.2 Best practice demonstrates that the ability to deliver lasting economic improvements and objectives hinges on strong linkages between the public and private sectors and clarity of purpose. Elsewhere this approach has been formalised to secure commitment and improved coordination and promote investor confidence. Successful examples of this approach are usually built around the establishment of a formal body such as an Economic Development Company (EDC), shown as such in the diagram above to indicate the direct reporting relationship to the Board. Improved outcomes through this approach are intended to include:
- greater private sector participation in delivery and funding of key projects;
 - greater emphasis on place shaping and higher value employment;
 - increased business productivity through more effective prioritising of key infrastructure and other investment;
 - increased growth rate in wealth per head;
 - increased number of jobs created;
 - better informed planning and supply of employment land to support inward investment;
 - an influence on housing supply to support economic growth;

It is important that there is the capacity to provide the strategic economic context for all areas of work including informing the economic policy context of the infrastructure and housing related work undertaken by the GEGDB.

- 11.3 In addition setting up a company or other formalised delivery mechanism has the distinct advantage of enabling the constituent authorities to:
- aggregate otherwise disparate economic development efforts within one body that can generate real expertise and track record of delivery;
 - increase the pace of the Local Government’s response to investors/developers increasing the potential for securing investment;

- enlarge the scale of the implementation that is possible, often by enabling delivery on multiple programmes and projects simultaneously by commissioning additional resources quickly
- find appropriate means to share costs and risks between those promoting economic developments and investments.

- 11.4 The “delivery vehicle” could be operated as a community interest company (CIC). CIC’s are companies, generally limited by guarantee, whose activities can be shown to be for the community’s interest. The company limited by guarantee status would permit the company to be considered as a community interest company if the Memorandum and Articles of Association clearly demonstrate that the company i) has social goals ii) will be not for profit and iii) any surpluses it might generate are reinvested towards the social goals.
- 11.5 It is recommended to that a further report be brought as soon as possible setting out the proposed approach to be based on a clear contractual relationship with the public sector partners. Legal advice will need to be sought regarding the nature of the vehicle so that taxation and other legal issues can be resolved to best support the objectives of the GEGDB and be accountable to the partners.
- 11.6 It is expected that the Councils will continue to be responsible for a range of other functions that contribute to economic growth and will also ensure they align these services, wherever possible, to promote the economic prosperity objectives for the Greater Exeter area.

12.0 How does the decision contribute to the Council’s Corporate Plan?

- 12.1 Essentially the proposals directly contribute to “building a stronger sustainable city” by putting in place both a more robust and coordinated approach to longer term economic and infrastructure development on the basis of a more effective collaborative formal arrangement and a programme of initiatives and strategic planning aimed at transforming the economy and addressing low levels of income.

13.0 What risks are there and how can they be reduced?

- 13.1 At this stage the two key risks are a change of mind by one or more of the key partners to proceeding with the proposals and secondly insufficient resource is put towards progressing the proposals or the programme of activities. Both are currently the subject of ongoing discussions to try and ensure the proposals have a successful start.

14.0 What is the impact of the decision on equality and diversity, health and wellbeing, safeguarding children, young people and vulnerable adults, economy, safety and the environment?

- 14.1 The outcomes of the proposals are geared towards delivering economic benefit, economic growth raising income levels and securing investment, raising standards of

living and creating more confidence and ability for investment to take place in the cultural facilities and infrastructure essential to enabling the area to meet the different needs and aspirations of the diverse groups that make up its residents and businesses.

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

1. "The State of the North" published report by Institute for Public Policy Research – November 2014
2. "Innovation Exeter Strategy" report by KPMG 5th February 2016
3. Annual Population surveys – ONS published data
4. Committee report to Executive, Exeter City Council Tuesday 12 th July 2016 – "Devolution for the Heart of the South West"

Contact for enquires: Sarah Selway

Democratic Services (Committees), Room 2.3, 01392 26527

Agenda Item 10

REPORT TO Executive

Date of Meeting: 8th November 2016

Report of: Corporate Manager, Democratic & Civic Support

Title: REVIEW OF STAFFING – DEMOCRATIC & CIVIC SUPPORT

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1.1 What is the report about?

1.1 This report provides a business case which examines the need to increase the staffing provision within the Democratic Services (Committees) team to ensure that the services provided can be delivered in the most effective and efficient way.

2. Recommendations:

2.1 That Council be RECOMMENDED that

2.1.1 That the Administrative Assistant within the Democratic Services (Committees) team be extended to be full time; and

2.1.2 The Council's budget be adjusted accordingly.

3. Reasons for the recommendation:

3.1 The reasons are set out in the business case as detailed in paragraph 8 this report.

4. What are the resource implications including non financial resources.

4.1 The costs attributable to the additional element of this posts (including on-costs) are:-

- Administrative Assistant (Part time (0.32fte) Grade 4) £7,221.65

5. Section 151 Officer comments:

5.1 In order to provide funding the Council will need to identify savings elsewhere.

6. What are the legal aspects?

6.1 There are no legal implications arising from this report

7. Monitoring Officer's comments:

7.1 Provided that a fair and transparent recruitment process is followed, this report raises no issues for the Monitoring Officer.

8. Report details:

- 8.1 Members approved the creation of a Part Time (0.68fte) Administrative Assistant post within the Democratic Services (Committees) team at Executive on 13th September 2016. This was ratified by Council on 18th October 2016.
- 8.2 Since that initial report, further work has been undertaken on the needs of the team, both now and in the longer term, and it has been recognised that whilst the previously agreed part time post would be initially sufficient, it would be preferable if it were a full time post. This would ensure greater flexibility with the work which it could undertake, as well as provide a greater amount of cover for other staff within the team; and allow for a successful post holder to gain a suitable and relevant qualification whilst in the post.
- 8.3 As this is a further request for additional resources, it is appropriate that this be brought to the Executive for approval

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 The proposed additions will allow for the decision making process of the authority, as well as those of Joint Committees and any combined authority arrangements in which the City Council is involved, to be consistently delivered;

10. What risks are there and how can they be reduced?

- 10.1 There is an ever increasing demand being put on this service. Without adequate and appropriate resources being available, the Council may fail in its responsibility to ensure that all decisions are taken in accordance with the law and internal policies and procedures.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

- 11.1 None applicable with this decision

12. Are there any other options?

- 12.1 Continue with the already approved resource of a part time (0.68fte) Administrative Assistant post and prioritise the work which it could undertake accordingly

**John Street
Corporate Manager, Democratic & Civic Support**

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

EXETER CITY COUNCIL

Job Description

| | | |
|---|---|---|
| DESIGNATION | : | Administrative Assistant |
| GRADE | : | Grade 4 |
| POST NO | : | |
| DIRECTORATE | : | Democratic and Civic Support |
| UNIT | : | Democratic Services |
| RESPONSIBLE TO | : | Democratic Services Manager |
| SUPERVISORY RESPONSIBILITY FOR | : | No Staff |
| LIAISON WITH | : | Senior officers and Elected Members of the Council, general public and outside organisations. |

PURPOSE OF JOB

To undertake a range of administrative tasks at the direction of the Democratic Services team.

MAIN ACTIVITIES

1. To undertake a range of administrative tasks at the direction of the Democratic Services Manager; including filing; photocopying; typing letters; managing the Committee Services email box and calendar; arranging meetings, inputting information into Council's Financial Systems, invoicing and updating the Unit's web pages.
2. To provide administrative support to Members including IT (use of iPads) and booking their accommodation and travel as required for their Council duties.
3. To undertake the Grants administration.
4. To provide support for the Councillor Development Steering Group and ensure that Councillors training records are up to date.
5. To assist in the management of the Council Diary, scheduling in Committee meetings on a rolling 18 months calendar
6. To maintain the Council's Modern.Gov system including setting up of Committees; updating Councillors details including register of interests and outside bodies; inputting of agendas and reports; and drafting minutes.
7. To provide administrative support for the updating of the Council's Constitution.

8. To cover for the absence of the Assistant Democratic Services Officer and to deal with the whole range of duties
9. To gather information, and research topics relevant to the work of the Democratic Services team.
10. Any other duties of a similar nature that may be required from time to time.

**DATE LAST UPDATED: August 2016 by the Corporate Manager,
Democratic & Civic Support**

EXETER CITY COUNCIL **PERSON SPECIFICATION**

DEMOCRATIC/CIVIC SUPPORT

ADMINISTRATIVE ASSISTANT

| <u>SELECTION CRITERIA</u> | <u>ESSENTIAL</u> | <u>DESIRABLE</u> |
|--|------------------|------------------|
| <u>QUALIFICATIONS</u> | | |
| GCSE Maths and English Grade C or above or equivalent | ✓ | |
| NVQ level 3 in Administration or similar | | ✓ |
| <u>EXPERIENCE/KNOWLEDGE SKILLS</u> | | |
| Relevant experience of working in a complex administrative environment | ✓ | |
| IT systems eg Microsoft Office (Excel, Word, PowerPoint etc) | ✓ | |
| Keyboard./computer skills | ✓ | |
| Ability to work to strict deadlines | ✓ | |
| Ability to demonstrate attention to detail and methodical methods of working | ✓ | |
| Ability to understand and work within policies and regulations | ✓ | |
| <u>SPECIAL REQUIREMENTS/ATTITUDE</u> | | |
| Organised. Attention to detail. | ✓ | |
| Good communication skills - oral and written. | ✓ | |
| Diplomatic and discreet | ✓ | |
| Confident manner | ✓ | |
| Able to work on own initiative and as a team member | ✓ | |
| Flexible | ✓ | |

COMPLETED BY: Democratic Services Manager
DATE: August 2016

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Agenda Item 12

By virtue of paragraph(s) 1, 2, 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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