

Title of Report:	Approval of Delegated Authority
Report to be considered by:	Executive
Date of Meeting:	18 December 2014
Forward Plan Ref:	EX2917

Purpose of Report: To seek delegated authority for the Head of Culture and Environmental Protection to sign an agreement to make arrangements with South Bucks District Council for the discharge of function by another local authority under s101 of the Local Government Act 1972.

Recommended Action: The Executive resolves to delegate authority to the Head of Culture and Environmental Protection in consultation with the Head of Legal to authorise South Bucks District Council to administer Green Deal Communities Funding on behalf of West Berkshire Council under s101 of the Local Government Act 1972.

Reason for decision to be taken: A £2.5 million bid was won by a group of local authorities (including West Berkshire). The lead authority, South Bucks District Council, requires permission from all authorities involved to control and distribute the funding on their behalf's.

Other options considered: Amending the Private Sector Housing policies to include the DECC fund and confirm agreement for South Bucks to administer the grant on WBC's behalf.

West Berkshire Council withdraw from the DECC Communities Fund and no energy efficiency measures will be carried out in West Berkshire under this grant.

Key background documentation:

- Green Deal Communities- Local Authority Fund: Agreed Project delivery (see Appendix)
- Memorandum of Understanding: DECC Green Deal Communities Fund 2013/14 (see Appendix)
- Green Deal Communities Project Agreement Clarifications (see Appendix)
- Letter of authorisation to be signed by West Berkshire Council

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**
- CSP4 – Protecting the environment**

The proposals will also help achieve the following Council Strategy principles:

- CSP5 - Putting people first**
- CSP6 - Living within our means**
- CSP7 - Empowering people and communities**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

Providing the mechanism to allow West Berkshire residents the potential to take up Government grant funding towards energy efficiency improvements in their homes.

Portfolio Member Details

Name & Telephone No.:	Councillor Dominic Boeck - Tel (07956) 546506
E-mail Address:	dboeck@westberks.gov.uk
Date Portfolio Member agreed report:	21 October 2014

Contact Officer Details

Name:	Evangeline Wood
Job Title:	Energy Efficiency Officer (Community)
Tel. No.:	01635 503267
E-mail Address:	Ewood@westberks.gov.uk

Implications

Policy:	N/A
Financial:	Participation in the programme will give our residents the opportunity to benefit from this grant.
Personnel:	N/A
Legal/Procurement:	Discharge of functions under s101 of the Local Government Act 1972 requires Council approval.
Property:	N/A
Risk Management:	N/A

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input type="checkbox"/>
Not relevant to equality			<input checked="" type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
<p>If not subject to call-in please put a cross in the appropriate box:</p> <p>The item is due to be referred to Council for final approval <input type="checkbox"/></p> <p>Delays in implementation could have serious financial implications for the Council <input checked="" type="checkbox"/></p> <p>Delays in implementation could compromise the Council's position <input checked="" type="checkbox"/></p> <p>Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months <input type="checkbox"/></p> <p>Item is Urgent Key Decision <input type="checkbox"/></p> <p>Report is to note only <input type="checkbox"/></p>		

Executive Summary

1. Introduction

- 1.1 15 Local Authorities, led by South Bucks District Council (SBDC), were awarded circa £2.5m DECC Green Deal Communities funding to help residents install insulation in hard to treat properties. This includes solid wall, hard to treat cavities and system built walls.
- 1.2 The programme aims to work in areas across the 15 Local Authorities to install internal or external wall insulation in over 700 homes. The funding will provide grants of up to £3000 per household towards the costs of installing hard to treat wall insulation in their property.
- 1.3 In order to participate, West Berkshire Council is required to agree that SBDC is authorised to administer the grant on our behalf.

2. Proposals

- 2.1 It is proposed that the Head of Culture and Environmental Protection is given delegated authority to sign an agreement to make arrangements with another local authority for the discharge of function by another local authority under s101 of the Local Government Act 1972 is granted. This will enable West Berkshire Council to participate in the Green Deal Communities scheme.

3. Equalities Impact Assessment Outcomes

- 3.1 This item is not relevant to equality.

4. Conclusion

- 4.1 If West Berkshire Council wishes to continue to participate in the DECC Communities Fund and give our residents the opportunity to benefit from grants towards the cost of wall insulation then it is required to give permission for SBDC to administer the grant on its behalf.

Executive Report

1. Introduction

- 1.1 A group of 15 Local Authorities, lead by South Bucks District Council (SBDC), have been awarded circa £2.5m DECC Green Deal Communities funding. The project is to help residents install wall insulation (solid wall, hard to treat cavities and system built), in hard to treat properties in the corresponding Local Authorities.

2. Participation Agreement

- 2.1 In order to participate in the scheme; SBDC requires permission to administer the funding on West Berkshire Council's behalf. There are two alternative ways of doing this, the options are:
- 2.2 To amend our Private Sector Housing Policies, or
- 2.3 To sign an authorisation letter agreeing to discharge our grant giving functions to SBDC as another Local Authority, under s101 of the Local Government Act 1972.
- 2.4 Due to the time constraints of the Green Deal Communities project, the funding is on a 'first come first served basis' and has to be committed by 31st March 2015; the first option of amending the Council's Private Housing Policies is not considered practical.
- 2.5 The other Local Authorities involved in the project are all taking the second option and have either signed the 'letter of authorisation' or are in the process of achieving this.
- 2.6 We have consulted Legal Services; a discharge of functions under s101 of the Local Government Act 1972 requires approval by the Council's decision making body.

3. Conclusion

- 3.1 If West Berkshire wishes to continue participation in the DECC Communities Fund project, the authorisation letter for SBDC to administer the grant must be signed. If this letter cannot be signed, then West Berkshire would need to withdraw their participation from the project.
- 3.2 It is therefore recommended that delegated authority be given to the Head of Culture and Environmental Protection, to sign the authorisation letter for SBDC to administer the funding on the behalf of West Berkshire Council in accordance with s101 of the Local Government Act 1972.

Appendices

Appendix A - Green Deal Communities- Local Authority Fund: Agreed Project delivery (provided electronically only)

Appendix B - Memorandum of Understanding: DECC Green Deal Communities Fund 2013/14 (provided electronically only)

Appendix C - Green Deal Communities Project Agreement Clarifications (attached)

Appendix D- Letter of authorisation to be signed by West Berkshire Council (attached)

Consultees

Local Stakeholders: N/A

Officers Consulted: Paul Anstey, Adrian Slaughter, Shiraz Sheikh, Melanie Ellis, David Holling, Andy Day, Mel Brain, Cathy Dodson, Aimee Connor and Corporate Board

Trade Union: N/A

Appendix C -Green Deal Communities Project Participation Agreement clarifications

Project Description

Local Authorities across the country have received Department of Energy and Climate Change funding to help deliver the Government's Green Deal home energy efficiency improvement programme.

The 15 Local Authorities¹ shown in table 1 have been awarded circa £2.5m Department of Energy and Climate Change (DECC) Green Deal Communities funding to help residents install wall insulation in hard to treat properties (to include solid walls, hard to treat cavities and system built) in owner occupied and private rented properties. The lead Local Authority partner is South Bucks District Council (SBDC). The National Energy Foundation (NEF) is the appointed Project Manager.

Table 1 Local Authorities

Aylesbury Vale District Council	South Oxfordshire District Council
Buckinghamshire County Council	Three Rivers District Council
Cotswold District Council	Vale of White Horse District Council
Cherwell District Council	Watford Borough Council
Chiltern District Council	West Berkshire District Council
London Borough of Ealing	West Oxfordshire District Council
Milton Keynes Council	Wycombe District Council
South Bucks District Council	

The South Bucks Green Deal Communities programme will run from July 2014 until June 2015. The aim of the programme is to work in up to 18 areas (referred to as the 'selected areas' as identified in the DECC Green Deal Communities Local Authority Fund Agreed Project Delivery document) across the 14 Local Authorities in two phases and achieve 727 households having internal or external wall insulation installed in their home. The funding will provide grants up to £3,000 (inc. VAT) per household to significantly reduce the cost of hard to treat wall insulation.

Function/Administered

Householders that want to have wall insulation installed will be given a grant application form which they must sign. The application forms states that a £3,000 grant is available and that the householder gives permission for NEF to pay the grant to the installer directly.

The entire fund (£2.5m) is held by SBDC. The Memorandum of Understanding between SBDC and DECC signed on 14 April 2014 enables 10% of the grant to be allocated to project management remaining funds being available for the capital delivery of energy efficiency measures. SBDC will transfer the grant to NEF in tranches not exceeding £50K, the first of which will be paid on confirmation of the first grant offer being made and subsequent payments once the total amount of grant offers exceeds the amount already transferred. Funds transferred are to be spent wholly on grants to householders. NEF may not take a commission from each grant approved. NEF will pay the grant to the installer once the customer has signed to confirm their satisfaction with the work carried out and the relevant compliance documents are received by NEF from the installer.

¹ A total of 14 local authorities and 1 county council are part of the consortium, led by SBDC.

Payment of NEF's administration costs will be in accordance with the 'Buy for Good' framework² and the letter of appointment of contract issued by SBDC.

Clawback of funds

The MOU between SBDC and DECC sets out the details for the repayments of funds as required by the Secretary of State in accordance with a decision by the European Commission a court or there is reasonable grounds to consider the payment contravenes any requirement of law and in particular State Aid. This risk has been reduced through the procurement of the services of project manager, National Energy Foundation, to manage the DECC Communities Fund and delivery of the project across the partner authorities, including the delivery of the Supply Chain Network element of the bid through its subcontractor Green Deal Together. NEF has also competitively procured the services of a Green Deal Provider, Lakehouse, to enable the delivery of measures to householders. Additionally a householder may undertake works through any Green Deal Provider and access the grant subject to the grant conditions being met.

The MOU also allows for the voluntary repayment of funds in the event that the SBDC is unable to deliver the project.

Only SBDC will be responsible for any clawback of funds.

West Berkshire District Council will not be responsible for any clawback of funds nor will they have any liability in the deliverance of the DECC project.

Nature of Agreements

The only agreement the residents will be entering into is with the Green Deal Provider who will install the wall insulation and arrange a Green Deal Loan if requested by the resident. Therefore the Green Deal Provider would be liable for any complaints/faults. The Green Deal is a government-backed scheme. All Green Deal loans are fully regulated and all Green Deal Providers are accredited by the Green Deal Oversight and Registration Body (GD ORB).

NEF were procured by SBDC under the Buy for Good framework and have a contract in place.

Lakehouse have been procured by NEF and have a contract in place

Correspondence

Promotional leaflets will be sent to householders containing the West Berkshire District Council District Council logos. These will be designed by NEF and will not be printed or circulated until NEF receives written consent from West Berkshire District Council. The leaflets will also show the logos of NEF, Green Deal and the partner Green Deal Provider – Lakehouse.

Door to door canvassing will take place in West Berkshire only with written consent from West Berkshire District Council.

² The Buy for Good (BFG) Framework was formed by the Buy for Good Community Interest Company to support public, third sector and private sector organisations with procurement needs (developing, sourcing, and fulfilling contracts). The BFG Framework aims to deliver continuously improving social, economic, and environmental benefits to the community and the buyer.

Appendix D- Letter of authorisation to be signed by West Berkshire Council

15 October 2014

Martin Holt
Head of Healthy Communities
South Bucks District Council
Capswood
Oxford Road
Denham
UB9 4LH

Head of Culture and
Environmental Protection
West Berkshire District Council
Council Offices
Market Street Newbury
Berkshire RG14 5LD
Our Ref: GDC
Your Ref: GDC001
Please ask for: Steve Broughton
Direct Line: 01635 519837
e-mail:
SLBroughton@westberks.gov.uk

Dear Martin

West Berkshire District Council agrees to participate in the DECC Communities project led by South Bucks District Council.

West Berkshire District Council authorises South Bucks District Council to carry out this function on our behalf, limited to offering grant assistance to households to install energy efficiency measures under the DECC Communities Fund.

The Council agrees that the grant scheme will be administered on its behalf by South Bucks District Council and their appointed project managers, National Energy Foundation.'

Yours Faithfully

Steve Broughton
Head of Culture and Environmental Protection