

Record of an individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Andrew Crawford
Key decision?	No
Date of decision (same as date form signed)	15 July 2021
Name and job title of officer requesting the decision	James Connolly Revenues and Benefits Client Officer
Officer contact details	Tel: 01235 422491 Email: James.connolly@southandvale.gov.uk
Decision	To approve the *revised* criteria of the discretionary element of the Test and Trace support payment.
Reasons for decision	<p>As part of its response to the Covid19 crisis, the Government announced on 20 September 2020 a test and trace support payment of £500 to be paid to people who:</p> <ul style="list-style-type: none"> • Have been told to stay at home and self-isolate by NHS Test and Trace, either because they have tested positive for coronavirus, or have recently been in close contact with someone who has tested positive. • Are employed, or self-employed. • Are unable to work from home and will lose income as a result. • Are currently receiving Universal Credit, Working Tax Credit, income-based Employment and Support Allowance, income-based Job Seeker's Allowance, Income Support, Housing Benefit or Pension Credit. <p>An initial sum of £25 million has been allocated to this scheme nationally, but the Government will provide extra funding if the amount paid exceeds this. The scheme starts on 28 September 2020, but councils were given until 12 October 2020 to have the scheme in place.</p> <p>The Government has also provided a £10 million nationally for councils to set up a discretionary scheme. Vale of White Horse's allocation is £23,834.41. The Government has stated that any award should also be £500, so this is enough for 47 discretionary awards to be made.</p>

To qualify, the applicant must satisfy the first three bullet points above, but the only guidance given by the Government is that it should help people who are:

- Not currently receiving the benefits mentioned in the last bullet point above: and
- Who are on low incomes and will face financial hardship as a result of not being able to work while they are self-isolating.

The discretionary scheme will be available to those who:

- Are not in receipt of the necessary benefits to qualify for the main scheme but satisfy the other conditions.
- Their income is below the benefit cap level, which is £20,000 per annum for a couple or lone parent and £13,400 per annum for a single adult.
- Their capital is less than £6,000.
- It will also be available to applicants from overseas who do not have access to public funds, so by definition cannot satisfy the benefit condition.

If an applicant does not satisfy the conditions for the discretionary scheme above, but still believes s/he are suffering hardship due to self-isolating, having a reduction in earnings and not able to work from home, the council will conduct a means test to determine if a payment should be made. This fall-back position will mean the council is not fettering its discretion when looking to award a payment through the discretionary scheme.

Once the discretionary award funding set by the Government has been exhausted, then the discretionary fund will be **closed**.

[*REVISED DISCRETIONARY SCHEME CRITERIA WEF 14 July 2022*](#)

On 14 July 2021 the Government increased the discretionary scheme funding pot to £152,500. This has allowed the council to widen the criteria of the discretionary scheme and bring more applicants into scope for receiving the £500 payment. It is therefore proposed **to increase the annual income limits** from the benefit cap limits stated above to the following, which are based on the **Oxford Living Wage**

- **£32,250** per annum for a couple or lone parent and,
- **£21,500** per annum for a single adult.

The increased funding has meant the council has now only

	<p>spent 24.26% of its allocation as opposed to 40.11% before the new funding. It is now possible to widen the earnings criteria to encourage as many people as possible to self-isolate without worrying about a loss in household income.</p>			
Alternative options rejected	<p>Due to the speed the scheme needs to be put in place, a basic discretionary scheme has been devised which is easy for the applicant to understand and for the council to administer. The Government is looking for payments to be made as soon as possible, so making all applicants complete a means form and other measures which would take longer to administer have been rejected.</p>			
Legal implications	<p>There are no legal implications emanating from this decision.</p>			
Financial implications	<p>The awards of relief will be fully funded by Government up to £23,834.41. The Council has been given £25,877.60 to set up and administer the national and discretionary schemes.</p> <p>The financial risk is that the criteria for the discretionary scheme are demand led and those who meet the criteria will have to be paid. The largest group is most likely to be applicants making a claim for Universal Credit waiting for a decision (which the council has no control over). The council will mitigate this by making a payment from the discretionary scheme and if later the criteria are met for the main scheme to transfer these payments to the main scheme. In essence, this is a bookkeeping measure of transferring the payment from one scheme to the other. In addition, as mentioned above, once the discretionary award funding set by the Government has been exhausted, then the discretionary fund will be closed.</p> <p>Payments are approved and monitored daily, so the new limits can be revisited accordingly should there be a risk of overspending.</p>			
Other implications	<p>None</p>			
Background papers considered	<p>Government guidance.</p>			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	<p>None</p>			
List consultees		Name	Outcome	Date
	Ward councillors	N/A		
	Legal	Suzanne Green	No comments	19 Oct. 20
	Finance	Simon Hewings	No comments	16 Oct.20

	Human resources	N/A		
	Sustainability	N/A		
	Diversity and equality	Lynne Mitchell	No comments	19 Oct. 20
	Communications	Gavin Walton	No comments	16 Oct. 20
	Senior Management Team	SMT	Minor comments - adopted	15 Oct. 20
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	Not applicable			
Cabinet member's signature To confirm the decision as set out in this notice.	Signature _____ Councillor Andy Crawford _____ Date _____ 15 July 2021 _____			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY

For Democratic Services office use only		
Form received	Date: 15 July 2021	Time: 16:00
Date published to all councillors	Date: 15 July 2021	
Call-in deadline	Not applicable as this is not a key decision.	

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 22520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.