

Public Document Pack



Monitoring Officer
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Agenda

Name of meeting	FULL COUNCIL
Date	WEDNESDAY 15 MARCH 2023
Time	6.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the committee	All Members of the council

Democratic Services Officer: Marie Bartlett
democratic.services@iow.gov.uk

1. **Minutes** (Pages 7 - 16)

To confirm as a true record the Minutes of the meeting held on 22 February 2023.

2. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

Please note that the Monitoring Officer on 12 January 2022 granted all councillors a four year full dispensation under section 33 (2) of the Localism Act 2011 to remain in the meeting room and to speak and to vote on any report (including recommendations) of the Independent Remuneration Panel relating to any members' allowance scheme proposed for the Isle of Wight Council, and to remain in the meeting room and to speak and vote on whether or not to make and approve (with or without any amendments) any members allowance scheme (including payments and allowances), notwithstanding the existence of any disclosable pecuniary interest(s). For clarity this dispensation is intended to be wide and covers any item of business relating to members' allowance scheme and includes remaining, speaking and voting on any indexation provision linked to local authority staff pay, at national level or otherwise.



Details of this and other Council committee meetings can be viewed on the Isle of Wight Council's [website](#). This information may be available in alternative formats on request. Please note the meeting will be audio recorded and the recording will be placed on the website (except any part of the meeting from which the press and public are excluded). Young people are welcome to attend Council meetings however parents/carers should be aware that the public gallery is not a supervised area.

3. **Public Question Time - Maximum 15 Minutes for Written Questions and 15 Minutes for Oral Questions**

Questions may be asked without notice but to guarantee a full reply at the meeting, a question must be put including the name and address of the questioner by delivery in writing or by electronic mail to Democratic Services at democratic.services@iow.gov.uk, no later than two clear working days before the start of the meeting. Normally, Full Council is held on a Wednesday, therefore the deadline for written questions will be Friday, 10 March 2023.

4. **Chairman's Official Announcements**

To receive the Chairman's official announcements.

5. **Leaders Update Report (20 minutes) (Pages 17 - 18)**

- a) To receive the Leader's update report (5 minutes maximum).
- b) Members questions on the Leader's update report (15 minutes maximum).

6. **Report of the Leader**

- (a) Report on the use of Special Urgency Provisions (Pages 19 - 22)

7. **Report of the Monitoring Officer**

- (a) Approval of the Members Allowance Scheme 2023-2024 (Pages 23 - 28)

8. **Reports of the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources**

- (a) Local Housing Benefit Scheme Review (Pages 29 - 40)
- (b) Council Tax Premiums on Second Homes and Empty Properties

9. **Motions Submitted under Part 4A, Procedure Rule 9 of the Council's Constitution**

- (a) By Councillor Lilley

In light of eligibility of free school meals has risen by 63% over the last 4 years on Isle of Wight and eligibility of free school meals being an indicator of child poverty:

Isle of Wight Council resolves to reaffirm its motion of 16th January 2019, to reduce child poverty on the Isle of Wight over 5 years up to 2028, through development of a specific child poverty reduction strategy with targets and outcomes.

10. **Member Questions to the Leader and to any other Cabinet Member (30 minutes)**

To receive a reply to a question asked during Members' Question Time to the Leader or Cabinet Member, a question must be submitted in writing or by electronic mail to Democratic Services no later than 5pm on Thursday, 9 March 2023. A question may be asked at the meeting without prior notice but in these circumstances, there is no guarantee that a full reply will be given at the meeting.

CHRISTOPHER POTTER
Monitoring Officer
Tuesday, 7 March 2023

Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email christopher.potter@iow.gov.uk, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

Notice of recording

Please note that all meetings that are open to the public and press may be filmed or recorded and/or commented on online by the council or any member of the public or press. However, this activity must not disrupt the meeting, and if it does you will be asked to stop and possibly to leave the meeting. This meeting may also be filmed for live and subsequent broadcast (except any part of the meeting from which the press and public are excluded).

If you wish to record, film or photograph the council meeting or if you believe that being filmed or recorded would pose a risk to the safety of you or others then please speak with the democratic services officer prior to that start of the meeting. Their contact details are on the agenda papers.

If the press and public are excluded for part of a meeting because confidential or exempt information is likely to be disclosed, there is no right to record that part of the meeting. All recording and filming equipment must be removed from the meeting room when the public and press are excluded.

If you require further information please see the council guide to reporting on council meetings which can be found at <http://www.iwight.com/documentlibrary/view/recording-of-proceedings-guidance-note>

All information that is recorded by the council is held in accordance with the Data Protection Act 2018. For further information please contact Democratic Services at democratic.services@iow.gov.uk

Arrangements for Submitting Oral Questions at Meetings of Council and Cabinet:

The front desk “opens” for public wishing to attend the meeting half an hour before the meeting.

In the circumstances that a member of the public wishes to ask an oral question, they should approach the front desk and notify them of their intention. They will be given a form to complete which details their name, town/village of residence, email address and the topic of the question (not the question in full, unless they wish to provide this).

These forms will be numbered in the order they are handed back.

The time for registering questions will be for a 20 minute period (up to 10 minutes prior to the start of the meeting). After that time expires the forms will be collected and given to the Chairman of the meeting.

If time allows after dealing with any written questions, the Chairman will then ask those who have submitted a form to put their question. These will be in the order they were received. As the subject matter is known, the Chairman should be able to indicate which member will reply. If time permits the Chairman may accept further questions.

The option to ask a supplementary question will be at the Chairman’s discretion.

Once the defined period of time allowed for questions has passed (and assuming the Chairman has not extended this) then all remaining oral questions are left unanswered.

No oral question will receive a guaranteed written response, unless the member responding indicates as such.

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Minutes

Name of meeting	FULL COUNCIL
Date and Time	WEDNESDAY 22 FEBRUARY 2023 COMMENCING AT 5.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs C Critchison (Chairman), M Lilley (Vice-Chairman), D Andre, J Bacon, M Beston, P Brading, G Brodie, V Churchman, I Dore, R Downer, W Drew, P Fuller, A Garratt, S Hendry, C Jarman, J Jones-Evans, P Jordan, J Lever, K Love, K Lucioni, J Medland, C Mosdell, J Nicholson, M Oliver, T Outlaw, G Peace, L Peacey-Wilcox, M Price, R Quigley, C Quirk, R Redrup, J Robertson, P Spink, I Stephens, N Stuart and I Ward
Apologies	Cllrs D Adams, S Ellis and D Pitcher

34. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 18 January 2023 be approved.

35. **Declarations of Interest**

No declarations were received at this stage.

36. **Public Question Time**

Mr S Cowley had submitted a written question (PQ-07-23) Ms L Blackledge had submitted a written question (PO-08-23)

Mr A Whittaker asked if Councillor Jordan would meet with Lake Parish Council to discuss the Tesco crossing, Councillor Jordan said he was happy to meet with all interested parties, including the Local Councillor.

Mr O McClean asked what was the impact on young people of this budget and how were young people consulted? The Cabinet Member for Children's Services, Education and Skills advised that the Council had sought to protect Children's Services within the budget given the statutory nature of the work and the importance

of our children's future. She went on to confirm the views of young people were valued and the Youth Council were being involved in public consultations.

37. Chairman's Official Announcements

The Chairman advised that she had attended a number of civic and community events which included the installation of the Archdeacon and the opening of Building 41 in Northwood, she also attended the Dark Skies Festival.

A visit from the 6th Newport, St Johns Scout group to the Council Chamber was extremely successful.

38. Leaders Update Report (20 minutes)

The Leader introduced her report.

A question was asked about the 10-year drug strategy from Harm to Hope and the input from both the police and justice system, the Cabinet Member for Adult Social Care advised that they worked closely with all organisations, funding had been extended for a further year.

A question was asked regarding the access for pedestrians and cyclist with the new Ryde Interchange work. The Cabinet Member for Infrastructure, Highways PFI and Transport advised that the Ryde Interchange project was underway and due to complete by the end of April or early May 2023, the scheme had been designed around the cycleway, which had been an integral part of the Department for Transport grant award.

The Leader was asked if a review of efficient use of Council buildings was being undertaken, she advised that a lot of buildings had been updated with heat pumps and solar panels and that a review of buildings had been requested.

A question was asked regarding the Suicide Prevention Strategy and how it was working, the Mental Health Champion advised that work had been underway with Public Health, Healthwatch and the relevant Cabinet Member to develop yearly grant funding for small grass roots projects, which had been successful.

The Leader was asked to agree that she would do what she could to encourage those eligible to vote were made aware that Identification would be provided at polling stations, to encourage those people to vote during elections, she advised that work was being done nationally to publicise the requirement of Identification when voting at polling stations to encourage people to vote, more local work would be undertaken closer to any scheduled elections, the Cabinet Member for Children's Services, Education and Skills advised that work in a school and with the Youth Trust was being undertaken.

The Cabinet Member for Levelling Up, Regeneration, Business Development and Tourism was asked to provide more information regarding Building 41 in Northwood and the sustainability of the building, The Cabinet Member thanked those who attended the opening and advised that the office space was filling up and the next phase was being costed to provide more office space.

39. **Budget and Council Tax Setting 2023-2024 (including the Local Council Tax Support Scheme) and Future Years' Forecasts**

A 2023/24 budget and Council Tax setting report had been received from the Leader and Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources. Alternative budgets had been submitted from Councillor Brodie and the Liberal Democrat Group, these had been accepted by the Section 151 Officer as being legal and presented a balanced budget.

The Leader moved all budget proposals which was duly seconded.

The Cabinet Member for Strategic Finance, Transformational change and Corporate Resources was invited to speak on behalf of the Leader regarding the Cabinet budget proposals and the submitted alternative budget amendments.

An amendment to the proposal attached as Appendix 1 (and forming part of these minutes) was moved by Councillor G Brodie.

An amendment to the proposal attached as Appendix 2 (and forming part of these minutes) was moved by Councillor A Garratt.

The other group Leaders and ungrouped Councillors were asked if they would like to make comment on the budget proposals and any alternative budgets.

Other members of the council also made comment on all the budget proposals.

The Cabinet Member for Strategic Finance, Transformational change and Corporate Resources, the proposers of the amendments and the other group leaders then summed up.

A named vote was taken on Councillor G Brodie's amendment, the results were as follows:

For (15)

Cllrs M Beston, P Brading, G Brodie, V Churchman, W Drew, S Hendry, C Mosdell, M Oliver, T Outlaw, M Price, C Quirk, R Redrup, J Robertson, P Spink, I Ward

Against (20)

Cllrs D Andre, J Bacon, C Critchison, I Dore, R Downer, P Fuller, A Garratt, C Jarman, J Jones Evans, P Jordan, J Lever, M Lilley, K Love, K Lucioni, J Medland, J Nicholson, L Peacey Wilcox, R Quigley, I Stephens, N Stuart

Abstain (1)

Cllr G Peace

The amendment fell

A named vote was taken on Councillor A Garratt's amendment, the results were as follows:

For (13)

Cllrs M Beston, P Brading, G Brodie, V Churchman, W Drew, A Garratt, T Outlaw, C Quirk, R Redrup, J Robertson, P Spink, N Stuart, I Ward

Against (22)

Cllrs D Andre, J Bacon, C Critchison, I Dore, R Downer, P Fuller, S Hendry, C Jarman, J Jones Evans, P Jordan, J Lever, M Lilley, K Love, K Lucioni, J Medland, C Mosdell, J Nicholson, M Oliver, L Peacey Wilcox, M Price, R Quigley, I Stephens

Abstain (1)

Cllr G Peace

The amendment fell.

A named vote was taken on the substantive budget, the results were as follows:

For (21)

Cllrs D Andre, J Bacon, C Critchison, I Dore, R Downer, P Fuller, A Garratt, C Jarman, J Jones-Evans, P Jordan, J Lever, M Lilley, K Love, K Lucioni, J Medland, M Oliver, T Outlaw, L Peacey Wilcox, I Stephens, N Stuart, R Quigley

Against (4)

Cllrs G Brodie, C Mosdell, J Nicholson, M Price

Abstain (11)

Cllrs M Beston, P Brading, V Churchman, W Drew, S Hendry, G Peace, C Quirk, R Redrup, J Robertson, P Spink, I Ward

RESOLVED:

1. THAT the Council approve the following:
 - (a) The revised Revenue Budget for the financial year 2022/23 and the Revenue Budget for the financial year 2023/24 as set out in the General Fund Summary (Appendix 1) which includes:
 - (i) Additional spending in Adult Social Care of £7.6m and Children's Services of £4.3m
 - (ii) No Revenue Contribution to Capital in 2022/23 or 2023/24
 - (iii) The Covid Contingency estimated at £4.2m, to guard against continuing and legacy risks
 - (b) Any variation arising from the Local Government Finance Settlement 2023/24 or any further savings made in 2022/23 arising at the year-end (after allowing for specific carry forward requests) be transferred to the Revenue Reserve for Capital, Covid Contingency, Transformation Reserve, and General Reserves with the level of each transfer to be determined by the S.151 Officer.

- (c) That the level of Council Tax be increased by 2.99% for general purposes in accordance with the referendum threshold^[1] for 2023/24 announced by Government (as calculated in Appendix 2)
- (d) That the level of Council Tax be increased by a further 2.0% beyond the referendum threshold (as calculated in Appendix 2) to take advantage of the flexibility offered by Government to implement a "Social Care Precept"; and that in accordance with the conditions of that flexibility, the full amount of the associated sum generated of £1,872,500 is passported direct to Adult Social Care
- (e) That the amounts set out in Appendix 2 be now calculated by the Council for the financial year 2023/24 in accordance with Section 31 and Sections 34 to 36 of the Local Government Finance Act 1992
- (f) The S.151 Officer be given delegated authority to implement any variation to the overall level of Council Tax arising from the final notification of the Hampshire Police & Crime Commissioner, Hampshire & Isle of Wight Fire & Rescue Authority and Parish and Town Council precepts, and amend the calculations set out in Appendix 2 accordingly
- (g) The savings proposals for each Portfolio amounting, in total, to £3.895m for 2023/24 and continuing into future years as set out on the next page:

Portfolio	Controllable Budget	Savings Proposal	
	£	£	%
Adult Social Care & Public Health*	54,438,981	1,243,500	2.3%
Children's Services, Education & Lifelong Skills*	28,695,978	299,000	1.0%
Climate, Environment, Heritage, HR, Legal & Democratic Services	7,812,210	128,000	1.6%
Community Protection, Regulatory & Waste	9,471,672	430,000	4.5%
Digital Transformation, Housing, Homelessness & Poverty	9,306,890	255,000	2.7%
Infrastructure, Highways PFI & Transport **	12,658,707	536,600	4.2%
Leader & Strategic Oversight	732,911	150,000	20.5%
Levelling Up, Regeneration, Business Development & Tourism	4,816,254	130,000	2.7%
Planning & Enforcement	2,646,087	45,000	1.7%
Strategic Finance, Transformational Change & Corporate Resources	9,339,164	677,900	7.3%
Grand Total	139,918,854	3,895,000	2.8%

* Excludes the additional funding passported through to Adult Social Care of £7.6m (which if included would result in an overall increase of 11.6%) and the additional funding for Children's Services, Education & Lifelong Skills of £4.3m (which if included would result in an overall increase of 14.0%)

** Excludes £19.4m of PFI grant funding, on a gross expenditure basis the saving amounts to 1.7%

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ors be instructed to start planning how the Council will achieve the savings requirements of £6.0m for the 3 year period 2024/25 to 2026/27 and that this be incorporated into Service Business Plans

- (i) The minimum level of Revenue Balances as at 31 March 2024, predicated on the approval of £3.895m savings in 2023/24 and the retention of the Covid Contingency of £4.2m, be set at £8.0m to reflect the known and expected budget and financial risks to the Council
 - (j) Members have regard for the "Statement of the Section 151 Officer in accordance with the Local Government Act 2003"
 - (k) The new Capital Investment Proposals ("New Starts") - 2023/24 set out in Appendix 4 be reflected within the recommended Capital Programme 2022/23 to 2027/28 and be funded from the available Capital Resources
 - (l) The Capital Programme 2022/23 to 2027/28 set out in Appendix 5 which includes all additions, deletions and amendments for slippage and re-phasing
 - (h) The allocation of Disabled Facilities Grants be made to the Better Care Fund, and reflected within the recommended Capital Programme 2022/23 to 2027/28
 - (i) The S.151 Officer be given delegated authority to determine how each source of finance is used to fund the overall Capital Programme and to alter the overall mix of financing, as necessary, to maximise the flexibility of capital resources used and minimise the ongoing costs of borrowing to the Council
 - (j) That the S.151 Officer in consultation with the Leader of the Council be given delegated authority to release capital resources held back for any contingent items that might arise, and also for any match funding requirements that may be required of the Council in order to secure additional external capital funding (e.g. bids for funding from Government or any other external source).
 - (k) The Capital Strategy 2023/24, including the Minimum Revenue Provision Statement contained therein (Appendix 6)
 - (l) The Investment Strategy 2023/24 (Appendix 7)
2. THAT Council note the following in respect of the Council's Budget:

- (a) The Revenue Budget 2023/24 as set out in Appendix 1 has been prepared on the basis of a 4.99% increase in Council Tax, any reduction from the overall 4.99% Council Tax increase proposed will require additional savings of £936,300 for each 1% reduction in order for the Budget 2023/24 to be approved
- (b) The Revenue Forecasts for 2024/25 onwards as set out in the section entitled "Revenue Forecasts 2024/25 to 2026/27" and Appendix 1
- (c) The estimated Savings Requirement of £6.0m for the three year period 2024/25 to 2026/27, for financial and service planning purposes, be phased as follows:

Financial Year	In Year Savings Requirement £m	Cumulative Saving £m
2024/25	2.0	2.0
2025/26	2.0	4.0
2026/27	2.0	6.0

- (d) The Transformation Reserve held to fund the upfront costs associated with Spend to Save Schemes and Invest to Save Schemes holds a very modest uncommitted balance of £3.2m and will only be replenished from contributions from the Revenue Budget and an approval to the transfer of any further savings at year end
- (e) Should the Council elect to reduce the level of savings below £3.895m in 2023/24 (and £2.0m p.a. thereafter), the Council's financial risk will increase and therefore the minimum level of General Reserves held will also need to increase in order to maintain the Council's financial resilience
- (f) The Council Tax base for the financial year 2023/24 will be 54,087.0 [item T in the formula in Section 31 B(1) of the Local Government Finance Act 1992, as amended (the "Act")].
- (g) The Council Tax element of the Collection Fund for 2022/23 is estimated to be in deficit by £848,700* which is shared between the Isle of Wight Council (85.4%) and the Police & Crime Commissioner (11.1%) and the Hampshire & Isle of Wight Fire & Rescue Authority (3.5%)
- (h) The Business Rate element of the Collection Fund for 2022/23 is estimated to be in deficit by £334,500 of which is shared between the Isle of Wight Council (49%), the Hampshire & Isle of Wight Fire & Rescue Authority (1%) and the Government (50%)
- (i) The Retained Business Rate income^[2] for 2023/24 based on the estimated Business Rate element of the Collection Fund deficit as at March 2023, the Non Domestic Rates poundage for 2023/24 and estimated rateable values for 2023/24 has been set at £41,958,105.
- (j) The Equality Impact Assessment (attached at Appendix 8)

*Includes a deficit of £578,900 which under regulation was allowed to be spread over 3 years and is shared on a different basis

[\[1\]](#) Council Tax increases beyond the referendum threshold can only be implemented following a "Yes" vote in a local referendum

[\[2\]](#) Includes Retained Business Rates of £16,994,458, "Top Up" of £12,028,784, S.31 Grants of £13,098,779 a Collection Fund deficit of £163,916

40. **Reports of the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources**

40a **2023/24 Discretionary Rate Relief Schemes**

The Cabinet Member for Strategic Finance, Transformational change and Corporate Resources introduced the report and proposed the recommendations which was duly seconded.

A vote was taken the results were as follows:

RESOLVED

- (i) That Council adopt the discretionary rate relief schemes as outlined in the Autumn statement 2022 and to ensure that the reliefs are applied to eligible accounts for the financial year 2023/24.
- (ii) That Council delegate authority be granted to the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources to agree further legislative changes to the discretionary rates relief scheme.

40b **Council Tax Support Grant**

The Cabinet Member for Strategic Finance, Transformational change and Corporate Resources advised this was a government allocation of funding to support residents in receipt of Local Council Tax Support, he proposed the recommendations which was duly seconded.

A vote was taken the results were as follows:

RESOLVED:

- (i) THAT the Council adopt the draft Council Tax Support Grant Scheme as attached in Appendix 1 to provide additional support to eligible Local Council Tax Support claimants as at 1 April 2023.

- (ii) THAT a discretionary scheme is developed which awards £25 to newly eligible LCTS claimants after 1 April 2023 and to delegate authority to the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources to agree further details of the discretionary scheme.

41. Member Questions to the Leader and to any other Cabinet Member (30 minutes)

Councillor M Price asked if an update regarding the disposal of Yarmouth school could be provided to all Councillors, the Cabinet Member for Children's Services, Education and Skills advised that the building had been listed as an asset of community value, further information would be circulated to all councillors.

Councillor A Garratt requested information regarding the publication of the Acquisition Strategy, the Leader advised she would provide a written response.

Councillor K Love, asked for an update regarding the Norris Castle planning application, the Studio School and the recently awarded film studio, he was advised that the heads of terms regarding the film studio was underway and there would be media publication going out, both the Cabinet Member for Planning and Enforcement, and the Cabinet Member for Children's Services, Education and Skills advised they would provide a written response.

Councillor N Stuart asked if traders parking permits could be investigated and a timescale provided for implementation, the Cabinet Member for Infrastructure, Highways PFI and Transport advised that work had started and information would be supplied soon.

Councillor M Oliver asked if the Fall Prevention, Social Care and Brooklime house support could be considered by the relevant Scrutiny Committee, Councillor J Nicholson advised that it was already on the workplan.

CHAIRMAN

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Committee	FULL COUNCIL
Date	15 MARCH 2023
Title	LEADER'S UPDATE
Report of	LEADER OF THE COUNCIL

The Adults Social Care and Housing Needs teams continue to work hard to ensure that people can access the support they need. I understand that balancing resources continues to be a challenge. I am pleased to see the hard work of the teams has been recognised this month with both the Living Well and Early Help Service, and the soon to be launched Well-Being App, receiving national recognition. The Living Well and early Help Service has been identified as a finalist in the iESE Public Sector Transformation Awards 2023 and the Well-being App has been shortlisted in the 2023 Local Government Chronical Awards. This national recognition is great testament to the hard work and innovation of our teams. I await the outcome of both sets of awards.

Public Health are developing a new “Domestic Abuse Services” to support meeting of the new Domestic Abuse duties places on Local Authorities. The team, with partners, are also developing the Island Strategic Drug and Alcohol Partnership Delivery Plan. I am grateful that the Office for Health Improvements and Disparities has confirmed the Island will receive an additional grant of £280,580 to support the delivery plan.

In February a new support service commenced supporting children and young people affected by self-harm. This service is being delivered by Solent Mind.

In response to the cost-of-living crisis the Department of Business, Energy and Industrial Strategy (BEIS) announced details of two new schemes to be implemented by local authorities. The Energy Bills Support Scheme Alternative Funding (EBSSAF) is aimed at providing support to households not eligible for the automatic Energy Bills Support Scheme (£400 payment already paid by energy suppliers) by way of providing a one-off £400 payment. Households must be resident at the eligible property on the date they apply for the scheme, and it must be their sole or main residence. They must have a responsibility for paying energy and can only receive one payment per eligible property. This scheme went live on 27 February and to date 164 applications have been received from park home and houseboat residents, self-funded care home residents and off grid households.

In addition, going live from 6 March is the Alternative Fuel Payments Alternative Fund (AFPAF) which aims to support households that use fuels other than gas to heat their

homes by way of providing a one-off £200 payment. Applications for both schemes will be open until 31 May 2023.

The newly established welfare benefits role, sitting in the revenues team, is proving it's worth. The officer has been working with some of our most vulnerable residents assisting them with completion of forms and signposting them to Isle Help for further support and guidance. She has also tackled customers who are avoiding payment and during the last six months, through her efforts, she has enabled the additional collection of some £114,000 of council tax monies. The one to one help and support is exceptional, very well done.

Regulatory activity in relation to food premises is nearing the end of an interim recovery plan set by the Government. The approach by our teams is risk based, focusing on those food businesses which are the highest risk to the public. I am pleased to report that in a recent meeting with the Food Standards Agency they have acknowledged our risk based and intelligence led planning and are satisfied of our assurance in meeting the requirements.

The green garden waste renewal and new subscription window this year has so far been incredibly successful. I would like to thank all of our wonderful gardening community for recycling their green waste with us! There are only a few spaces left for new subscribers, so please don't delay sign up today if you want to be part of this years' service.

I was delighted to see the first businesses moving into the new units at Branstone Farm and look forward to visiting and finding out more about their plans. With the next group of Island residents due to move into new homes this month, the vision of a new sustainable community, living the principles of the Biosphere, is starting to become a reality. We are also pressing on with implementing the Shared prosperity investment in employing new area regeneration managers and extending a "Skills for work" programme to help Islanders access jobs.



Purpose: For Noting

Full Council Report

Date **15 MARCH 2023**

Title **ANNUAL REPORT ON USE OF SPECIAL URGENCY PROCEDURE (KEY DECISIONS) (2022/2023)**

Report of **LEADER OF THE CABINET**

EXECUTIVE SUMMARY

1. The Leader has to submit an annual report to Full Council containing particulars of all 'key decisions' taken as urgent during the course of the year which are required to be reported under regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
2. Councillors are therefore asked to note this annual report for 2022/2023 (and if there is any further use of the special urgency procedure before the end of this month, this will be reported by way of a supplementary report).

RECOMMENDATION

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| 3. That this report be noted. |
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BACKGROUND

4. 'Key decisions' are decisions made by any decision-taker in respect of the discharge of executive functions which are likely to (a) result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the services or functions to which the decision relates or (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (informally referred to as wards) in the area of the local authority – see Part 3 Section 16 of the constitution (page 110) [PART 3 - Key Decisions.pdf \(modern.gov.co.uk\)](#).
5. A decision-taker may only take a Key Decision in accordance with the requirements of the Access to Information rules (see Part 5 Section 2 of the constitution). [PART 5 - Access to Information Rules.pdf \(modern.gov.co.uk\)](#)

6. Normally at least 28 clear days' public notice is required through publication on the Forward Plan before such a key decision can be taken.
7. It is, however, not always practicable to give such advance public notice on the Forward Plan, and it is not always practicable to give public notice by way of the general notice procedure.
8. Where this is impracticable and the intended key decision cannot wait for such notice or shorter notice to be given by way of general notice, then the special urgency procedure can be considered under regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
9. This requires obtaining the prior agreement from the prescribed person that the making of the decision is urgent and cannot reasonably be deferred. Permission is sought from the chairman of the Corporate Scrutiny Committee in such cases. Without such agreement, the making of the intended decision would be delayed.
10. Under Part 5 Section 2 of the constitution an annual report is required to be submitted by the Leader to Full Council in accordance with the requirements in regulation of the 2012 Regulations. This is the Leader's 2022/2023 annual report.
11. It is therefore formally reported that the special urgency provision has been used, so far, only once during 2022/2023 in relation to the Government's Energy Bills Support Scheme Alternative Funding and Alternative Fuel Payments Alternative Fund set up by the Department for Business, Energy and Industrial Strategy (BEIS). Due to the urgent timeframes used by the BEIS (schemes commenced on 27 February 2023 and close 31 May 2023)., the special urgency was used with the agreement of the Chairman of the Corporate Scrutiny Committee, Cllr Richard Quigley. The criteria for the schemes were laid down by the BEIS and therefore there were no eligibility decisions to be made by any local authority. The following decision was made on 22 February 2023 by the Leader:

That the Director of Corporate Services (Sharon Betts) be granted full executive powers in respect of the administration (including verification and payments) of the two statutory schemes (Energy Bills Support Scheme Alternative Funding and Alternative Fuel Payments Alternative Fund) which have been set by the Department for Business, Energy and Industrial Strategy (BEIS) and the delegated authority to grant such onward delegated authority to such matters of staff as the Director so determines and the delegated authority to take any consequential steps in relation to this matter.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

12. This report supports the [Corporate Plan 2021 – 2025](#) and its corporate aims through openness and transparency in decision-making. Good governance arrangements are essential to the delivery of the local authority's services and the decision-making process that supports this.

CONSULTATION

13. Before each of the above urgent key decisions could be made, consultation took place with the chairman of the Corporate Scrutiny Committee and their agreement was obtained that the making of the particular decision was urgent and could not reasonably be deferred.
14. Cllr Richard Quigley have been consulted on this report.

FINANCIAL / BUDGET IMPLICATIONS

15. There are no budget implications arising from this report which is for noting only.

LEGAL IMPLICATIONS

16. Part 3 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 sets out the statutory definition of key decisions and the requirements for advance publicity before such decisions can normally be made.
17. Where the Regulations 2012 apply, there are two exceptions to the usual requirement to give at least 28 days' clear notice. This report deals with the second exception (cases of special urgency) where it was impracticable to comply with the advance notification requirements of regulation 9 and 10 of the Regulations 2012 (see regulation 11 of the Regulations 2012).
18. Regulation 19 (1) of the Regulations 2012 requires the Leader to report to the local authority acting through Full Council at least annually, giving details of each key decision made where the making of the decision was agreed as urgent in accordance with regulation 11 of those Regulations.
19. Such report must include particulars of each decision made, and a summary of the matters in respect of which each decision was made (see regulation 19 (2) of those regulations).

EQUALITY AND DIVERSITY

20. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This report does not negatively impact upon any of the protected characteristics.

OPTIONS

21. The Leader is required to submit this report and the recommendation is to note this report.

RISK MANAGEMENT

22. The discharge of this duty eliminates any risk of challenge for not reporting.

EVALUATION

23. This report is required to be submitted under the constitution and under the relevant legislation and is an annual report for 2022/2023.

BACKGROUND PAPERS

24. None.

Contact Point: Christopher Potter, Monitoring Officer, ☎ 821000 e-mail
christopher.potter@iow.gov.uk

CHRISTOPHER POTTER
Monitoring Officer

CLLR LORA PEACEY-WILCOX
Leader of the Cabinet



Purpose: For Decision

FULL COUNCIL

15 MARCH 2023

Date

**APPROVAL OF THE MEMBERS' ALLOWANCE SCHEME
FOR 2023/2024**

Title

Report of

MONITORING OFFICER

EXECUTIVE SUMMARY

1. The purpose of this report is to approve the Members' Allowance Scheme for 2023/2024. Each year a members' allowance scheme has, by law, to be formally agreed on or before 31 March.
2. Since last year liaison has taken place with the Independent Remuneration Panel (IRP) in accordance with Full Council's decision of 19 January 2022 to see whether the IRP would wish to make any further report and recommendations.
3. There have been no changes recommended for 2023/2024 and no further formal review has been requested at the present time or is required. The only changes that might occur during 2023/2024 would be if there were any change agreed nationally under the terms of the current indexation provision, and the IRP would be first consulted with before any such change.
4. Councillors are being requested to discharge the legal requirement to approve next year's Members' Allowance Scheme before 1 April 2023.

RECOMMENDATIONS

5. That the Isle of Wight Council Members' Allowance Scheme ('the Scheme') be approved to take effect on and from 1 April 2023, with the basic allowance for 2023/2024 being the existing amount for 2022/2023 of £8,832 plus an annual indexation amount for 2023/2024 (if any agreed nationally) under the terms of the Scheme.
6. That, before implementation of any adjustment to the 2023/2024 basic allowance amount and any adjustments for subsequent years up to and including 2025/2026, the Independent Remuneration Panel be consulted.

BACKGROUND

7. The Scheme of Members' Allowances is entitled 'The Isle of Wight Council Members' Allowance Scheme' and is set out in Part 6 of the Constitution. It was adopted on 19 January 2022 following the council's acceptance in full of the statutory recommendations made in the IRP's sixteenth report, and has rolled forwards subject to any annual adjustments required under the agreed indexation provision.
8. As per previously, it is intended that the IRP will be notified in advance of any such adjustment(s) under the indexation provision of the Isle of Wight Council Members' Allowance Scheme in line with the IRP's specific request to be kept informed. (This will enable the IRP to decide whether or not it wishes to undertake a further review).
9. Before the start of each scheme year (1 April), the council is required to make a scheme of members' allowances in respect of that scheme year (see regulation 10 (1) of the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended).
10. Councillors are therefore being formally asked to approve the Members' Allowance Scheme for the year 2023/2024 commencing on 1 April 2023.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

11. The [Corporate Plan 2021 – 2025](#) identifies that there are key areas of activity that will be our main areas of focus for the lifetime of this plan which will need to be central to everything we do as a council. A fair and transparent members' allowances scheme will help to attract and retain the quality of councillors needed to help deliver all the corporate themes.

Responding to climate change and enhancing the biosphere

12. Greenhouse gas emissions result from business travel so it is important that consideration be given to mitigating such emissions through cessation or reduction in journeys.

Corporate Aims

13. The corporate aims in the latest [Corporate Plan 2021 - 2025](#) are furthered through having a members' allowance scheme which attracts and retains the quality of councillors needed to deliver such aims.

CONSULTATION

14. In 2021/2022 the IRP undertook consultation with all councillors by way of a questionnaire and a number of councillors were interviewed. Further details were set out in the IRP's report to the Full Council on 19 January 2022.
15. Before implementation of the 2022/2023 uplift (in line with the nationally agreed annual percentage increase for the majority of council employees to whom the

National Joint Council (NJC) terms and conditions apply), the IRP was consulted on the uplift of 5.43% in the basic allowance of 2022/2023, resulting in the basic allowance for 2022/2023 being £8, 832. The IRP was satisfied that it was in accordance with the Scheme and that there was no call for a detailed further review by the IRP.

16. The IRP will be consulted in future years on any further indexation linked changes to the approved scheme, as part of the necessary annual approval of the scheme by Full Council (see paragraph 9).
17. The IRP have been specifically consulted on this report and have confirmed that the IRP is content with it as it is in line with the recommendations of the IRP previously agreed.

FINANCIAL / BUDGET IMPLICATIONS

18. The present total budget for members' allowances, which includes on Island travel, is £504,924.00. This would need to be adjusted should any indexation increase be notified for 2023/2024 and subsequent years. Any increase under the Members' Allowance Scheme would be the same as the annual percentage increase for the majority of Isle of Wight Council employees to whom the NJC terms and conditions apply. Such an increase (if any) will be applied from April in each year (following consultation with the IRP) unless a further review of the IRP determines otherwise.
19. The actual amounts paid to members are published on an annual basis.

LEGAL IMPLICATIONS

20. The Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) govern the process of making payments of allowances to members of local authorities and related bodies.
21. The regulations require the council to have regard to the statutory recommendations made by the IRP when making changes to any Members' Allowance Scheme. No changes are, however, being made to the Members' Allowances Scheme. Reliance is being placed on the already agreed indexation provision (subject to prior consultation with the IRP before implementation, if any).
22. It is open under the terms of the Members' Allowance Scheme for any particular individual councillor to decide whether or not to decline to accept their allowance(s), in whole or in part, to which they are entitled under the specific renunciation provision by giving written notice to the Chief Finance Officer (see regulation 13 ('Elections to forgo allowances') under the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended)).
23. Parliament requires decisions on the Members' Allowance Scheme to be made at Full Council and no delegation is permitted under regulation 2 (7) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. Councillors are therefore acting under specific statutory authority.

24. Although councillors hold an 'office' they do not, in my view, carry on such office 'for profit or gain' but solely in the public interest for the purposes of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Allowances are not a salary but can be regarded as part re-imbusement for losses incurred. However, as opinion from counsel is divided on this legal point up and down the country, it is perhaps prudent for a dispensation to participate and vote to be granted by the Monitoring Officer to each and every councillor under section 33 of the Localism Act 2011 in case councillors do have a disclosable pecuniary interest and accordingly the power in section 33 of that Act is triggered. A dispensation was sought and granted in September 2018 by the then Monitoring Officer when the current scheme was adopted by council and such practice is being continued. Under section 33 (4) of that Act the maximum period for which such a dispensation may last is four years, and so any dispensation to a particular councillor granted in January 2022 would expire in January 2026.

25. Guidance has been issued by the Secretary of State on members' allowances which can be found on HM Revenues and Customs (HMRC) website – <https://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim65960>

EQUALITY AND DIVERSITY

26. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

27. All councillors were given an opportunity to comment on the scheme and make their views known to the IRP. It took into account the need for the scheme to not exclude any individuals from becoming a councillor, balanced against the councillors' roles and public expectation, and the IRP believes the proposed scheme and recommendations in the report meet these.

OPTIONS

28. The council is required to agree its Members' Allowance Scheme for 2023/2024. Before the beginning of each year, an authority 'shall' make the scheme required under the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended).

RISK MANAGEMENT

29. The IRP's report to Full Council on 19 January 2022 set out their conclusions and methodology as to how the IRP arrived at its recommendations.

30. There is a reputational risk of the councillors setting their own allowances, but this is the statutory process required by Parliament, and this risk is mitigated by the independence of the recommendations of the IRP. Indeed, the adoption of the

indexation provision within the existing Members' Allowance Scheme with its link to national negotiations provides a much needed degree of separation.

EVALUATION

31. The IRP in its 2021/2022 review considered a range of evidence and benchmarking data in reaching its conclusions and decided its recommendations were appropriate, justifiable, and equitable.

APPENDICES ATTACHED

32. None.

BACKGROUND PAPERS

33. None.

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CLAIRE SHAND
Director of Corporate Services

CLLR CHRIS JARMAN
Cabinet Member for Strategic Finance, Corporate
Resources and Transformational Change

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Purpose: For Decision

Full Council report

Date	15 MARCH 2023
Title	LOCAL HOUSING BENEFIT SCHEME REVIEW
Report of	CABINET MEMBER FOR STRATEGIC FINANCE, TRANSFORMATIONAL CHANGE AND CORPORATE RESOURCES

EXECUTIVE SUMMARY

1. This report is being brought to Cabinet and Full Council to review the Isle of Wight Council's current local discretionary scheme for Housing Benefit.
2. The Housing Benefit scheme is a national scheme that is administered locally by local authorities on behalf of central government. The majority of this scheme is mandatory, but authorities have discretion to implement a local scheme which allows certain prescribed incomes to be disregarded in the calculation of Housing Benefit entitlement. These incomes are commonly known as War Disablement and War Widow's Pensions.
3. The Isle of Wight Council previously made the decision to adopt a scheme to disregard these incomes in full. This has been in operation since the late 1980s.
4. This scheme can be reviewed periodically. Therefore, the outcome of the recommendation to continue this scheme will mean that claimants in receipt of these incomes will continue to receive the same level of Housing Benefit entitlement as they do currently.

RECOMMENDATION

- | |
|--|
| <p>5. That Full Council approves the continuation of the Isle of Wight Council's discretionary scheme to disregard War Disablement and War Widow's Pensions in full from the calculation of income for Housing Benefit purposes (Option A);</p> <p>And that Full Council delegates future minor changes or reviews to this scheme to the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources in consultation with the Benefits Manager (Option C).</p> |
|--|

BACKGROUND

6. The statutory scheme, as set by central government, only disregards £10 per week from their income in the calculation of Housing Benefit entitlement.

7. Central government gave local authorities the discretion to disregard up to 100 per cent of any War Disablement or War Widow's Pension (and prescribed versions of these incomes).
8. The Isle of Wight Council previously made the decision to disregard the full 100 per cent of these incomes from Housing Benefit calculations in its local discretionary scheme since the late 1980s. In 2021/22, there were 18 Housing Benefit claims where this scheme applied.
9. Appendix 1 to this report sets out the provisions of the current discretionary scheme to be reviewed.
10. The Isle of Wight Council also disregards these prescribed incomes in full within its own Local Council Tax Support scheme and has done so since the scheme came into force in 2012.
11. Disregarding the prescribed incomes in full aligns with the Isle of Wight Council's commitment under the Armed Forces Covenant to offer support to the local Armed Forces residents and their families and to give special consideration to those who have been injured and or bereaved as a result of service.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

Provision of affordable housing for Island Residents

12. This scheme assists those Island residents in receipt of a War Disablement or War Widow's Pension by disregarding these incomes in full for Housing Benefit purposes. This assists with the provision of affordable housing for these residents, as it means that their Housing Benefit entitlement is not reduced as a result of having these pensions.

Responding to climate change and enhancing the biosphere

13. This scheme supports those within the community in receipt of a War Disablement or War Widow's Pension living within the UNESCOs biosphere through enabling sustainable housing, reducing potential poverty, and reducing inequalities.

Economic Recovery and Reducing Poverty

14. The Council intends to take full advantage of the powers within legislation to provide additional support to Island residents and reduce poverty. This scheme provides protection to vulnerable residents and ensures that they are not disadvantaged by reducing their Housing Benefit entitlement as a result of having these incomes.

Impact on Young People and Future Generations

15. The provisions of this scheme do not directly impact young people, however there may be young people or children in the households of those residents receiving a War Disablement or War Widow's Pension. By continuing to disregard the pension incomes in full, it prevents these children from being negatively impacted by Housing Benefit changes.

16. Equally, future generations may be affected if they claim Housing Benefit in the future and they or their partner is injured, ill or dies as a result of military service and they receive a War Disablement or War Widow's Pension for this reason.

Corporate Aims

17. This scheme supports the corporate aim to '*Provide greater support to those on low incomes, including through the local council tax support scheme*' as residents in receipt of Housing Benefit are considered to be 'low-income households' and include those with vulnerabilities. Many of these residents will also be in receipt of local council tax support, under which these pensions are also fully disregarded.

CONSULTATION

18. There is no requirement for any consultation on this scheme. Unless there are any legislative changes to be made, the scheme can be periodically reviewed.

FINANCIAL / BUDGET IMPLICATIONS

19. Housing Benefit is funded by central government and administered by the local authority. Each year, the local authority must submit a subsidy claim to government to recoup the costs of making Housing Benefit payments to residents.
20. For claims which are affected by the local discretionary scheme, local authorities are able to claim back 75 per cent of their costs through the subsidy claim each year.
21. In 2021/22, the Isle of Wight Council spent a total of £42,909 on cases affected by this discretionary scheme, of which £32,180 was funded through the subsidy claim. This meant that the overall cost to the council was £10,729.
22. The estimated expenditure for these cases for 2023/24, which has been based on the initial subsidy estimate, is £49,573. Of this, £37,180 will be funded through the subsidy claim. This means that the overall cost to the council would be £12,393.

LEGAL IMPLICATIONS

23. This scheme was adopted in line with sections 134(8) and 139(6) Social Security Administration Act 1992, which enables the Council to resolve to disregard 100 per cent of the prescribed incomes for working age and pension age claimants.

EQUALITY AND DIVERSITY

24. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
25. Under the Equality Act 2010 we are required to have due regard to our equality duties when making decisions, reviewing services, undertaking projects, developing

and reviewing policies.

26. Appendix 2 sets out the Equality Impact Assessment undertaken for the review of this scheme.
27. The assessment shows that if the recommended option to continue the current discretionary scheme is accepted, there will be no impact on any of the protected characteristic groups. However, if the decision is made not to continue the scheme, there would be a negative impact on those residents who have disabilities as a result of their injuries sustained during service which entitles them to receive a War Disablement Pension. Equally, if the scheme were not continued, there would be a negative impact on partners who receive a War Widow's Pension due to the bereavement of their Armed Forces partner.

OPTIONS

28. **Option A**
That Full Council approves of the continuation of the Isle of Wight Council's discretionary scheme to disregard War Disablement and War Widow's Pensions in full from the calculation of income for Housing Benefit purposes.
29. **Option B**
That Full Council ends the Isle of Wight Council's current scheme to disregard the above prescribed incomes in full from the calculation of Housing Benefit and revert to disregarding only £10 per week as per the statutory national scheme.
30. **Option C**
That Full Council delegates minor changes and future reviews of the scheme to the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources in consultation with the Benefits Manager.

RISK MANAGEMENT

31. The use of monies which can be mostly recouped through central government has a positive impact in alleviating financial pressures for those on Housing Benefit and in receipt of one of the prescribed War Disablement or War Widow's Pensions.
32. Due to the small number of Housing Benefit claims affected, the actual cost to the council is minimal. The costs are monitored on an annual basis through the council's subsidy claim which is submitted to central government. The return contains information on the total amount spent on affected claims, and then calculates the 75 per cent owed back to the council through the final subsidy claim. Therefore, the benefit to local residents is considered to outweigh the cost implications to the council.
33. To adopt Option B and discontinue the current scheme would risk counteracting the council's commitment to the Armed Forces Covenant and would go against its overall corporate aims and objectives.
34. To adopt Option B, and discontinue this discretionary scheme for Housing Benefit, would not align with the current Local Council Tax Support scheme. This risks causing confusion and administration issues as the two schemes run alongside each other.

EVALUATION

35. Option A is being recommended because it is considered as a minimal financial impact to the council to continue providing the maximum possible support to local residents who receive a War Disablement or War Widow's Pension under this scheme.
36. Option B does not align with the council's commitment to support such residents under the Armed Forces Covenant, and therefore this option would not be recommended by the service area.
37. Option C is being recommended to enable regular reviews of the policy to be undertaken quickly and efficiently, and if there are no changes or minor changes to be made, this can be delegated to an officer in consultation with the cabinet member for the service area.

APPENDICES ATTACHED

38. Appendix 1 – Isle of Wight Council Local Housing Benefit scheme
39. Appendix 2 – Equality Impact Assessment for the review of the scheme

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Sharon Betts
Director for Corporate Services

Councillor Chris Jarman
*Cabinet Member for Strategic Finance,
Transformational Change and Corporate
Resources*

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Local Scheme – Housing Benefit

Background

1. The Housing Benefit scheme is a national scheme that is administered locally by the Council on behalf of Government. The majority of the scheme is mandatory but the Council has discretion to implement a local scheme which will allow certain incomes to be disregards.
2. Local Authorities have the discretion to increase the amount of income that is disregarded in respect of any War Disablement or War Widows pension, up to 100% (the statutory scheme just disregards the first £10 per week from the payment).
3. In line with Sections 134(8) or 139(6) of the Social Security Administration Act 1992, the Council has resolved to disregard 100% of the following prescribed incomes for both working age and pension age claimants, effective from 1 April 2023:
 - (a) **War Disablement Pensions** - The war disablement pensions prescribed are:
 - any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;
 - any retired pay or pension payable to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under:
 - (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865
 - (ii) the Army Pensions Warrant 1977
 - (iii) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010
 - (iv) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917
 - (v) any order or regulations made under section 4 of the Reserve Forces Act 1996
 - (vi) any instrument amending or replacing any of the instruments referred to above or any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and
 - c) a payment made under article 14(1) (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.
 - (b) **War widow's pensions** - The war widow's pensions prescribed are:
 - any pension or allowance payable to a widow, widower or surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

- a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under;
 - (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865
 - (ii) the Army Pensions Warrant 1977
 - (iii) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010
 - (iv) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917
 - (v) any order or regulations made under section 4 of the Reserve Forces Act 1996
 - (vi) any instrument amending or replacing any of the above or any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown; and
 - (vii) a payment made under article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005;

- (c) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs

Equality Impact Assessment Template

Before carrying out an Equalities Impact Assessment (EIA), you should familiarise yourself with the [guidance](#). This document should be in **plain English**, include **Stakeholder** involvement and be able to stand up to **scrutiny** (local and/or court) if/when challenged to ensure we have met the councils public sector equality duty.

An Equality Impact Assessment (EIA) should be completed when you are considering:

- developing, reviewing or removing policies
- developing, reviewing or removing strategies
- developing, reviewing or removing services
- developing, reviewing or removing a council function/system
- commencing any project/programme

Assessor(s) Name and job title:

Erin Rhodes, Benefits Assistant Manager

Directorate and Team/School Name:

Benefits, Corporate Services

Name, aim, objective and expected outcome of the programme/ activity:

Name: Isle of Wight Council local Housing Benefit scheme

Aim: The Housing Benefit scheme is a national scheme that is administered locally by the council on behalf of central government. The majority of this scheme is mandatory, but government gave councils the discretion to implement a local scheme which allows certain prescribed incomes to be disregarded in the calculation of Housing Benefit such as War Disablement and War Widow's Pensions. The Isle of Wight Council previously decided to disregard the incomes in full under its local discretionary scheme.

Objective: This discretionary local scheme enables the Isle of Wight Council to support vulnerable residents who claim Housing Benefit and are in receipt of the prescribed incomes. It also aligns with the council's commitment to the Armed Forces Covenant to offer support to local Armed Forces residents and their families and to give special consideration to those who have been injured or bereaved as a result of service.

Expected outcome: to review the scheme and to continue the current level of disregard applied to the prescribed incomes in the calculation of Housing Benefit.

Reason for Equality Impact Assessment (tick as appropriate)

This is a new policy/strategy/service/system function proposal	
This is a proposal for a change to a policy/strategy/service/system function proposal function (<i>check whether the original decision was equality impact assessed</i>)	X local scheme to be reviewed
Removal of a policy/strategy/service/system function proposal	
Commencing any project/programme	

Equality and Diversity considerations

Describe the ways in which the groups below may be impacted by your activity (**prior to mitigation**). The impact may be negative, positive or no impact.

Protected Characteristic	Negative, positive or no impact (before mitigation/intervention) and why?	Does the proposal have the potential to cause unlawful discrimination (is it possible that the proposal may exclude/restrict this group from obtaining services or limit their participation in any aspect of public life?)	How will you advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not.	What concerns have been raised to date during consultation (or early discussions) and what action taken to date?	What evidence, analysis or data has been used to substantiate your answer?	Are there any gaps in evidence to properly assess the impact? How will this be addressed?	How will you make communication accessible for this group?	What adjustments have been put in place to reduce/advance the inequality? (<i>Where it cannot be diminished, can this be legally justified?</i>)
Age (restrictions/difficulties both younger/older)	No impact	No	N/A	N/A	N/A	N/A	N/A	N/A
Disability a) Physical b) Mental health (must respond to both a & b)	No impact – the recommendation is to make no change to the scheme, as it is designed to support residents who receive	No	N/A	N/A	N/A	N/A	N/A	N/A

	<p>War Disablement Pensions and who have sustained long-term health issues as a result of their service. However, if a change were to be made to reduce the disregarded amount, this would negatively impact these residents who receive Housing Benefit and would not support the Armed Forces Covenant.</p>							
<p>Race (including ethnicity and nationality)</p>	No impact	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<p>Religion or belief (different faith groups/those without a faith)</p>	No impact							
<p>Sex (Including Trans and non-binary – is your language inclusive of trans and non-binary people?)</p>	No impact							
<p>Sexual orientation (is your language inclusive of LGB groups?)</p>	No impact							
<p>Pregnancy and maternity</p>	No impact							
<p>Marriage and Civil Partnership</p>	No impact – the recommendation is to make no change to the current scheme.							

	However, if a change were to be made, it would negatively impact partners of those residents who served in the Armed Forces and receive payment of a War Widow's Pension and claim Housing Benefit. It would also not support the Armed Forces Covenant.							
Gender reassignment	No impact							

In order to identify the needs of the groups, you will need to review data, statistics, user feedback, population data, complaints data, staffing data (SAPHRreports@iow.gov.uk), community/client data, feedback from focus groups etc. When assessing the impact, the assessment should come from an evidence base and not through opinion or self-knowledge.

H. Review


Page 4

How are you engaging people with a wide range of protected characteristics in the development, review and/or monitoring of the programme/ activity?

Date of next review:

H. Sign-off

Head of Service/Director/Headteacher sign off & date:

Name: 
Date: 09 January 2023

Legal sign off & date:

Name: Judy Mason
Date: 09 January 2023