

POLICY ROUND UP

Policy and Performance Advisory Committee - November 2016

Report of Chief Executive

Status For Information

Key Decision No

Executive Summary: For Members information this report provides an update on Government's policy proposals for the apprenticeship levy and review of the transparency code. The report also updates Members on applications received under the Community Right to Bid and the Council's recent success in being shortlisted for awards by the Guardian and the Local Government Chronicle.

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Apprenticeship Levy

- 1 Members were provided with the background to the apprenticeship levy and the public sector duty on apprenticeships at the Policy and Performance Advisory Committee meeting in June 2016. Both the levy and the duty are planned to come into force in April 2017.
- 2 Government published a consultation document on the new duty on 25 January 2016 and at the meeting in June 2016 Members agreed a response to this including comments on the levy, which was duly submitted.
- 3 At that time there was still considerable detail to be worked out on both the new duty and the levy. Government were planning further updates in June, October and December this year, with access to the new digital apprenticeship accounts available in January 2017.
- 4 There were no updates in June nor was the government's formal response to the consultation released in July as anticipated. During this time the Enterprise Act was passed, which contains provisions that targets can be set for prescribed public bodies in relation to the number of apprentices working for them in England. At the same time, responsibility for apprenticeships moved entirely to the Department of Education, having been previously shared with the former Department for Business, Innovation and Skills.
- 5 The final apprenticeship levy policy document was published in late October and does not vary considerably from the first draft.

- The Councils liabilities will still be the same amounting to approximately £40k per year for the three years until March 2020, with a 10% top up from Government.
 - Levy monies will be payable monthly based on our payroll, with the first payment due in May based on our April payroll.
 - Once paid, these will reappear in digital apprenticeship accounts, which have yet to be established but are due to be so in January 2017.
 - The funding in our digital accounts can only be used for training and assessment costs for apprenticeships.
- 6 However, there are a couple of exceptions worth noting. Levy-paying employers now have 24 months to spend the levy money in their digital apprenticeship account as opposed to 18 months. This is to be welcomed as it will take both providers and employers some time to become accustomed to the new system.
- 7 Employers will be eligible for an additional £1,000 payment for each 16 - 18 year old apprentice they take on in recognition of any additional costs such as increased supervision. However this payment is routed through the training provider and not paid to the employer directly.
- 8 Government is still considering whether levy-paying employers can allocate up to 10% from their digital account to support apprenticeships locally in smaller non-levy paying employers. For the first year at least, however, this will not be possible. It is worth noting that for non-levy paying employers, there will be no training and assessment costs associated with employing a 16-18 year old apprentice.
- 9 In addition to extra payments for 16-18 year olds who are taken on as apprentices, Government has also confirmed that additional support would be available to young people aged 19-24 who have an Education and Health Plan, or who are leaving the care system. The Government has also recently committed to looking at how young people with learning difficulties can increase their access to apprenticeships.

Transparency Code

- 10 At the June meeting of the Policy and Performance Advisory Committee, Members considered the Government's consultation paper on proposed reforms to the existing Transparency Code 2015. This report illustrated that under the Government's proposals data sharing requirements for local authorities across a number of service areas would be increased. Proposed reforms also included changes to the method of publication and an increase in monitoring to ensure compliance with the new requirements.
- 11 Members agreed that the Council should respond to the Government's consultation stating support for the principle of sharing data and the benefits in terms of increased transparency and the potential to reduce

Freedom of Information requests. However, the consultation response also indicated that information sharing needs to be proportionate, reasonable, locally relevant to need and demand, and justified where we are able to demonstrate a clear correlation to improved services.

- 12 The Council felt that Government had not adequately demonstrated that increased information sharing had led to improved services, nor provided sufficient clarity regarding what they are trying to achieve with this new set of requirements. The Council also had concerns regarding data fraud.
- 13 The consultation closed on 8 July 2016, since when there has been a Government re-organisation following the vote to leave the EU. As a result, there has been no formal response from Government to the proposed reforms.
- 14 It is anticipated that the new Transparency Code will still be required to be implemented from 1 April 2017. Officers are continuing to keep up to date with any developments and will report back to Members as soon as more information is known.
- 15 Members may also wish to note that a related Government consultation was issued on 18 August on Mandatory Gender Pay Gap Reporting - Public Sector Employers, closing on 30 September. Although the responsibility for this falls to the Portfolio Holder for Legal & Democratic Services, it will increase the Council's requirements in relation to publication of data.
- 16 For Members information Government intends to amend the Specific Duties Regulations in England under the Equality Act 2010 in order to include a mandatory requirement for public bodies that are subject to these Regulations with 250 or more employees to undertake Gender Pay Gap reporting in a prescribed form.
- 17 Again, there has been no formal response from Government to this but the consultation paper refers to changes coming into force from April 2017, with information being captured from this date and published before April 2018. The requirement includes publishing both mean and median gender pay gaps. The Council already undertakes a equal pay review on an annual basis and processes are in place to capture the information needed under the new requirements.

Community Right to Bid

- 18 Members may recall that in 2011, the Government passed the Localism Act containing a number of provisions aimed at strengthening local democracy and community rights. Among these provisions was the Community Right to Bid, whereby local groups could nominate a local building or piece of land to be listed as an Asset of Community Value. If a nomination is successful, it affords some protection against the loss of the building for the five years that the listing remains. If the owner decides to sell during this time, then legislation requires a moratorium on the sale to enable local groups to

submit an intention to bid, and should they do so, an extended moratorium to allow them to raise funds to seek to purchase the land or building(s).

- 19 Legislation and guidance were provided at the time of the Act, but despite commitments to further regulations, these did not materialise. Some of the detail around the legislation has had to be tested in the courts via precedent but some remains untested. There is currently no regulation, for example, regarding what action to take should the owner of an asset of community value decide to sell and ignore the moratorium. Under current legislation Councils do not have powers of investigation or intervention, and to a large extent are reliable on the information submitted by nominating groups.
- 20 The Council has made its nomination form available on its website along with supporting information to help those wishing to make a nomination. The Council undertakes to make a decision within 8 weeks of receiving a completed form. Once a nomination is received, the council writes to the owner and occupier, district councillors and any relevant council teams such as planning or licensing, in order to invite comments on the nomination. As required by legislation, an updated list of assets of community value is available on the Councils website at <http://www.sevenoaks.gov.uk/services/community-and-living/community-rights/right-to-bid>
- 21 The table below indicates the number of community assets listed across the district.

Number of nominations received	Number listed	Number waiting for decision	Number removed from list	Number refused	Number of wards
26	20	1	1	4	12

Awards

- 22 Members may be aware that the Council has received significant levels of recognition for its achievements during the past year. The Council was the first, and remains the only public sector organisation to achieve the Platinum award under the Investors In People assessment. The Council has also been entered in to the Times Best Companies to work for scheme, with the list due to be announced next February.
- 23 The MJ Awards announced Sevenoaks District Council as the winner or two of its award categories in June this year. These recognised the Council's achievements for Innovation in Finance and Commercialism in the Property Estate.
- 24 Since then the Council were also shortlisted and were runners up in two award categories in the Association of Public Sector Excellent (APSE) Awards.

These recognised the Council's achievements in Commercialism and Entrepreneurship and Efficiency and Transformation.

- 25 On 29 November the winners of the Guardian Public Service Awards will be announced. The Council is shortlisted in the Finance category for achieving financial self-sufficiency.
- 26 And finally, on 2 November the Council were proud to be announced as finalists in two categories of the prestigious Local Government Chronicle (LGC) Awards. These are in the category of Entrepreneurial Council of the Year and in the category of Council of the Year. In the coming months the Council will receive a visit from an LGC judging panel to assess our credentials for Council of the Year as well as make presentation to the judges of both categories. The award winners will be announced at a ceremony in March next year.

Appendices

None

Background Papers:

Report to Policy and Performance Advisory Meeting on the Apprenticeship Levy June 2016

<http://cds.sevenoaks.gov.uk/documents/s28324/11%20Apprenticeship%20Duty%20Levy.pdf>

Apprenticeship Levy - final policy paper

<https://www.gov.uk/government/publications/apprenticeship-levy-how-it-will-work/apprenticeship-levy-how-it-will-work>

Government Consultation Paper on Reforms to the Transparency Code 2015:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522767/Strengthening_the_local_government_transparency_code_consultation.pdf

Report to Policy and Performance Advisory Meeting on Reforms to the Transparency Code June 2016

<http://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CIId=322&MIID=2086#AI7304>

Consultation Paper on Mandatory Gender Pay Gap Reporting:

<https://www.gov.uk/government/consultations/closing-the-public-sector-pay-gap>

**Pav Ramewal
Chief Executive**