

Questions and Answers

Executive
Thursday 19 October 2017

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Executive Meeting

19 October 2017

Questions and Answers



Public Questions as specified in the Council's Procedure Rules of the Constitution

(a) Question submitted to the Portfolio Holder for Corporate Services by Mrs Pearl Baker:

“What formula does West Berkshire Council use when applying exempt status re Supported Accommodation and reclaiming a Housing Benefit Subsidy back from the DWP?”

As Mrs Baker was not in attendance at the meeting, she will be supplied with the following written answer:

A Local Authority is required to assess Housing Benefit in accordance with legislation. A property is classified as exempt accommodation for the purposes of Housing Benefit assessment and subsidy purposes, where evidence such as a tenancy agreement is made available to the Benefits section which confirms that the tenancy falls within the statutory definition of exempt accommodation (Schedule 3, paragraph 4(1)(b),(10) of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, SI No 217).

Case-law provides local authorities with confirmation of the manner in which statute should be interpreted and applied.

The DWP undertake an annual audit of the Housing Benefit subsidy claim for every Local Authority in order to ensure that all Housing Benefit expenditure has been correctly classified. To date the Housing Benefit subsidy claim for West Berkshire has not at any time been qualified for reasons of misclassifying expenditure relating to ‘exempt’ accommodation.

Below are links to the legislation and the relevant caselaw.

<https://www.legislation.gov.uk/uksi/2006/217/schedule/3/paragraph/4>.

CH/3900/2005 <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=2699>
[2009] UKUT 109 AAC) <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=2715>
R(H) 2/07 <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=1988>
R(H) 4/09 <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=2511>
[2009] UKUT 150 AAC <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=2741>
CH/1289/2007 <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=2219>
R(H) 7/07 <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=2150#>
[2009] UKUT 107 AAC <http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=2713>.

(b) Question submitted to the Portfolio Holder for Adult Social Care by Mrs Pearl Baker:

“Is the support to Garland Court in Newbury funded by the local authority in the form of Floating Support?”

As Mrs Baker was not in attendance at the meeting, she will be supplied with the following written answer:

Yes, through the Richmond Fellowship.

(c) Question submitted to the Portfolio Holder for Adult Social Care by Mrs Pearl Baker:

“How are residents living at Garland Court subject to Section 117 free aftercare identified and provided with free aftercare including accommodation as per the Care Act 2014?”

As Mrs Baker was not in attendance at the meeting, she will be supplied with the following written answer:

Aftercare services under S.117 are non chargeable. To qualify as aftercare those services must be “a) meeting a need arising from or related to the person’s mental disorder; and (b) reducing the risk of a deterioration of the person’s mental condition (and, accordingly, reducing the risk of the person requiring admission to a hospital again for treatment for mental disorder).” This means that not all provision being received by an individual will automatically be in scope.

The Local Authority should be aware of those in its area who are subject to Section 117 because decisions about aftercare services are made jointly between the Local Authority and Health partners. However, like any system, these arrangements are fallible so we are open to undertaking a check where relevant. To do this, we would need to know the service/ support being provided to a specific individual which is believed to be within scope of S117.

When services that are covered by the S117 are put on the system they are coded as S117 which means they don’t come over the charging system for charging.

(d) Question submitted to the Portfolio Holder for Children, Education and Young People by Ms Elizabeth Nonweiler:

“Does the Council have plans for improving the teaching of phonics in local authority schools in West Berkshire, following the poor results this year, when 22% of children in Year 1 failed to pass the threshold of the Phonics Screening Check?”

The Portfolio Holder for Children, Education and Young People answered:

Yes we do. Plans for improving the teaching of Phonics are well established as Phonics is a focus area for West Berkshire Council and West Berkshire schools this year. Despite being on an upward trend since the introduction of the Screening Check, we did slip backwards by 1.3% in 2017, just below the national average. We have responded quickly to this, putting on subject knowledge training within the first three weeks of this term for our newly qualified teachers (NQTs) and teachers new to Key Stage 1.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Ms Elizabeth Nonweiler asked the following supplementary question:

“Does the Council realise that they’re spending over £235 per teacher, and probably a substantial sum covering for those teachers’ classes who are on the course about reading recovery, when reading recovery uses methods known to be ineffective and that it could be done much, much more cheaply if you had good synthetic phonics training for whole schools or

for parts of schools? This is an enormously expensive way and perhaps the Council doesn't realise how ineffective reading recovery is?"

The Portfolio Holder for Children, Education and Young People answered:

We don't just use reading recovery, we've got many different intervention programs that we use. We've got some well established programs such as Catch-up, which is one-to-one intervention, precision teaching, we also using ABC to Read. We've introduced a new initiative this time round looking at premier league primary stars, where we're actually looking at Reading FC and some of their professional players teaming up to do some reading interventions, so I think the intervention that you're talking about is only one in a whole host of different interventions, and each of those will have different costs associated to them.

Members' Questions as specified in the Council's Procedure Rules of the Constitution

(a) Question submitted to the Portfolio Holder for Planning, Housing and Leisure by Councillor Alan Macro:

“When will the Council use the powers it has to reduce loss of office space to residential space in the district?”

The Portfolio Holder for Planning, Housing and Leisure answered:

The Council constantly monitors the situation of Parliament's decision to allow offices to convert to residential units to meet the housing crisis.

The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to cases where prior approval powers are available to control permitted development, i.e. in those instances where the Council seeks an article 4 direction from the Secretary of State, the Council must be able to demonstrate a significant harm occurring due to the national policy. So far the Council is not yet able to demonstrate this.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Alan Macro asked the following supplementary question:

“I am surprised at the last part of your answer because there is quite a current opinion in this area that we are now losing too many offices, particularly in the protected employment space. So my supplementary is: will you look at it again please?”

The Portfolio Holder for Planning, Housing and Leisure answered:

Certainly, Councillor Macro. As I said, we are constantly looking at it and I did, in the light of the Grenfell Tower fire, write to the Secretary of State expressing my concern about the conversion of offices to housing and I got the response back saying that anything with regard to Fire Regulations would be covered by Building Regulations, and he didn't really address the loss of office space. He did mention that we could use article 4 direction, but he didn't seem to take on board my other concern that office space was being lost to housing, but rest assured we will continue to pursue that.

(b) Question submitted to the Portfolio Holder for Planning, Housing and Leisure by Councillor Alan Macro:

“What is the council doing to protect rough sleepers this winter?”

The Portfolio Holder for Planning, Housing and Leisure answered:

The Council has a Severe Weather Emergency Protocol (SWEP) in place and it is updated annually. The Government encourages local authorities to have SWEP provision but it is not a statutory requirement. The purpose of the SWEP is to ensure that a place of warmth and safety is available for those people sleeping rough who are not normally eligible for services, or who have a long history of sleeping rough and have refused previous interventions from housing options services, or who choose to continue sleeping rough.

At the very basic level, the SWEP is in place to prevent harm and to ensure that no one dies on the streets during cold and severe weather. In addition, it gives services the opportunity to engage with hard to reach individuals who have previously refused assistance so that every effort can be made to prevent them from returning to a rough sleeping lifestyle.

The SWEP provides accommodation for rough sleepers when the temperature is predicted to be at zero degrees or below for three consecutive nights. It can also be activated during periods of high winds or torrential rainfall. Currently the Council provides SWEP in partnership with Two Saints.

In addition, the Council and partners have set up the “Make Every Adult Matter” project which is aimed at targeting those people with complex needs. Funding has been made available for a worker to take this project forward for an initial six months and the partnership is hopeful of being selected by the Government to receive further funding and support.

So I think with the SWEP we are covering all bases, not just rough sleepers but the incredibly small cohort of even more vulnerable people.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Alan Macro asked the following supplementary question:

“It has been reported that a Newbury based charity called West Berkshire Homeless is making a proposal, and have got an agreement with the Salvation Army, to provide 13 beds in the Salvation Army hall and I would like to think that this Council is doing all that it can to help them along and get that going. Could you assure me that that is being done please?”

The Portfolio Holder for Planning, Housing and Leisure answered:

Certainly. I have to say that West Berkshire Homeless generally tend to deal with those rough sleepers who are more easy to engage with and their work is, as a charity, slightly separate to what we do as West Berkshire. Our SWEP covers absolutely everybody and, indeed, I feel I ought to perhaps remind you that what we offer under our SWEP is far superior to what a lot of other local authorities offer and therefore we do have other rough sleepers coming in to take advantage of that, but West Berkshire Homeless, we do work with them and we do understand what they do and they are represented on the “Make Every Adult Matter” group that I also attend. So, yes, they are working in an area with people who are easier to engage with, which doesn't denigrate what they do, they are performing a very valuable service, but we have to look at the rough sleepers as a whole and some of those fall out of what West Berkshire Homeless do.

(c) Question submitted to the Leader of the Council by Councillor Lee Dillon:

“What analysis has the Council done on the impact of Brexit to the local economy?”

The Leader of the Council answered:

I think it is very difficult at this stage to assess the impact of Brexit and what impact it will have on the local economy. Obviously the negotiation process is still going on, but until things are a little bit clearer it is difficult to do that sort of detailed analysis.

The Organisation for Economic Co-Operation and Development (OECD) said, in April 2016, it is likely that Brexit will have a negative impact on the local economy. There have been many signs since the referendum result that West Berkshire and the UK as a whole will continue to attract investment and to grow. The UK continues to enjoy record levels of employment, the buoyant manufacturing industry has contributed to better than expected growth levels and the National Association of Commercial Finance Brokers has seen business mortgage enquiries increase since the referendum. Indeed, there was a 75% increase in October 2017 when compared with September 2016 and a 132% increase when compared with the same period in 2015. So for that reason, and I think there are a degree of others, it is right to be cautiously optimistic about the district's prospects post-Brexit, but much will depend on the detail of whatever deal is struck.

As a Council we are engaging with local businesses on an individual basis as we have always done and the Economic Development Officer is working closely with the Thames Valley Local Enterprise Partnership (TVBLEP) to keep informed on the issue as negotiations progress. Key challenges so far identified have been difficulties in recruiting from the EU due to uncertainty and the higher costs of importing goods and materials from the EU. Again, as we've always done, we will represent the views of these businesses to national government and we will do all we can to ensure West Berkshire continues to punch above its weight at the national stage.

The Council will also continue to work with business and partners, such as West Berkshire Chamber of Commerce and the TVBLEP throughout the negotiation process and beyond to further increase resilience and encourage growth within the district.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Lee Dillon asked the following supplementary question:

“I think sales figures are down nearly 0.8% between August and September, so despite business mortgages maybe being up, I think local traders are starting to feel the pinch of Brexit from a reduction in sales. In terms of the deal currently being negotiated, this is a pro-remain area in the referendum by a larger margin than the country as a whole voted to leave. What are we doing to inform our MPs so that when Ministers negotiate in Brexit, they're making sure that for pro-remain areas like West Berkshire, views are being heard so that we get more of a softer Brexit than the hard Brexit or no deal Brexit that currently looks to be on the cards?”

The Leader of the Council answered:

I'm not sure from what you've quoted there, the 0.8% sales, I don't know whether you're referring to retail sales? There are many other factors involved in retail sales, in particular I'd cite the rise of the internet.

I would recognise that this is a remain area and I was very clear that my own position was pro-remain, the position of two of our MPs, Richard Benyon and Alok Sharma was remain, John Redwood was a leaver, but we are in very regular contact with all three MPs about the situation. I think you do have to respect the national will of the country and I certainly believe we will get a deal and the deal is to be negotiated, but the fact that it is proving problematic in the negotiating process does not surprise me one jot. I don't think any of us really anticipated we wouldn't be in this sort of debate at the moment. I think probably most of us would have thought we probably would be.

(d) Question submitted to the Leader of the Council by Councillor Lee Dillon:

“What is the Council doing to mitigate the risks of Brexit?”

The Leader of the Council answered:

As outlined in the previous answer, the Council is continuing to engage with local businesses to both understand their concerns about the risks as well as to listen to their ideas as to how we can take advantage of the opportunities presented with the new global market place afforded by Brexit.

It must be remembered that West Berkshire has a wide mix of business sectors and the majority of our businesses are micro and small businesses - 8,520 in total and I declare an interest in owning one of those businesses. The diversification and company size means that the West Berkshire's economy is dynamic and resilient employing people across a very large variety of sectors and enterprise sizes. Indeed there is much to be positive about and West Berkshire has constantly been proven to be a desirable place to operate for both established and new business. I believe that we are confident that West Berkshire is well placed to face the challenge of Brexit and continue to grow.

We know that our district has a skilled workforce, over half of employees hold a degree level qualification and that unemployment in the district is extremely low. The district has been recognised by CBRE as one of the most creative places in the UK, which highlights the district's reputation as a dynamic business destination and in the past five years alone there has been a 61.8% increase in information and communications employment in Newbury, as well as a 19.8% jump in the number of information and communications small and medium enterprises in the district.

Last week a tech firm based in the district, which has been recognised by the Sunday Times as the UK's fastest growing IT services companies – it has got £10M of investment from the Business Growth Fund and it is looking to grow both nationally and internationally. These successes and others have proved that business continues to be attracted to West Berkshire. We as the Council will work tirelessly with business, with Government and other partners to ensure West Berkshire reaps the rewards of new business relationships that Brexit brings and are very hopeful about the future.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Lee Dillon asked the following supplementary question:

“Some of the risks of Brexit are around recruitment, which was in your previous answer, of EU citizens and the impact that losing that workforce might have on the Council, I didn’t hear anything in your answer around how we would mitigate against any of those specific risks, rather than a hope that we grow in the future, so can I take it from that that we haven’t actually mitigated any of the associated risks of Brexit yet?”

The Leader of the Council answered:

I think there is still a long way to go and you’ve asked a very non-specific question and are now picking me up on not having specific answers in it. In terms of EU citizens – I think this is something which is being discussed as part of the ongoing discussions and I would certainly hope that we get a good outcome. Certainly some of the noises coming from these discussions are getting more encouraging about ensuring the EU workforce. There’s a solution there to be found, but I think this is something we’re going to have to keep a very close watching brief on, but it is a situation which is changing rapidly.

(e) Question submitted to the Portfolio Holder for Planning, Housing and Leisure by Councillor Alan Macro:

“Do the recently announced delays to the Stirling cable site put at jeopardy the external funding for this project?”

The Portfolio Holder for Highways and Transport answered:

No is the answer. Thames Valley Berkshire Local Enterprise Partnership is fully aware of the decontamination issues and has worked closely with us throughout. We’re continuing to work with them and the developer to ensure this development goes ahead as soon as possible.

The Chairman asked: *“Do you have a supplementary question arising directly out of the answer to your original question. A supplementary should be relevant to the original question and not introduce any new material?”*

Councillor Alan Macro asked the following supplementary question:

“Originally we had been told that the money was available for two years and needed to be used within two years – which is why I proposed that the planning permission would only be granted for two years. How much time do we actually have then?”

The Portfolio Holder for Planning, Housing and Leisure answered:

They have been sympathetic when talking to them and we are confident we will be able to secure the funding. We’re very open with the LEP and work well them.

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