

Note: These Minutes have been amended. Please see Minutes of 2 December 2014 for amendments.

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 21 OCTOBER 2014

Councillors Present: Brian Bedwell (Chairman), Sheila Ellison, Dave Goff, Roger Hunneman, Mike Johnston, Alan Macro, Garth Simpson, Virginia von Celsing, Quentin Webb and Laszlo Zverko

Also Present: Nick Carter (Chief Executive), Sarah Clarke (Team Leader - Solicitor), June Graves (Head of Care Commissioning, Housing & Safeguarding), Gary Lugg (Head of Planning & Countryside), Bryan Lyttle (Planning & Transport Policy Manager), Gary Rayner (Development Control Manager), Councillor Jeff Brooks, Councillor Hilary Cole (Planning, Transport (Policy), Culture, Customer Services, Countryside), David Lowe (Scrutiny & Partnerships Manager) and Charlene Myers (Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Emma Webster

PART I

1. Minutes

The Minutes of the meetings held on 1 July 2014, 21 July 2014 and 30 September 2014 were approved as true and correct records and signed by the Chairman.

2. Declarations of Interest

There were no declarations of interest received.

3. Actions from previous Minutes

Resolved that the report be noted.

4. West Berkshire Forward Plan

The Commission considered the West Berkshire Forward Plan (Agenda Item 5) for the period covering 01 November 2014 to 28 February 2015.

Resolved that the Forward Plan be noted.

5. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme and concluded that OSMC/14/154 (Self Insurance Fund review) would be discussed at the next meeting of the Commission.

Councillor Brian Bedwell proposed that the Commission conducted a review into the number of trained Midwives in West Berkshire. This followed a report in the local media which had suggested that there was a shortage of Midwives which, in turn affected local residents. The Commission concluded that the proposal would be considered in full at the next meeting.

Resolved that the work programme be noted.

6. Items Called-in following the Executive on 9 October 2014

No items were called-in following the last Executive meeting.

7. **Councillor Call for Action**

There were no Councillor Call for Action.

8. **Continuing Healthcare (CHC)**

The Committee considered a report (Agenda Item 9) concerning the operation, policy and procedures of the Continuing Healthcare arrangements in West Berkshire.

Nick Carter and Fiona Slevin-Brown, Strategy Director (on behalf of Cathy Winfield – North West Reading CCG Chief Officer) introduced the report to Members which detailed the joint progress following the National Health Service (NHS) structural changes introduced in 2013. Nick Carter reminded the Commission that the Council commissioned an independent review into the operations of CHC prior to the structure changes. The review highlighted long Continuing Healthcare assessment waiting times and a need for a more coordinated approach. In response to this an action plan had been created and which was to be frequently monitored to assess the progress of tasks assigned to the PCT/CCGs and the Council respectively.

Nick Carter reminded Members that they received a positive update during the Commission meeting in April 2014. Overall waiting times had decreased and action had been taken to ensure the situation was closely monitored and controlled. Members concluded that suitable progress had been made and a follow-up report would be received 6 months later.

Nick Carter concluded that the report reinforced the positive progress made by the Council and CCGs. He was confident that newly introduced processes mitigated the risk of the situation deteriorating.

Councillor Brain Bedwell asked what measures had been introduced to manage the assessment process as stated in point 3 of the report. Nick Carter advised that roles and procedures for the Council and NHS had been jointly agreed and clarified. Standards had been reviewed and subsequently a multi-disciplinary team had been established to reinforce joint working and interpretation of the assessment criteria. Fiona Slevin-Brown advised that a lot of time and resource had been committed by the CCGs to ensure actions were delivered to address concerns which had been raised.

Councillor Garth Simpson highlighted that there were 6 cases reportedly 'outstanding' (a case which had not been concluded within 28 days). The Commission heard that the outstanding cases had been delayed due to missing information which was essential in order to make an informed decision. Members received reassurance that the number of outstanding cases had decreased significantly and all inherited cases (from the PCT in 2012) had been addressed. In summary, the reason for delayed cases was significantly different to those which had been previously reported.

Councillor Alan Macro stated that the statistics contained within the report reflected the position of the North West Reading CCG only and two CCGs worked within the boundaries of West Berkshire. Rachael Wardell advised the performance report was similar for both areas; however, at present that statistics could not be disaggregated.

Councillor Roger Hunneman asked why a decision had been made to reduce the number of advisors in the Council CHC team. Rachael Wardell explained that an additional advisor had been recruited on a contract basis to address the backlog of inherited cases. It was considered from the outset that the number of advisors would reduce when the workload decreased. Rachael Wardell advised that the current number of advisors was sufficient for the identified need within the service.

RESOLVED that the report be agreed.

9. Affordable housing

(Councillors Sheila Ellison and David Goff joined the meeting at 18:45)

The Commission considered a report (Agenda Item 10) concerning the process for delivering affordable housing within new developments.

Councillor Brian Bedwell introduced the item to the Commission and reminded Members that the topic was agreed following a Call-In which sought to focus on the processes for delivering affordable housing in the District.

Gary Lugg advised the Committee that the planning policies and processes covered a broad area supported by the Council Housing Strategy 2010-15 which set out the Housing Vision and key Housing aims.

One of the key actions set out within the Council Housing Strategy was to increase the supply of affordable housing through the adoption and implementation of a Local Development Framework Core Strategy. In addition, the National Planning Policy Framework (NPPF), introduced in March 2012, provided the Local Planning Authority (LPA) with the framework required to determine planning applications. Furthermore, the NPPF provided the definition of 'affordable housing' and 'viability'.

The NPPF required LPAs to develop an evidence base to ensure the delivery of full, objectively assessed needs for market and affordable housing in the housing market area.

Gary Lugg advised that the NPPF specified the policy for meeting the affordable housing need on a development site. However, consideration would be given to off-site provisions or a financial contribution of broadly equivalent value if reasonably justified.

The NPPF stated that to ensure viability and deliverability "the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the cost of any requirement likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, should provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable". In addition, where obligations are being sought, local planning authorities should be sufficiently flexible to prevent planned development being delayed.

Gary Lugg advised the Commission that the Government further relaxed the rules on the provision of affordable housing in the Growth and Infrastructure Act 2013. Section 7 of the Act related to the "Modification or discharge of affordable housing requirements" which allowed a developer to appeal directly to the planning inspectorate to remove the requirement for affordable housing or reduce the level of affordable housing.

The Council's Core Strategy was developed in line with national planning policy and contained the local policy on affordable housing (CS6). The Inspector made a number of changes to the wording of the Council policy following a public examination. Overall, the West Berkshire Core Strategy Policy was, at the time, groundbreaking due to the number of development sites which it specified would require an affordable housing contribution (The national standard was 15 units and West Berkshire set 5 units or more).

Gary Lugg provided Members with the content of Core Strategy Policy 6:

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“Provision of Affordable Housing: In order to address the need for affordable housing in West Berkshire a proportion of affordable homes will be sought from residential development. The Council’s priority and starting expectation will be for affordable housing to be provided on-site in line with Government policy (48).

Subject to the economics of provision, the following levels of affordable housing provision would be sought by negotiation:-

- On development sites of 15 dwellings or more (or 0.5 hectares or more) 30% provision will be sought on previously developed land, and 40% on greenfield land;
- On development sites of less than 15 dwellings a sliding scale approach would be used to calculate affordable housing provision, as follows:-
 - 30% provision on sites of 10 – 14 dwellings; and
 - 20% provision on sites of 5 – 9 dwellings.

Proposed provision below the levels set out above should be fully justified by the applicant through clear evidence set out in a viability assessment (using an agreed toolkit) which would be used to help inform the negotiated process.

In determining residential applications the Council would assess the site size, suitability, and type of units to be delivered. The affordable units will be appropriately integrated within the development.”

Gary Lugg provided Members with information regarding the Development Control processes. He advised that the pre-application stage involved confidential discussions between the developer and the Council. The discussions were site specific and largely focused on policy requirements and processes.

Upon receipt of the application the LPA consulted the Housing Service and the assigned Planning Case Officer assessed the proposal against national and local policies. Consideration was given to other material considerations which included viability. If a Viability Assessment was required then independent consultants would be appointed on behalf of the developer and the Council.

Following receipt of consultation responses the Planning Case Officer would consider the application and whether it was appropriate to request a re-consultation with the Housing Service. Gary Lugg advised the Commission that the LPA would consider the application for approval or refusal and determine the recommendation either under delegated authority or through the appropriate area Planning Committee.

The final stage of the planning process could involve the application being considered at appeal or the Council using Enforcement Powers to enforce against non compliance with a legal agreement (although it was unusual to use such powers for affordable housing).

Councillor Brain Bedwell stated that West Berkshire clearly had a need to deliver a percentage of Affordable Housing for residents. He asked how the Council managed the demand to deliver affordable housing set by the Core Strategy target. June Graves advised that the Council sought to deliver a percentage of affordable housing within each new development (as set out within CS6) but it also strived to achieve as many affordable housing units above the CS6 target. In contrast, if the viability assessment

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provided a justifiable case for a reduced number of affordable housing units then it would be possible that the target would not be achieved.

Councillor Mike Johnson asked how the section 106 contributions were assessed and allocated and whether it was possible to adjust the allocation towards affordable housing in order to manage the impact upon other services. Gary Lugg advised that Section 106 contributions mitigated pressures exerted on local services through the development of additional dwellings. The level of affordable housing contribution, committed through the Section 106 agreement, was flexible and national guidance provided advice on how Local Authorities could work towards achieving the set target. Councillor Mike Johnson suggested that, through the Viability assessment, affordable housing contributions could be considered secondary to the other elements of a Section 106 agreement. Gary Lugg acknowledged Councillor Johnson's comment and advised that in some instances affordable housing contributions could be relaxed in order to proceed with a viable development plan.

Councillor Jeff Brooks asked what the current level of demand for affordable housing was within West Berkshire. Furthermore, he emphasised that the Council strived to deliver 30% of affordable housing but it was not known whether the target was feasible and necessary. Officers advised that it was difficult to quantify the exact level of demand. The Council strived to meet the target but each development was considered individually to assess viability. Gary Lugg advised that Officers worked closely with developers to shape the delivery of affordable housing from the offset.

Councillor Quentin Webb acknowledged that the Commission had been requested to consider the planning process rather than the policies therefore, he asked Officers whether they felt the process could be improved. Gary Lugg suggested that there was a perception that processes were ineffective or required improving. The process for negotiating Section 106 contributions, including affordable housing, was challenging but in most cases worked well.

The Commission acknowledged that a large proportion of Section 106 negotiations related to the level of affordable housing contributions. It was agreed that Members could benefit from understanding the Viability Assessment process and how decisions were made. Councillor Hilary Cole advised that a presentation had been organised for Members in November 2014.

Resolved that

1. That the report on affordable housing be noted.
2. That Councillors' Bedwell, Brooks and David Lowe meet with the Chief Executive to discuss the affordable housing lessons learnt from the Parkway development.

10. Performance Report for Level One Indicators

The Commission considered a report (Agenda Item 11) on the quarter one performance levels across the Council. Nick Carter advised that 10 items had been reported as 'amber' and no items had been reported as 'red' at present.

Councillor Mike Johnson questioned the terminology used in item 1.4 of the covering report and asked that future reports clearly stated the purpose of the information which followed. Nick Carter advised that the report would be reviewed to avoid confusion.

Councillor Alan Macro challenged the RAG status associated with reintroduction of empty homes which had been set a target of 80 for the year (2014/15) and was currently

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reported as 0. Nick Carter advised that the RAG status considered anticipated delivery by the end of the year and therefore the current RAG status informed Members that the service expected that the target would be achieved by year end.

Councillor Macro asked whether there was any information behind the decrease in planning applications received. Rachael Wardell suggested that the figures would not reflect the number of properties delivered; one application could be submitted for a number of dwellings on one site and therefore, the number was not a significant concern.

Councillor Roger Hunneman stated that items which referred to the number of days to make a decision regarding new benefit claims and changes to benefit claims required further explanation within the report. Nick Carter acknowledged the suggestion and agreed that items reported as 'amber' required contextualising via supporting commentary. The Commission heard that the current RAG status for both items was not unusual at an early point of the financial year. Nick Carter stressed that, as per previous year's performances, the speed of processing increased through the year as volume of claims stabilised.

Councillor Jeff Brooks asked what could be done to address the number of delayed transfers of care as outlined within the report. Rachael Wardell advised that a significant amount of time and staff resources had been allocated to ensuring transfer times were managed effectively. The Commission heard that resources were committed to delivering against the target but transfer times were often influenced by contributing factors outside the Council's control. Rachael Wardell stressed that the target was important to ensure services were focused on delivering quick and efficient transfers but stressed that the conditions of the system sometimes delayed the process. In her opinion the current level of delayed cases were not a concern; the service would continue to try and reduce the number of delayed cases in line with the target.

Councillor Macro asked whether Section 106 negotiations would influence the time required to process 'major' planning applications within 13 weeks. Nick Carter advised that complex negotiations influenced processing times but it was not a regular occurrence. He advised the Commission to retain the current target level until the situation was understood further. Councillor Quentin Webb advised that the Task Group challenged the target and was satisfied with the justification provided by the service. He concurred with Nick Carter's suggestion.

Councillor Macro asked why the target had been lowered significantly for Key Stage 2, Special Education Needs (SEN) children's achievements. Rachael Wardell advised that the target reflected the needs and ability of the 2014/15 cohort.

Resolved that the report be noted.

11. Annual target setting

The Commission noted the report (Agenda Item 12) issued following a review of the annual targets set for 2014/15.

Councillor Macro suggested that mechanisms to monitor the number of Foster Careers and availability of Affordable Housing should be retained and therefore, included in within the report going forward.

It was agreed that the Commission would monitor the number of Foster Careers through item OSMC/14/159 (Reducing external placements costs) and that the report should be amended to include the number of affordable homes in West Berkshire.

Resolved that

1. The report be noted.

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2. That the report be amended to reflect the number of affordable homes in West Berkshire.

(The meeting commenced at 6.30 pm and closed at 8.20 pm)

CHAIRMAN

Date of Signature