

# **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

## **MINUTES OF THE MEETING HELD ON TUESDAY, 5 APRIL 2016**

**Councillors Present:** Steve Ardagh-Walter, Anthony Chadley, Lee Dillon (Substitute) (In place of Alan Macro), Dave Goff, Clive Hooker, Mike Johnston (Vice-Chairman), Rick Jones, Richard Somner, Virginia von Celsing, Emma Webster (Chairman) and Laszlo Zverko

**Also Present:** Mel Brain (Housing Strategy and Operations Manager), Andy Day (Head of Strategic Support), June Graves (Head of Care Commissioning, Housing & Safeguarding), Paul Hendry (Countryside Manager), Gary Lugg (Head of Planning & Countryside), Matt Scalpello (Systems Development Manager), Rachael Wardell (Corporate Director - Communities), David Lowe (Scrutiny & Partnerships Manager) and Charlene Myers (Democratic Services Officer).

**Apologies for inability to attend the meeting:** Councillor Alan Macro and Councillor Ian Morrin

### **PART I**

#### **66. Minutes**

The Minutes of the meeting held on 23 February 2016 were approved as a true and correct record and signed by the Chairman.

#### **67. Declarations of Interest**

Councillor(s) Lee Dillon and Emma Webster declared an interest in Agenda Item 11, but reported that, as their interest was personal and not prejudicial or a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

#### **68. Actions from previous meetings**

The updates provided, in response to two actions recorded from the previous meeting, were noted.

#### **69. West Berkshire Forward Plan 20 April 2016 to 31 July 2016**

The Commission considered the West Berkshire Forward Plan (Agenda Item 5) for the period covering 20 April 2016 to 31 July 2016.

##### **Resolved that**

1. the Forward Plan be noted.

#### **70. Overview and Scrutiny Management Commission Work Programme**

The Commission considered its work programme for 2016/2017.

David Lowe advised Members that, in respect of Item OSMC 12/135 (Annual Target Setting Task Group), the annual review would take place in June 2016 and required four volunteers to contribute. Councillor Emma Webster and Councillor Lee Dillon agreed that they would confirm the name of those volunteers to David Lowe.

Councillor Dillon introduced Appendix C to the Commission and advised Members that the suggested topic for scrutiny was a review of the existing income generation of the

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Council. He stated that many Local Authorities had undertaken a similar activity in light financial pressures and the ongoing reductions to the Revenue Support Grants.

Members agreed that the review should be time limited – in order that it complemented the Officers' task group which had been established to consider the same matter. Councillor Dillon suggested that the review incorporated an examination of the work undertaken by other Local Authorities as a guide.

Members accepted the suggested topic for scrutiny onto their Work Programme and stated that the Terms of Reference should clearly outline the scope of the review in order that the discussions remained focused.

Councillor Dillon introduced appendix B to the commission and advised that the item sought to review the actions of West Berkshire Council associated with the Faraday Plaza planning application. It was proposed that the suggested topic of scrutiny would enable an opportunity to check the process, learn from the lessons identified and gain confidence in decision making.

Andy Day advised Members that the Commission was not permitted to consider planning matters but it would be feasible to consider a review into the role of the Executive through the decision making process.

Councillor Webster stated that Members should be cautious when considering the case for review as were a number of complexities, including legal elements, associated with the case.

It was concluded that the suggested topic for scrutiny would more suitably considered by the Planning Policy Task Group. Therefore, it was agreed that the topic would not be added to the Commission's Work Programme.

### **Resolved that**

1. Councillor Emma Webster and Councillor Lee Dillon would confirm the names of those volunteers willing to participate in the Annual Target Setting Task Group (OSMC 12/135).
2. The suggested topic of scrutiny – to review the existing income generation of the Council and recommend further opportunities – would be added to the Work Programme.
3. The suggested topic for scrutiny – Faraday Plaza – would not be added to the Work Programme.
4. The work programme be noted.

### **71. Items Called-in following the Executive on 24 March 2016**

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

### **72. Consideration of Urgent Items**

There were no urgent items to consider.

### **73. Councillor Call for Action**

There were no Councillor Calls for Action.

### **74. Petitions**

There were no petitions received at the meeting.

**75. Delivery of the Council Strategy - Priority 3: Enable the completion of more affordable housing**

*(Councillor Lee Dillon declared a personal interest in Agenda item 11 by virtue of the fact that he was an employee of Sovereign Housing. As his interest was personal and not prejudicial he was permitted to take part in the debate).*

*(Councillor Emma Webster declared a personal interest in Agenda item 11 by virtue of the fact that she was an employee of a property developer. As her interest was personal and not prejudicial she was permitted to take part in the debate).*

The Commission considered a report (Agenda Item 11) concerning an in-depth analysis of the overall performance status for the basket of measures used to monitor the progress of delivery of the Council Strategy Priority 3 - Enable More Affordable Housing.

Catalin Bogos introduced the report to Members and explained that the information contained in the report presented a detailed analysis of the performance as at Quarter three. Members heard that the Strategy Board had also considered the priority to identify opportunities to deliver more affordable housing. It was stated that the measure asked the service to investigate ways to deliver more affordable housing and Officers were present at the meeting to provide context around this target.

Andy Day advised that the Council was seeking to create capacity through volunteers within the Council to facilitate ways to move projects forward – from this the Collaborative Architects were formed. Councillor Hilary Cole advised that the volunteers received training from an external consultant who demonstrated the various skills required to drive, challenge and invigorate an effective review.

Paul Hendry (Collaborative Architect) explained that their role was to act as a catalyst for change. They facilitated a meeting between the subject matter experts (internal and external contacts) to dissect the subject and develop ideas. He advised that the first question the group considered was ‘the definition of Affordable Housing’. Members heard that the group agreed that affordable housing incorporated more than social housing and a broader definition was necessary in order to alleviate the pressure on current housing demands.

Mike Scapello (Collaborative Architect) advised that the meetings were attended by housing associations, Newbury Building Society, builders, Members, planning consultants and representatives from the Homes and Communities agency (HCA).

Paul Hendry explained that in discussing the current and future demands for affordable housing the group considered four key areas:

- Increase housing density: *Promote the change of use of agricultural land for affordable housing (AH) only.*
- Rural Housing Development Programme: *Increase the density of developments to deliver more affordable housing and change the perception within the market place in West Berkshire, by identifying successful projects elsewhere to be used examples.*
- Incentives for affordable housing: *A range of incentives (non financial) will deliver sites with a higher proportion of affordable housing than otherwise would be delivered.*
- Proactive Land Assembly Now Team: *Create a team to re-assess sites that ‘missed the short list’ with the aim of securing more affordable housing through the release of this land.*

The group proposed a set of recommendations based around the four key areas which would be presented to the Strategy Board for consideration.

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Councillor Cole expressed her appreciation for the support and hard work of the Collaborative Architects associated with the first project since the scheme had been introduced.

In response to points raised by the Commission, Mel Brain explained that government policy was due to change and it was expected that the changes would detail how the government would help local councils and developers work with local communities to plan and build more affordable housing. She explained that the type of affordable housing provided by a development was assessed on a case-by-case basis but often the assessment would consider current provisions and local need. Mel Brain advised that the demand for 1 and 2 bedroom properties had increased since the Bedroom Welfare Reform Act was introduced. Furthermore, the demand for rented social housing was highest as these properties often offered accommodation for homeless people – that the Council had a legal duty to house.

Councillor Rick Jones asked whether there was sufficient confidence that the solutions offered sensible answers to problems which, he considered, might not have been defined. Paul Hendry stated that the discussions prompted suitable solutions but more detail was required before they could be pursued.

Councillor Johnston asked how it could be considered reasonable to suggest that 'household affordable' could be defined as: *accommodation which is available at a price or rent which is not more than 30% of a household's net income*. He suggested that the definition failed to consider fluctuations in household earnings and financial changes within the District. Mel Brain advised that the percentage was used as a benchmark

Members heard that the project was in its early stages and as part of the process the suggestions developed by the group would be presented to the Strategy Board for further consideration and potential policy changes.

Councillor Webster stated that the topic was very important and acknowledged that valuable work was underway to understand the current and future challenges. She asked whether an annual target would be submitted in order to track the number of houses delivered against the Council Priority. June Graves advised that they did not plan to provide a target because it was considered that the Local Authority was an enabler and was not in the position to directly influence the delivery of affordable housing. Councillor Webster challenged this response and advised that numerous targets were monitored although they were considered outside the direct control of the Council. Mel Brain accepted the comments from Councillor Webster but insisted that the affordable housing target was very different and it relied heavily on the commercial market to drive delivery. Gary Lugg advised that the process for delivering properties could take many years and for this reason it may appear that the target has been missed until much further down the line. He suggested that monitoring the target on a regular basis could be misleading.

Members discussed the obstacles in place which limited the number of affordable housing units that might be included within a new development scheme. It was noted that a the Viability Assessment was a key factor in agreeing the percentage of affordable units – often the number was reduced in order to improve the financial viability of a scheme. Members suggested that it would be beneficial if all viability assessments were publicly available. Gary Lugg advised that the service had sought legal advice in respect of publishing such documentation.

Councillor Clive Hooker asked what plans the Council had to use agricultural land as a space for development and what impact they might have on the Development Plan Document (DPD). Councillor Cole advised that affordable housing could be delivered

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outside settlement boundaries due as rural exceptions and that this had been documented within the DPD. Councillor Anthony Chadley suggested that there was a lot of work to do in order to address the stigma attached to the term 'affordable housing'. He considered that communities should be encouraged to embrace the development of affordable housing in their area.

Councillor Jones asked whether the Commission could reassess the target in due course. Andy Day advised that the Strategy Board would consider the recommendations in May 2016 and a degree of work will be required to understand the level of resources required to deliver the suggested actions. Members were invited to reconsider the item in September 2016 in light of the longer term target to deliver 1000 homes by 2020.

### **Resolved that:**

1. The topic would be scheduled for discussion again in September 2016.
2. The report be noted.

## **76. Key Accountable Performance Report 2015/16: Q3**

*(Councillor Richard Somner declared a personal interest in Agenda item 12 by virtue of the fact that he was an employee of The Royal Berkshire Hospital. As his interest was personal and not prejudicial he was permitted to take part in the debate).*

The Commission considered a report (Agenda Item 12) concerning the Quarter three outturns against the Key Accountable measures contained within the 2015/2016 Council Performance Framework.

Members heard that the report appraised progress against a basket of 27 key accountable measures and activities aligned to the objectives set out in the Council Strategy. Of the 27 reported measures, outturns were available for 24. Of the remainder, 2 which were reported only once a year and 1 was unavailable at the time of publication of the report. Therefore, of the measures reported:

- 19 (78%) were reported as 'Green' – on track to be delivered/ achieved by year end.
- 4 (17%) were reported as 'Amber' – behind schedule, but still expected to achieve or complete the measure/ activity by year end.
- 1 (4%) was reported as 'Red' – not achieved, or do not expect to achieve, the activity or target within the year.

Catalin Bogos advised Members that the additional narrative (performance intelligence) was not available, on this occasion, due to the prioritisation of budget pressures above other tasks. Councillor Steve Ardagh-Walter was concerned to learn that all the exception reports related to measures within the same directorate. Rachael Wardell advised that in a big directorate with a large number of challenging measures it was not uncommon for measures to be reported below target, although the measures had improved through the quarter four reporting.

Rachael Wardell explained that in some cases the measures were reported against a small group of people and could therefore be easily affected by any changes to their circumstances. With this in mind, Rachael Wardell stated that it was paramount that the services were not led by targets in such a way as to drive perverse incentives. She stressed that, although there was a need to track performance, the service was directed to take the most suitable course of action based on an individual's needs, irrespective of the impact this might have upon targets.

Councillor Richard Somner asked whether the measure had been adversely affected by the inclusion of 4 clients in permanent care home placements. Rachael Wardell explained that the service was clear about their objective, aiming to keep people within

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their own homes with support of reablement/rehabilitation services. However, sometimes those services could not meet the needs of some individuals so an alternative provision of care was required. She advised that Members were entitled to know the circumstances but she remained clear that meeting an individual's need was paramount.

**Resolved that:**

1. The report be noted.

*(The meeting commenced at 6.30 pm and closed at 7.50 pm)*

**CHAIRMAN** .....

**Date of Signature** .....