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**NOTE: These minutes have been amended.
See minutes of meeting held on 17 September 2013.**

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON MONDAY, 2 SEPTEMBER 2013

Councillors Present: Jeff Beck, Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), Marcus Franks, Dave Goff, Mike Johnston, Alan Macro, Gwen Mason, Tim Metcalfe, Andrew Rowles, Garth Simpson, Quentin Webb, Emma Webster and Laszlo Zverko

Also Present: Mel Brain (Service Manager - Housing Strategy and Operations) and Andy Day (Head of Strategic Support), Councillor Roger Croft (Strategy & Performance, Housing, ICT & Corporate Support, Legal and Strategic Support), David Lowe (Scrutiny & Partnerships Manager) and Charlene Myers (Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Tony Vickers and Councillor Virginia von Celsing

PART I

24. Declarations of Interest

(Councillor Marcus Franks declared an interest in Agenda Item 3 but reported that, as his interest was not personal and prejudicial, he determined to remain to take part in the debate and vote on the matter).

25. Asset Disposal

Andy Day introduced to the Commission the Asset Disposal Guidance which had been drafted to specifically cover the Council owned assets which had a Community Right to Bid aspect. Andy Day acknowledged that the Greenham Control Tower was an asset of particular interest as it had been listed on the Assets of Community Value database and was, at the same time, advertised on the open market and available for local community bids. He explained that the closing date for bids was 7th September 2013.

Andy Day explained that in assessing any bids received for Council owned community assets it would be important to consider the following:

- (i) *Viability and credibility of overall offer*
 - (a) *Does the organisation have the necessary resources, funding and competence to deliver against the proposal?*
 - (b) *What were the timescales for the delivery of the project?*
- (ii) *Community use and benefit*
 - (a) *How wide would the community benefit be?*
- (iii) *Financial benefit to the Council*

Councillor Marcus Franks asked whether the community value was benchmarked in order that it could be assessed against asset value. Andy Day advised that the criteria had not been benchmarked given that this could impact on the decision making process. Andy Day emphasised that the main consideration of any community application was whether it was viable and credible.

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Councillor Garth Simpson recommended that the policy incorporated a review of the applicant's business plan in order that the application could be validated and asked whether the policy should consider the benefit to West Berkshire residents alone. Andy Day explained that in order to avoid limitations, community value would be measured in terms of the wider community. It was agreed that a review of the applicant's business plan would form part of the viability and credibility criteria.

Councillor Mike Johnson asked whether the process was subject to Call In and what rights a private bidder would have to appeal the decision. Andy Day advised that the decision would be subject to Call In by Members and private bidders would be encouraged to use the process of Judicial Review if they wanted to appeal against the Executive decision.

Councillor Johnson questioned whether the policy would include a financial claw back mechanism. Councillor Johnson suggested that this clause would ensure that the Council received a percentage of the funds raised if the applicant sold the asset at a higher value than sold to them within a specified period of time. Andy Day agreed to liaise with Legal Services in relation to a claw back clause.

The following items were highlighted by Councillor Jeff Beck:

- Page 5, point (ii): It was not clear what stage of the process this was referring to. The Commission requested clarification and that the guidance would be amended accordingly.
- Page 6 (point iii): should be changed to *Financial benefit*

Councillor Quentin Webb asked whether the policy included a process for recalling an asset if the business plan failed. Andy Day explained that after an asset was transferred it would be the responsibility of the owner. Councillor Webb suggested that if the process required validation of the applicant's business plan then the Council might be criticised if the business was unsuccessful. Andy Day advised that the business plan would be considered during the decision making process, along with other factors.

Councillor Alan Macro raised his concern that the community bidding process would be inhibited by placing the asset on the open market. Andy Day advised that the guidance was designed to compliment the asset disposal policy. The guidance provided the opportunity for community groups and commercial bidders to place a bid against the asset using the same timeframes.

Councillor Brooks suggested that it would not always be suitable to market an asset but due to the guidance the Council would be expected to follow the process as detailed. Councillor Brooks advised that assets had been leased by the Council, therefore providing some degree of flexibility. It was suggested that the guidance could be more specific in terms of listing alternative options.

Councillor Brian Bedwell thanked Andy Day for attending and requested that the minor amendments be made to the guidance and return to the Commission in October 2013 to provide an update.

In answer to a question, Andy Day advised the Commission that the guidance would be used in its current format for the purpose of assessing the bids received in respect of the Greenham Control Tower.

Resolved :

- That the Asset Disposal Guidance, including the minor amendments, be noted.
- That Andy Day return to the Commission in October to provide an update on the use of the guidance in relation to the disposal of the Greenham Control Tower.

26. Housing Allocations

(Councillor Franks declared a personal interest in Agenda Item 3 due to the fact that he was employed by Sovereign Housing, but reported that, as his interest was personal and not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter).

Mel Brian introduced the final draft of the Housing Allocations Policy and referred the Commission to Appendix B which listed the amendments made to the document as a direct result of the public consultation that had taken place. The Commission was being given the opportunity to comment on the final draft of the Housing Allocations Policy prior to it being considered at the Executive.

Mel Brian explained that the majority of amendments were technical and sought to clarify the process. The members of the Commission heard the reason for each change before they were invited to comment on the final draft of the Policy.

Councillor Gwen Mason asked whether the amendment to section 16.4 of the policy would result in families receiving more suitable housing. Mel Brian advised that the amendment brought the process in line with the Housing Benefit process. The application would still require sufficient evidence before an additional bedroom could be awarded. Councillor Mason was satisfied with the proposed policy and stated that the assessment process must be robust in order for it to be effective. In response, Mel Brian advised the Commission that new case law provided tests for the assessment of an application.

Councillor Franks asked whether limits within the assessment process considering children's ages had been increased or decreased. Mel Brian advised that the age was lowered in some cases and raised in others. The age limit was set at ten years for the purpose of assessing whether a garden was required because it was assumed that a child above that age would be able to play in the local area and therefore have less need for a garden.

Councillor Jeff Beck highlighted typing errors within the policy document and suggested that the document was unbalanced in places by referring only to 'his'. It was agreed that the errors would be corrected and amendments would ensure that policy was balanced.

Councillor Jeff Brooks suggested that an overview of the consultation feedback would help the Commission to contextualise the amendments. In response, Mel Brian advised that she did not have the information available at the meeting but advised that some feedback was derived from individual's specific experiences. Mel Brian explained that some people were concerned about changes to the financial test threshold and that it was agreed the threshold would remain in line with the national policy. Mel Brian explained that amendments made to the assessment process for disabled children, looked after children and the policy of dealing with violence towards staff were all a direct result of the consultation. Mel Brian stated that nothing had been taken out of the document as a direct consequence of the consultation.

Councillor Alan Macro noticed that there was a high turnover on the Common Housing Register (CHR) and made reference to the reported rate of annual re-registration. Mel Brian was asked whether the two interlinked and whether the process of contacting people by letter was flawed and therefore contributed towards the high numbers. Mel Brian advised that the registration process involved contacting the individual by letter, text and phone. Responses were monitored annually and staff would proactively contact people who had not returned their registration request.

Councillor David Goff questioned the reference on page 37 to the applicant providing information on their race, age and gender etc. It was suggested that this contradicted the statement that such factors would not form part of the decision making process. Mel

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Brian explained that the information was requested in order that the service could monitor the allocation of housing and to highlight areas for improvement within the process. Councillor Franks recommended that the policy was reworded in order to clarify this.

Recommendation: The policy would be worded to say: *This would allow us ensure that housing is been allocated fairly.*

Councillor Garth Simpson asked whether the Housing Allocation Policy effectively addressed the qualification criteria used to determine whether an applicant was entitled to West Berkshire housing. Mel Brian advised the Commission that the local connection criteria were set at a national level. The homelessness policy had also been used in order to define the local connection policy due to its clear and precise structure.

Councillor Mason asked whether the process identified applicants with Mental Health issues. Mel Brian advised that the system would highlight such factors and these would be allowed for during the decision making process.

Councillor Brian Bedwell acknowledged that the policy would be reviewed in five years but suggested that the Commission received an update in 12 months time. The recommendation was approved by the Commission.

Recommendation: The Commission would receive an update in respect of the Housing Allocation Policy in 12 months time.

The Commission praised Mel brain and the Housing Allocation Task Group for their hard work and the final draft policy.

Resolved that: The report was noted and the Commission would receive an update in respect of the Housing Allocation Policy in 12 months time.

(The meeting commenced at 6.30 pm and closed at 7.35 pm)

CHAIRMAN

Date of Signature