
OSMC Response to the Executive - Performance Investigation

Committee considering report:	Executive on 21 December 2017
OSMC Chairman:	Councillor Emma Webster
Date Member agreed report:	Report provided to Councillor Webster on 23 November 2017
Report Author:	Stephen Chard
Forward Plan Ref:	EX3407

1. Purpose of the Report

- 1.1 To consider the Overview and Scrutiny Management Commission's response to the Executive following the request to investigate areas of poor performance in the 2016/17 Q4 and 2017/18 Q1 Key Accountable Performance Reports.

2. Recommendation

- 2.1 That the Executive consider the responses of the Overview and Scrutiny Management Commission.

3. Implications

- 3.1 **Financial:** n/a
- 3.2 **Policy:** n/a
- 3.3 **Personnel:** n/a
- 3.4 **Legal:** n/a
- 3.5 **Risk Management:** n/a
- 3.6 **Property:** n/a
- 3.7 **Other:** n/a

4. Other options considered

- 4.1 n/a

Executive Summary

5. Introduction / Background

5.1 At the Executive meetings on 27 July 2017 and 7 September 2017 it was resolved that the Overview and Scrutiny Management Commission (OSMC) be tasked with identifying the reasons for areas of poor performance that were identified within the 2016/17 Q4 and 2017/18 Q1 Key Accountable Performance Reports. This was to ensure that appropriate actions were being taken to help mitigate and improve poor performance, where possible, and to potentially identify other actions which might improve performance.

5.2 On the 27 July 2017, the following areas were identified for further investigation:

- Council Tax and Business Rates Collection
- The timeliness of reviews for long term Adult Social Care clients
- Enable the completion of more affordable housing

5.3 On the 7 September 2017, the following areas were identified for further investigation:

- The timeliness of decisions on benefit claims
- The percentage of people presenting as homeless where the homelessness has been relieved or prevented

6. OSMC Debate

6.1 These items were all discussed by the OSMC at its meeting on 17 October 2017. The draft minutes from that meeting are attached as Appendix A and a summary of the debates is provided below:

Council Tax and Business Rates Collection

6.2 Both of these performance indicators were reported 'red' at Q4 of 2016/17. The OSMC received a report which outlined the reasons for the 'red' performance, the mitigation measures taken and an update on progress with the collection of Council Tax and Business Rates. This report was presented at the meeting by Iain Bell, Revenues and Benefits Manager. It was explained to Members that there had been two key reasons for the decline in performance, these were associated with backdating the single resident discount and changes to the Council Tax Reduction Scheme.

6.3 In terms of Council Tax, Members were pleased to note that the 2016/17 collection rate was back on target at 99.01% against the 99% target (this was 98.4% at year end). 2017/18 performance was on target for a year end collection rate of 98.9%.

6.4 Members queried the practice of backdating charges, for example following the single resident discount review conducted in January 2017, as there was concern at the impact this could have on residents and their finances. Members were assured that this process was managed sensitively and residents received ample

notification. Consideration was given to different options for repayment to assist residents.

- 6.5 In response to the suggestion that the Council needed to make better use of internal systems to verify matters such as single person discount, the Revenues and Benefits Manager advised that the team was considering all options available to maximise efficiencies.
- 6.6 Turning to Business Rates, Members heard that as at 31 March 2017, two large companies owed a significant sum (a total of £700k+), with both companies disputing their liability to pay. Since that time, legal advice had been sought and a court order obtained in relation to one case which will assist the Council in enforcing payment. The second case was a landlord/tenant dispute which had been resolved and the balance paid by the landlord. In response to a Member query, the Revenues and Benefits Manager advised that it was not possible to predict whether further cases such as these would arise.
- 6.7 Members were also interested to hear that different technological solutions were being considered for both areas in order to streamline processes and deliver efficiencies.
- 6.8 It was agreed that the Head of Finance would be asked to confirm whether any surplus from backdated collections had been included in the 2017/18 budget.

The timeliness of reviews for long term Adult Social Care clients

- 6.9 This performance indicator was reported 'red' at Q4 of 2016/17 and 'amber' at Q1 of 2017/18. The target was 75% and Q1 performance was reported as 65.1%. The OSMC received a report which explained the statutory requirement to undertake annual reviews, the reasons for poor performance for long term clients (those in receipt of a service for over 12 months) and the mitigation measures taken to improve performance. The report was presented at the meeting by Ian Dawe, Adult Social Care Service Manager.
- 6.10 Members heard that a separate Review Team had been formed in Adult Social Care which now had the sole responsibility for conducting planned reviews. This was part of a restructure in May 2016.
- 6.11 Members were then informed of the analysis undertaken of those cases that were overdue a review in 2016/17. A high proportion of these cases (43% or 88 people) were for clients whose primary support reason was Learning Disability or Mental Health and the care reviews for these individuals tended to be more complex and took longer to complete.
- 6.12 In order to alleviate these pressures, two new members of staff had been recruited into the team with the necessary expertise in learning disabilities and mental health. It was noted from the Officer's report that provisional Q2 performance had improved to 73%.
- 6.13 In addition, it was also possible to use a range of methods to complete reviews, i.e. over the telephone.
- 6.14 Members sought to understand the total waiting time for people who had not been reviewed within the required 12 months. The Service Manager explained that in

some cases, reviews were delayed for clients who were in hospital and/or had been assigned to a care team. In these instances, the review team would wait for a more suitable time to conduct a meaningful review. The Service Manager was not able to confirm at the meeting the number of these clients or the number of clients whose review had been delayed for different reasons.

- 6.15 An assurance was sought that telephone based reviews were sufficiently robust in comparison to face to face reviews. It was explained that face to face reviews were undertaken for more complex cases or those where changes were likely to be required however, in some cases, telephone based reviews were a more appropriate and efficient way of managing these cases.

Enable the completion of more affordable housing

- 6.16 The completion of more affordable housing was a Council Strategy Priority for Improvement and was reported 'red' at the end of the 2016/17 financial year. This trend had continued into 2017/18 and completions data will next be available at Q2 of 2017/18. Gary Lugg (Head of Development Planning), Bryan Lyttle (Planning and Transport Policy Manager) and Councillor Hilary Cole (Portfolio Holder for Planning, Housing and Leisure) were in attendance for this item. Members were provided with a definition of housing that could be considered as affordable.
- 6.17 The target set within the Council Strategy was to deliver 1000 affordable housing units between 2015 and 2020 which was recognised as an ambitious target. 241 units had been delivered during the course of 2015/16 and 2016/17, creating a shortfall of 759 units against the target.
- 6.18 Local authorities were required to demonstrate a five year land supply for housing development and the forecasted delivery for the next three years was for 444 units, leaving a shortfall against the target of 315. These 444 units related to sites which had already received planning permission or were identified within the Housing Site Allocations Development Plan Document (HSA DPD).
- 6.19 Members were informed that this could increase over the forthcoming years from windfall sites or should a development for 300 affordable housing units at Newbury Racecourse, which had received planning permission, be completed ahead of schedule.
- 6.20 Challenges being faced included viability concerns being raised by developers who were challenging the number of affordable units they needed to provide. Members were advised that Central Government was considering a national approach to the issue. Members queried the potential affordable housing units lost as a result of viability challenges argued successfully by developers and it was agreed that this information would be forwarded to the OSMC for 2016/17. Updated figures will also be available in December 2017.
- 6.21 Beyond viability, Members were advised that the economic downturn had impacted the building sector significantly, the costs of raw materials had increased and there was a shortage of appropriately skilled workers in and around the local area.
- 6.22 It was explained that regular liaison is conducted with developers to help to understand when sites would be developed.

- 6.23 In response to a Member query on the scope to reduce from three years to two years the deadline for approved developments to commence, the Head of Development and Planning advised that while delayed commencement was not a particular issue in West Berkshire, he would seek feedback from the Developers Industry Forum on whether this deadline should be reduced.
- 6.24 Officers also agreed, in response to a suggestion from Members, to update the affordable housing statistics to reflect the areas in which affordable housing units had been allocated.
- 6.25 The Portfolio Holder praised the efforts of Officers in seeking to overcome obstacles and deliver much needed housing provision for residents.

The timeliness of decisions on benefit claims

- 6.26 The following performance indicators were reported 'red' at Q4 of 2016/17 and 'amber' at Q1 of 2017/18:
- Average number of days taken to make a full decision on new benefit claims.
 - Average number of days taken to make a full decision on changes in a benefit claimants circumstances.
- 6.27 The OSMC received a report which outlined the reasons behind the performance difficulties in this area, the mitigation measures taken and an update on progress. The report was presented at the meeting by Iain Bell, Revenues and Benefits Manager.
- 6.28 It was noted that the Council's average time for processing a new benefit claim at the end of 2016/17 finished 0.75 of a day below the national average. Data/software issues had now been overcome by the installation of a new server in March 2017 resulting in improvements to general response and processing times; and two vacant posts had recently been filled.
- 6.29 In response to a Member question on future challenges, Iain Bell explained that the full roll out of Universal Credit (UC) in December 2017 would require the team to support new claimants in making applications as well as assisting the DWP Assessment Centre in the assessment of new claimants. This would result in an increase in activity which attracted some additional funding (the Council would receive funding for the first 2 hours spent assisting each claimant with their application – a national grant provided at a flat rate). The impact of this would be closely monitored as currently the volume of claimants and the degree of impact was unknown.
- 6.30 Members queried the actual support available to residents. Iain Bell explained that staff would undergo specific training in advance in order to provide a dedicated resource to assist applicants with the process. Training was available to Council staff beyond Revenues and Benefits, Registered Social Landlords and for Citizens Advice Bureau staff.
- 6.31 A frequently asked questions sheet was requested for all Members to help them respond to residents' questions and concerns about Universal Credit. It was further requested that this information be made available to Parish Councils so they could help disseminate key messages and advice to residents. Iain Bell agreed to develop

a FAQ sheet for Members around the process of UC, this would be provided in advance of the roll out of UC in December 2017.

- 6.32 Finally, Iain Bell confirmed that there would be opportunities within the UC application process to identify those who did not quality for UC but who might still be entitled to Housing Benefit.

The percentage of people presenting as homeless where the homelessness has been relieved or prevented

- 6.33 The OSMC was informed by the Head of Development and Planning that the figures provided in the Q1 Exception Report had been finalised post production of the report. The reported 'red' performance of 50% against the 75% target had been updated and was confirmed as 64% improving performance to 'amber' at Q1. Members requested that future performance reports be clear on whether figures were estimated or confirmed.

- 6.34 The staffing situation had improved with two members of staff returning from long term sickness absence. An additional Housing Officer had also been recruited and a new Team Manager had recently been appointed.

- 6.35 Members questioned the impact that would be caused by the implementation of the Homelessness Reduction Act (from April 2018). It was explained that the new burdens funding allocation for West Berkshire Council was expected to be £37k and would not be sufficient to deliver the required preventative measures. Councillor Hilary Cole explained that she would lobby local MPs to seek to address this underfunding. Gary Lugg added that this would be the subject of a report to the Executive in due course.

- 6.36 In response to a Member question on the reasons why people presented as homeless and whether there was a pattern, Gary Lugg advised that this was often associated with the high cost of private renting and changes to the circumstances of individuals, i.e. their employment.

- 6.37 Members queried how frequently bed and breakfast (B&B) facilities had to be utilised in order to provide emergency accommodation. Members were informed (post the meeting, of 79 instances in 2016 and 36 to date in 2017. In addition, it was explained that the need for B&B to be used as emergency housing would hopefully reduce as the Council had recently become a Registered Provider. It was noted that avoiding the need to use out of authority B&B was positive for any children involved as they could continue to attend their school providing them with greater stability. It also reduced the need for the Council to fund school transport.

7. Conclusion

- 7.1 The OSMC was pleased to note that improvements had been made, in particular with the collection of Council Tax and Business Rates, and in increasing instances where homelessness had been relieved or prevented. Improvements had been achieved in a number of different ways which included staff recruitment/restructures, new ways of working and technological improvements.

- 7.2 Members were assured with the support that will be given to residents, i.e. with backdated Council Tax collections and in claiming UC.

- 7.3 Additional information will be provided to the OSMC and/or in future performance reports on how the funding obtained from backdated Council Tax and Business Rate collections would be budgeted, the affordable housing units lost due to viability challenges and the geographical areas where affordable housing had been allocated.
- 7.4 Members would await the publication of a report at the Executive on the implementation of the Homelessness Reduction Act.
- 7.5 New actions were also identified by the OSMC. They included the potential to reduce the deadline for commencing developments to two years and this would be explored by the Head of Development and Planning. A FAQ sheet would be produced to help Members and parishes respond to residents' questions and concerns.

8. Appendices

- 8.1 Appendix A – Extract of the draft OSMC Minutes – 17 October 2017

Background Papers: Reports provided to the OSMC for its meeting on 17 October 2017.

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aims:

- P&S – Protect and support those who need it**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- SLE1 – Enable the completion of more affordable housing**
- P&S1 – Good at safeguarding children and vulnerable adults**
- MEC1 – Become an even more effective Council**

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