

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

EXTRACT OF THE DRAFT MINUTES OF THE MEETING HELD ON TUESDAY, 17 OCTOBER 2017

Councillors Present: Jason Collis, Lee Dillon, Marigold Jaques, Tim Metcalfe, Ian Morrin, Richard Somner (Vice-Chairman), Emma Webster (Chairman) and Laszlo Zverko

Also Present: Iain Bell (Revenues and Benefits Manager), Catalin Bogos (Performance Research Consultation Manager), Nick Carter (Chief Executive), Ian Dawe (Interim Service Manager, WBC), Andy Day (Head of Strategic Support), Melanie Ellis (Chief Accountant), Gary Lugg (Head of Development & Planning), Bryan Lyttle (Planning & Transport Policy Manager), Rachael Wardell (Corporate Director - Communities), Stephen Chard (Principal Policy Officer), Councillor Hilary Cole (Deputy Leader and Portfolio Holder for Planning, Housing and Leisure), Charlene Hurd (Democratic Services Officer) and Councillor Quentin Webb (Chairman DTOC Task and Finish Group)

Apologies for inability to attend the meeting: Councillor Mike Johnston and Councillor Rick Jones (Portfolio Holder for Adult Social Care)

Councillors Absent: Councillor Steve Ardagh-Walter, Councillor Gordon Lundie and Councillor James Podger

PART I

20. Enable more affordable housing completions

Gary Lugg advised that a target had been set to deliver 1000 affordable housing units between 2015 and 2020 – a key priority set by the Conservative Group notwithstanding the fact that this was recognised as an ambitious target.

Members were provided with an additional paper at the meeting which outlined the most up-to-date position against the affordable housing target. Members considered the following table:

Year	Net housing completions	Of which affordable
2016/17	485	83
2015/16	625	158
2014/15	496	-15
2013/14	457	146
2012/13	552	182
Total	2215	554

Members heard that the negative figure reported in 2014/2015 related to the demolition of a housing scheme and reflected the fact that replacement units did make up the full number lost. Bryan Lyttle explained that the target focused on delivery from 2015 to 2020 only and that in this period there had been 241 units introduced in West Berkshire - a shortfall of 759 units against the overall target of 1000.

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 17 OCTOBER 2017 - MINUTES

Local authorities were required to demonstrate that they had a 5 year land supply for housing development in accordance with paragraph 47 of the National Planning Policy Framework (NPPF). However, there was a specific focus on the 3 year availability in respect of this target deadline. The forecasted delivery of affordable housing in the 3 year period was 444 units which resulted in an overall shortfall of 315 units against the target. However, there was a possibility that some of the 5 year forecasted units could be delivered sooner – noting that the Racecourse had outstanding permission to deliver a further 300 affordable housing units which they might choose to deliver sooner than currently planned.

Members were advised that windfall sites become available for development unexpectedly and were therefore not included as allocated land in a Council's development plan. However, where there were plans to deliver 5+ units then there would be opportunities to discuss affordable housing provision.

Gary Lugg advised that influencing the rate of delivery was challenging and that the service continued to liaise with developers to move work forward which, in turn, helped towards addressing the issue of 'land banking'.

Planning Officers had encountered issues around viability assessments which challenged the number of affordable housing units delivered in a scheme. Gary Lugg advised Members that Central Government was considering a national approach to the issue.

Councillor Ian Morrin asked whether there were other obstacles affecting the delivery of affordable housing units. Gary Lugg advised that the economic downturn had impacted the building sector significantly. Similarly, the costs of raw materials had increased combined with a shortage of skilled workers in/around the local area (due to financial incentives elsewhere). There were also concerns regarding the outturn from BREXIT negotiations.

Councillor Morrin asked whether the Planning Service made enquiries with developers to understand anticipated delivery. Bryan Lyttle advised that the service reviewed this information regularly and that the Community Infrastructure Levy (CIL) meant that they were notified when work commenced on site.

In response to questions asked by the Commission, Gary Lugg advised that he would not expect the forecasted number of units to change (due to viability challenges for example) down the line. He stated that the report referred to units on Greenfield land which did not present the same issue around viability compared to Brownfield land. Bryan Lyttle added that affordable housing numbers for the next 3 years related to sites which had already received planning permission or were identified as part of the Housing Site Allocations Development Plan Document (HSA DPD).

Councillor Marigold Jaques asked whether the Council could do anything to overcome the challenges faced by viability challenges. Gary Lugg advised that the Government was considering policy changes but that the Planning Service allocated applications once viability had been confirmed. Councillor Tim Metcalfe asked how many, potential, affordable housing units had been lost as a result of viability challenges. Gary Lugg advised that he did not know the exact number but that these were recorded in the annual report for 2016/17 which he would circulate to the Commission. Updated figures would also be available in December 2017. Gary Lugg also made the point that there had been a recent reduction in the number of viability concerns being raised.

Councillor Richard Somner asked for the definition of 'affordable housing'. He was acutely aware that some properties, labelled as 'affordable housing', were unobtainable for many and he wanted to know what could be done to address the divide.

(Bryan Lyttle provided the following definition after the meeting)

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 17 OCTOBER 2017 - MINUTES

Affordable Housing is defined in the NPPF as:

Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in Section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing may not be considered as affordable housing for planning purposes.

The Council uses the above definition of affordable housing and defines the term affordable as accommodation which is available at a price or rent which is not more than 30% of a household's net income.

Affordable housing is normally and preferably provided on-site and through Housing Associations (Registered Providers; RP). Affordable housing can sometimes be provided on sites owned by the Housing Associations, but more often the provision comes through obligations placed on developments by the planning system.

Councillor Emma Webster highlighted that the Council allowed 3 years for developments to commence but she was aware that other local authorities had introduced a 2 year deadline. Gary Lugg advised that they reduced the deadline from 5 years to 3 years in line with Government advice but that the Planning Service had not reviewed the deadline since then. Gary Lugg advised that there could be some benefits in reviewing the deadline although delayed development was not a common issue in West Berkshire – these cases tended to be by exception only.

Councillor Lee Dillon requested that the affordable housing allocations statistics were listed according to the area across West Berkshire therefore, providing opportunities to identify gaps and need.

Councillor Hilary Cole concluded that the service was acutely aware of the ambitious target they had to meet but that they worked tirelessly to drive forward and overcome obstacles which threatened delivery of much needed housing provision for residents. In her opinion, the Council would be in a better position to meet the target if it had access to its own land supply – but this was a separate matter to consider.

Resolved that:

- 1) Gary Lugg circulate the 2016 number of proposed Affordable Housing units which had not been delivered due to viability challenge. Updated figures would also be available in December 2017.

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 17 OCTOBER 2017 - MINUTES

- 2) Gary Lugg to request feedback from the Developers Industry Forum in terms of amending the development commencement deadline from 3 to 2 years.
- 3) Bryan Lyttle update the affordable housing statistics to reflect the areas in which they had been allocated.

21. **Homelessness prevention/alleviation for people presenting as homeless**

Gary Lugg advised that the previous report used an estimated figure and resulted in a significant decrease to 50%, against a target of 75%. Members were informed that the 'actual' figures had been confirmed as 64% and gave a more accurate reflection of the performance level. This moved Q1 performance from 'red' to 'amber'.

Gary Lugg explained that the team had a 30% reduction in staffing due to long term sickness but that this situation had recently improved since the 2 members of staff returned to work.

Councillor Lee Dillon suggested asked that, where possible, the performance report should state whether figures were estimated or actual going forward. Catalin Bogos agreed to action this request going forward.

Councillor Emma Webster asked what impact the Homelessness Reduction Act 2017 (to be implemented from April 2018) might have on the service. Councillor Hilary Cole advised that the value of the 2018/2019 Homelessness Reduction Act (new burdens allocation for West Berkshire) was approximately £37K and that this would not be sufficient to deliver effective prevention measures in West Berkshire. Members were advised that Councillor Cole intended to lobby local MPs to address underfunding. Gary Lugg added that this would be the subject of a report to the Executive in due course.

In response to questions asked by the Commission, Councillor Cole advised that an additional Housing Officer had been successfully recruited to help alleviate pressures and process cases more efficiently. A new Team Manager had recently joined the team too – it was hoped that the Manager would bring an innovative approach to reviewing how the team operated.

Councillor Ian Morrin asked whether there was a pattern associated with the reasons why people presented as homeless. Gary Lugg advised that the reasons were often associated with affordability of private renting and changes in residents' personal circumstances (job/ family).

Councillor Webster asked how many times the Council used Bed and Breakfast facilities as a means to provide emergency accommodation. Gary Lugg stated that he did not have the figures available but he would confer with colleagues and report back to the Commission. Councillor Cole explained that the Council had recently become a Registered Provider and that this would reduce the need for Bed and Breakfast as emergency housing. Rachael Wardell stated that avoiding out of authority B&B placements was positive for the children involved because they could continue to attend their school which led to improved stability for them and, in turn, reduced the need for the Council to provide funding for transport to school.

Resolved that:

- (1) Future performance reports indicate whether the statistics were estimated or actual.
- (2) Gary Lugg to confirm the number of cases whereby Bed and Breakfast was used as a means for emergency accommodation.

Response received after the meeting:

- 2017 to date = 36
- 2016 = 79

22. **Timeliness of reviews for long term Adult Social Care clients**

The Committee considered a report (Agenda Item 7.c) concerning the decline in the timeliness and regularity of care plan reviews for vulnerable adults. Ian Dawe advised that the Care Act (2014) introduced a statutory requirement for all Councils in England and Wales to undertake annual reviews of adults in receipt of care and support. It applied to those individuals who had received a long term service for over 12 months.

In May 2016, Adult Social Care underwent a restructure as part of the implementation of the New Ways of Working. This involved establishing a number of new teams including a separate Review Team. The learning from piloting the new approach in Adult Social Care was that it provided the essential support required to ensure planned reviews were prioritised.

Ian Dawe explained that during Q1 of 2017/2018 the team conducted analysis of the cases that were overdue a review and identified that a high proportion (43% - 88 people) of those had a primary support reason of Learning Disabilities or Mental Health. Members heard that care reviews for these individuals tended to be more complex and took longer to complete. There was clearly a need to increase the size of the team in order to manage the volume and complexity of cases.

Ian Dawe advised that, to address these pressures, two new staff members had been recruited into the team. In addition, the Care Act allowed the team to take a proportionate approach to prioritising reviews and allowed the use of a range of methods to complete them (e.g. telephone etc).

Councillor Dillon asked whether the team knew how long the remaining 25% (from the 75% target) had waited for their review to be completed. Ian Dawe explained that, in some cases, the 25% included clients in hospital and/ or those assigned to a care team. Therefore, the review team would wait for a suitable time to conduct a meaningful review. He was unable to provide exact numbers of those who did not fall within these examples but who still formed part of the 25% without an annual review. However, Ian Dawe stressed that the expectations for reviews had changed through the Care Act and that there was an acceptance around prioritisation of reviews and the use of alternative means to conduct them.

Councillor Ian Morrin asked whether statistics were available to show the prevalence of cases requiring alterations to their care plan through face to face reviews versus telephone reviews. Ian Dawe advised that the team conducted face to face reviews for more complex cases or those where changes were likely to be required.

Rachael Wardell concluded the discussion by providing a summary of the term – New Ways of Working which facilitated a balanced approach to addressing the needs of residents.

Resolved that the report be noted.

23. **Council Tax and Business Rates Collection**

The Commission considered a report (Agenda Item 7.d) concerning the recent decline in the collection rates of Council Tax and Business Rates. Iain Bell advised that there had been two key reasons for the decline in performance – associated with backdating single resident discount and the changes to the Council Tax Reduction Scheme (CTRS).

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 17 OCTOBER 2017 - MINUTES

Recent information that had been provided showed that 2016/17 Council Tax collection rates were back on target and it appeared that 2017/2018 collections were on target for around 98.9%.

Members heard that as at 31st March 2017 there were 2 large companies owing a significant sum of Business Rates (£700k+). Both companies were disputing their liability to pay. Since then legal advice had been sought and a Court Order obtained in relation to one case to help the Council enforce payment. The second case was a landlord/tenant dispute which had now been resolved and the balance paid by the landlord. Councillor Emma Webster asked whether the Council could expect to encounter this issue again. Iain Bell stated that the two cases had been resolved but it was not possible to predict whether new cases would arise.

Councillor Laszlo Zverko asked for an explanation relating to the proposal that the service was looking at different technological solutions to maximise efficiencies. Iain Bell stated that they were considering all options available with the aim of streamlining processes and delivering efficiencies.

Councillor Lee Dillon asked whether it was standard practice to backdate charges on accounts and whether consideration had been given to the effect this would have on residents' financial position/ budgeting. Iain Bell advised that the process was managed sensitively and the residents received ample notification. The team discussed options for repayment with residents to ensure the process was manageable. However, Iain Bell reminded Members that it was the responsibility of residents to inform the Council, at the earliest opportunity, if their situation changed.

Councillor Zverko asked whether the surplus from backdated collections was included in the 2017/18 budgets. Iain Bell advised that he would have to check this information with Andy Walker and report back to the Commission.

Councillor Dillon stressed his concern that the Council seemingly needed to make better use of internal systems to verify matters such as single person discount. Iain Bell advised that the team was considering all options available to maximise efficiencies.

Resolved that:

- (1) Andy Walker confirm whether the budget surplus from backdated collections was included in the 2017/18 budget.
- (2) The report be noted.

24. The timeliness of decisions on benefit claims

The Committee considered a report (Agenda Item 7.e) concerning the timeliness of decisions for persons making benefit claims. Iain Bell advised that, despite difficulties which included staffing and data/software issues, the Council's average processing time at the end of 2016/17 for assessing a new claim finished 0.75 of a day below the national average. The information was verified via performance figures published by the Department for Work and Pensions (DWP). Iain Bell also reported that data/software issues had been alleviated by the installation of a new server in March 2017. In terms of staffing, two vacant posts had recently been filled.

Councillor Ian Morrin asked whether there were any future challenges likely to affect the rate of processing. Iain Bell explained that the full roll out of Universal Credit, in December 2017, meant that the team would be required to support new claimants in

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 17 OCTOBER 2017 - MINUTES

making and maintaining applications as well as assisting the DWP Assessment Centre in the assessments of new claimants. This would result in an increase in activity which attracted additional funding but was not subject to these performance measures. Iain Bell stated that the impact would be closely monitored as these changes came into effect.

In response to questions asked by the Commission, Iain Bell advised that the team would be required to assist with completing applications and maintaining existing claims – there was no intention of monitoring the transfer of cases from the existing claim systems to Universal Credit claims. Therefore, the volume of claimants and the degree of impact was unknown.

Councillor Marigold Jaques asked what support would be available to residents wanting to make a claim. Iain Bell explained that staff would undergo training in advance and become a dedicated resource to assist applicants with the process. 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.

Andy Day asked whether the training was available to staff in Libraries and Family Hubs also. Iain Bell advised that training was available to Council staff, Registered Social Landlords and staff working at the Citizens Advice Bureau.

Councillor Morrin requested a ‘frequently asked questions’ sheet for all Members in order that they could respond to their residents questions about the Universal Credit process. Councillor Richard Somner suggested that the information could be made available to Parish Councils also – in order that they could support the distribution of key messages and advice.

In response to questions asked by the Commission, Iain Bell advised that there would be opportunities within the Universal Credit application process to identify those who did not qualify for Universal Credit but who might still be entitled to Housing Benefit – these would be dealt with according to existing processes.

Resolved that:

- (1) Iain Bell develop a ‘frequently asked questions’ sheet for Members around the process of Universal Credits. This needed to be provided in advance of the full roll out of Universal Credit in December 2017.
- (2) The report be noted.