

OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 11 DECEMBER 2012

Councillors Present: Jeff Beck (Substitute) (In place of David Holtby), Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), Richard Crumly (Substitute) (In place of Dominic Boeck), Dave Goff, Mike Johnston, David Rendel, Tony Vickers and Quentin Webb

Also Present: Mel Brain (Service Manager - Housing Strategy and Operations), Nick Carter (Chief Executive), Mark Cole (Traffic Services Manager), Mark Edwards (Head of Highways and Transport), June Graves (Head of Care Commissioning, Housing & Safeguarding), Councillor Keith Chopping (Planning, Property, Highways, Transport), Councillor Roger Croft (Strategy, Performance, Council Plan, Housing, ICT, Corporate Services, Strategic Support, Legal), David Lowe (Scrutiny & Partnerships Manager) and Elaine Walker (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Dominic Boeck, Councillor David Holtby, Councillor Virginia von Celsing and Councillor Emma Webster

Councillor(s) Absent: Councillor Marcus Franks

PART I

72. Minutes

The Minutes of the meeting held on 30 October 2012 were approved as a true and correct record and signed by the Chairman.

The Commission considered the minutes of the special meeting of the Overview and Scrutiny Management Commission held on 26 November 2012.

David Lowe advised the Commission that Councillor Vickers had submitted a number of proposed changes to the draft minutes and that it was for the Commission to agree whether to accept any of the amendments. The Chairman reminded the Commission that minutes were not intended to be verbatim. Nick Carter advised that the correct procedure was for the Commission to consider whether the minutes were a true and accurate record of the meeting, and the Commission was not entitled to redraft the minutes.

Councillor Webb suggested that where numerical or other factual information had been presented publicly, this need not be included in the minutes also. Councillor Webb proposed that the minutes be agreed subject to changes already agreed. Councillor Beck seconded the proposal and at the vote the proposal was carried.

The Minutes of the special meeting of the Overview and Scrutiny Management Commission held on 26 November 2012 were therefore approved as a true and correct record and signed by the Chairman subject to the following amendments:

- **Page 9, bullet 5:** Prefix the sentence with 'The Homeless Prevention Grant is not ring-fenced money, however';
- **Page 7, paragraph 1:** Add 'and the Council has to match funds from Government.' to the end of the paragraph;

73. Declarations of Interest

Councillor David Rendel declared an interest in Agenda Items 11 and 13, but reported that, as his interest was personal and not prejudicial, he determined to remain to take part in the debate and vote on the matter.

74. Actions from previous Minutes

The Commission received an update on actions from the previous meeting and made the following comments:

Paragraph 2.6: Councillor Jeff Beck requested that the word 'office' be amended to read 'officer'.

Paragraph 2.16: Councillor Tony Vickers requested clarification as to whether the South East Region of the National Housing Federation had been invited to the special Overview and Scrutiny Management Commission review into homelessness. David Lowe responded that they had been invited but had been unable to attend. Councillor Vickers went on to ask what provision would be made to consider evidence from those witnesses who had not been able to attend on the day. Councillor Mike Johnston responded that a scrutiny review could not remain open indefinitely; and that the absence of some witnesses did not detract from the value of the recommendations. The Chairman suggested that the progression of the review and resulting recommendations should be considered during the main discussion of the item.

Paragraph 2.17: Councillor Vickers asked whether the homelessness mystery shopper report would be circulated for consideration alongside the existing findings of the homelessness scrutiny review. The Chairman responded that the report remained with Officers at present.

75. West Berkshire Forward Plan December 2012 to March 2013

The Commission considered the West Berkshire Forward Plan from December to March 2012.

Resolved that the Forward Plan be noted.

76. Overview and Scrutiny Management Commission Work Programme

The Commission considered its work programme and that of the Health Scrutiny Panel and Resource Management Working Group for 2012/13.

Resolved that the work programme be noted.

77. Items Called-in following the Executive on 29 November 2012

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

78. Item Called In following an Individual Decision: Proposed parking charges at Burdwood Centre car park, Thatcham

The Commission considered a report concerning the Call in item ID2518 – Petition for removal of proposed parking charges at Burdwood Centre car park, Thatcham, which was presented for consideration by Individual Decision on 8 November 2012.

Councillor David Rendel presented the reasons for calling in this item, raising the following points:

- The proposed increase in parking charges had been objected to by Thatcham Town Council;
- By considering the effect at the Gilbert Court Car Park after a similar increase in parking charges was implemented there, it could be assumed that parking would be displaced to other areas. For the Burdwood Centre Car Park, Councillor Rendel believed that the displaced vehicles would park in nearby free spaces that currently

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served local retail traders. The concern was raised that if drivers chose to use these spaces for all day parking, the local traders might be adversely affected;

- If vehicles were displaced, it was expected that the income from the Burdwood Centre car park would not justify the expense of installing the ticket system. In addition, Councillor Rendel did not believe that the expected income of approximately £2,000 would be considered of value to the Council and would therefore not be missed if the charges were not implemented.

The Chairman asked if any evidence had been gathered to illustrate the extent to which retailers might be affected by the increase in parking charges. Councillor Rendel responded that this was not possible to quantify. Councillor Vickers reported that retailers near Bartholomew Street had reportedly experienced a reduction in trade following the introduction of charges for a residents' parking area there.

The Chairman reminded the Commission that the proposal included a two hour free parking period, and suggested that this would be sufficient time for people to shop in the area without incurring a charge. Councillor Johnston added that it was common practice for supermarkets to allow a two hour free period for parking and that this was adequate time for shoppers. Councillor Rendel responded that drivers might not be aware of the requirement to obtain a ticket during the two hour free parking period.

The Chairman invited Mark Cole to introduce his response to the reasons for the Call In. Mark Cole explained that all of the issues that had been raised had been addressed in the report that was circulated with the agenda. However Mark Cole drew the Commission's attention to an error in the report on page 59 of the agenda where 'first seven months' should read 'first five months'. Mark Cole highlighted the following points:

- Many shops in West Berkshire were located in areas with paid for parking, and it was not considered that users of this car park should be exempt from charges;
- The two hour free parking was suitable for the type of retail trade in the area and would be expected to allow shoppers adequate time to complete their business without a negative effect on retailers;
- If the Co-operative Food store became affected by the displacement of vehicles to their car park, the Council would work with them to address the issue;

The Chairman asked what response had been received from the surgery in relation to the proposed charges. Mark Cole responded that although they had initially been against the proposal, following the amendments that were made and with the inclusion of ten parking permits for use by the surgery, they were now fully in support of the proposal.

Mark Cole confirmed that 'Zeag' and 'Metric' referred to in the report, were the makes of the ticketing machines.

Councillor Richard Crumly asked about the cost of running the car parks, in particular, whether extra staff would be required to enforce parking regulations in the Burdwood Centre Car Park. Mark Cole responded that existing CEOs (Civil Enforcement Officers) would manage the car park and that changes to the CEOs' routines were not uncommon as changes were made to car park and on street parking arrangements. Mark Edwards added that the car park contained approximately 60 spaces and in comparison to the existing 2000 car parking spaces in 24 car parks, this would not represent a significant increase in work load.

Councillor Dave Goff asked whether the retailers in the area had raised any concerns. Mark Cole responded that they had not.

Councillor Goff asked whether the requirement for a ticket for the two hour free parking period was commonplace across West Berkshire and whether it worked successfully.

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Mark Cole confirmed that this arrangement was commonplace across the country including in West Berkshire, and that the majority of drivers would be familiar with it, however it would be necessary to ensure good signage in the Burdwood Centre Car Park.

Councillor Johnston expressed his view that limiting the free parking to two hours would be beneficial to retailers in the area, as the parking spaces would not be used by commuters. Councillor Johnston reminded the Commission that it was possible to pay for parking via a mobile phone, and therefore the absence of a ticket in a car did not indicate that the driver had not paid.

Councillor Beck stated that the revised proposal did appear to take into consideration the concerns of those affected, and in particular those of the surgery who were now in support of the proposal, and advised the Commission that the Ward Members for the area were also in support of the scheme. Councillor Beck proposed that the Individual Decision to accept the proposed parking charges at the Burdwood Centre car park be upheld.

Councillor Rendel asked whether the information relating to income from the car parks included fines for non payment. Mark Cole responded that it did not.

Councillor Rendel asked what cost had been calculated for the time spend by a CEO in patrolling the Burdwood Centre Car Park as this would represent the opportunity cost of the CEO being elsewhere. Mark Cole responded that this had not been calculated but that if the CEO was not at the Burdwood Centre Car Park, he would be patrolling another area.

Councillor Mike Johnston seconded the proposal put by Councillor Beck, and at the vote the proposal was carried.

Resolved that the Individual Decision to accept the proposal for parking charges at Burdwood Centre car park be upheld.

79. **Councillor Call for Action**

There were no Councillor Calls for Action.

80. **Petitions**

There were no petitions to be received at the meeting.

81. **Homelessness Scrutiny Review**

(Councillor Rendel declared a personal interest in Agenda item 11 by virtue of the fact that his wife was a GP in West Berkshire. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

The Chairman introduced three reports related to the special meeting of the Overview and Scrutiny Management Commission held on 26 November 2012. Since the meeting, a sub group of the Commission had met on 3 December 2012 in order to formulate draft recommendations for consideration by the Commission. The Chairman advised the Commission that Councillor Vickers had amended the proposed recommendations, and that these had been circulated and would be the version under consideration for agreement.

(7:18pm - Councillor Jeff Brooks joined the meeting)

The Commission discussed the proposed recommendations from the review into homelessness and agreed the following:

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1. "The Executive Member for Housing should work with other local agencies to agree an accepted methodology for the counting of rough sleepers. A report outlining the production process and count should be presented to the Overview and Scrutiny Management Commission within 6 months of agreement."
2. "The Executive Member for Housing should advise the Secretary of State for Work and Pensions of the genuine concerns held locally that the impending changes to the benefits regime will have an adverse effect on homelessness in West Berkshire."
3. "The Executive Member for Housing should establish how the Department for Work and Pensions (DWP) plans to deliver Universal Benefits (which include Housing Benefit) locally and report by 31 March 2013 on plans for transferring Housing Benefit payment to DWP."
4. "The Executive Member for Housing should consider the production, either as part of the Homelessness Strategy or separately, of a 'reconnection' policy, to ensure that homeless people who have no local connection to West Berkshire are able to sustainably relocate to those places outside of the district with which they do have a link."
5. "The Executive Member for Strategic Support should ensure that time is made available at a District Parish Conference for Housing officers to explain to Councillors the content of, and rationale for, the Homelessness Strategy when agreed."
6. "At the next revision of the Council's Service Level Agreement with the Citizens Advice Bureau, the Executive Member for Strategic Support should consider the offer by SHELTER to assist with housing advice, so as to ensure that the document contains the requirement for the Bureau to provide a dedicated housing advisor."
7. "Performance monitoring reports received from the Citizens Advice Bureau relating to homelessness (including all financial advice), which are sent to the Executive Member for Strategic Support should be routinely made available to the Executive Member for Housing and his Shadow."
8. "The Executive Member for Housing should work, through the Local Government Association, the Government and especially the Valuation Office Agency, to achieve transparency of the factors and values taken into consideration by VOA when setting the Local Housing Allowance and, if possible, an appeal mechanism."
9. "The Executive Member for Housing should develop and implement a plan to heighten awareness of the causes and impacts of homelessness, particularly how it might be prevented and what help is (and is not) available. Consideration might be given to the following aspects
 - Raising the awareness of all those whose work may bring them in contact with homelessness on the role of other organisations
 - The location of leaflets, including with partner organisations (for example Newbury Town Council, Thames Valley Police, libraries and detached youth workers)
 - The engagement of young people from before they enter the workforce, including through secondary schools, in financial and housing-related education
 - The content and language of leaflets. Assistance is available through Two Saints from people who have previously been homeless."
10. "The Executive Member for Housing should ask Newbury Town Council to consider the provision of lockers to allow rough sleepers to store their possessions (for example sleeping bags) securely during the day."

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11. "The Executive Member for Housing should ask the Volunteer Centre West Berkshire to establish closer links with Loose Ends to ensure that any shortages of volunteers and other resources to enable them to provide a better service to their clients are met urgently and effectively."
12. "Further investigation should be undertaken into the reasons why West Berkshire seems to have a very large proportion of young families facing homelessness whose friends and extended family are unwilling or unable to provide them with temporary housing/accommodation."

The following proposed recommendations were not agreed:

- "The Executive Members for Housing and Planning should work together, with commercial property agents and Two Saints (as possible prospective short-term tenants), to endeavour to urgently secure temporary emergency cold weather accommodation for street homeless people in one or more empty office buildings in and around Newbury Town Centre (such as Avonbank House) where permission has been granted for redevelopment for housing. The possibility of exemption from empty property rates for owners of these properties should be investigated, along with other incentives to make use of suitably located empty properties, including long-term empty homes, for those waiting for accommodation at Newtown Road."

The Chairman suggested that the evidence had shown sufficient accommodation was available to cope immediately with those presenting as homeless. June Graves confirmed that there were currently 10-12 wayfaring spaces available of which two or three were typically occupied. June Graves reminded the Commission that a severe weather plan existed, for both cold and hot nights, when Two Saints would accept anyone through their doors for the night. There was therefore no indication that current provision was inadequate. The Chairman further considered the assertion made at the special meeting that increasing the provision of accommodation would be likely to attract more homeless people to the area. Councillor Vickers believed that sufficient evidence had been presented to show that there were people sleeping on the streets who were in need of additional emergency accommodation.

- "The emerging Housing Allocations policy should include measures to ensure that applicants who have friends and family able and willing to provide temporary housing for families on the CHR are not disadvantaged by being removed from the register when they are provided with such accommodation as a short-term solution to threatened homelessness, for example by having their application suspended and their points preserved."

Mel Brain responded that currently those who were able to stay with friends or family would receive additional points. However Mel Brain advised that it would not be possible to operate effectively if a housing applicant could not be suspended or amended or their points adjusted when necessary. Councillor Vickers agreed that the current review of the Housing Allocations Policy could consider this point.

The Chairman advised the Commission that the recommendations would be fed directly into the consultation being undertaken by the Housing Service.

Councillor Brooks thanked the Chairman for the way in which the review had been held, but reminded the Commission that there was further information to be considered that might enable a successful outcome for homeless people, such as empty homes, health visitor information and the mystery shopper report conducted by Shelter.

Councillor Roger Croft asked that the Commission acknowledge the good work being undertaken within the Council in dealing with homelessness.

Resolved that the recommendations be submitted to the Housing Service for inclusion in their consultation activity.

82. Review into Adult Social Care Eligibility Criteria - Proposed Terms of Reference

The Commission considered the proposed scoping document for a review into Adult Social Care eligibility criteria.

Resolved that the review be undertaken in line with the scoping document.

83. Health Scrutiny Panel

(Councillor Rendel declared a personal interest in Agenda item 13 by virtue of the fact that his wife was a GP in West Berkshire. As his interest was personal and not prejudicial he determined to take part in the debate and vote on the matter).

The Commission considered a report (Agenda Item 13) on the work of the Health Scrutiny Panel (HSP).

Councillor Webb reported that at the meeting of the Health Scrutiny Panel held on 4 December 2012 the following topics had been discussed:

- Continuing Healthcare had been the main item as it had been established that further investigation would be required and this was being progressed;
- Dignity and nutrition in hospitals, the initial responses from a survey carried out had proven to be encouraging.

Resolved that the report be noted.

84. Resource Management Working Group

The Commission considered a report (Agenda Item 14) on the work of the Resource Management Working Group (RMWG).

Councillor Vickers reported that at the meeting of the RMWG held on 6 November 2012 the RMWG had agreed to consider whether they should routinely assess individual items on the risk register where they were related to assets. The Commission discussed the issue to ensure that the item would not be discussed at more than one forum. Nick Carter confirmed that the Governance and Audit Committee owned the risk register and had an overview of it, but did not review individual items. The Commission agreed that if the terms of reference for the Group allowed for this discussion, then the request should be submitted on the scrutiny topic proposal form.

(Post Meeting Note: Following the meeting it was noted that the Constitution stated that: 'The overall purpose of the Governance and Audit Committee is to provide effective challenge across the Council and independent assurance on the risk management and governance framework and associated internal control environment to members and the public, independently of the Executive.')

Resolved that the verbal report be noted.

85. Scrutiny Recommendations Update

The Commission considered a report updating the progress of scrutiny recommendations.

Councillor Webb asked when the recommendations from the scrutiny review into domestic abuse were to be presented to the Executive. David Lowe advised the

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Commission that the report would be viewed by Management Board on 20 December 2012, and would thereafter be presented to the Executive.

Councillor Johnston requested that the report include the date that each set of recommendations were endorsed by the Overview and Scrutiny Management Commission.

Resolved that the date that each set of recommendations were endorsed by the Overview and Scrutiny Management Commission be added to future reports.

(The meeting commenced at 6.30 pm and closed at 8.10 pm)

CHAIRMAN

Date of Signature