

**BROMSGROVE DISTRICT COUNCIL**  
**MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**MONDAY, 23RD APRIL 2012 AT 6.00 P.M.**

PRESENT: Councillors S. R. Colella (Chairman), P. Lammas (Vice-Chairman), C. J. Bloore, J. S. Brogan, Dr. B. T. Cooper, Mrs. R. L. Dent, K. A. Grant-Pearce, Mrs. J. M. L. A. Griffiths, Mrs. H. J. Jones (Substitute for R. J. Laight, present from Minute No. 113/11 to Minute No. 117/11), P. M. McDonald, S. P. Shannon, Mrs. C. J. Spencer (present from Minute No. 113/11 to Minute No. 119/11) and L. J. Turner

Observers: Councillor C. B. Taylor

Officers: Mrs. S. Hanley, Mrs. A. Heighway, Ms. S. Horrobin, Mr. C. Santoriello-Smith, Ms. A. Glennie, Ms. J. Bayley and Ms. A. Scarce

113/11 **APOLOGIES**

An apology for absence was received from Councillor R. J. Laight.

114/11 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillor Mrs. C. J. Spencer declared a personal interest as a member of the board of Bromsgrove District Housing Trust (BDHT) and Councillor S. P. Shannon declared a personal interest as a member of the board of B.H.I. (A subsidiary of BDHT), in respect of item 5, pre-scrutiny of the Tenancy Strategy 2012-14.

115/11 **MINUTES**

The minutes of the Overview and Scrutiny Board meeting held on 26th March 2012 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

116/11 **PRESENTATION ON THE EFFECT OF THE GOVERNMENT HOUSING REFORMS AND IMPACT ASSESSMENT**

The Board received a presentation on the impact of Welfare and Housing Benefit Reform from the Strategic Housing and Enabling Officer, which the Board had requested following its meeting held on 27th February 2012. The presentation covered the following areas:

- Homelessness and the statutory duty of the Council.

- Welfare Reform and the work being carried out in conjunction with Bromsgrove District Housing Trust (BDHT) to evaluate who would be affected by changes to Local Housing Allowance rates (LHAs).
- The single room rate benefit changes – this would now only be available for those people over the age of 35 years.
- The under occupation housing benefit changes for social tenants (this would be a 14% reduction of benefits for 1 spare room and 25% for 2 spare rooms) and the work being carried out to assist people affected by the changes within the district .
- The anticipated demand in the Housing Options Service.
- Use of temporary accommodation and the budget for bed and breakfast accommodation.
- An overview of the benefit cap and associated risks prior to the introduction of Universal Credit.
- An overview of the introduction of Universal Credit in October 2013 and the risks associated with this, including direct monthly payments to applicants, budgeting and the loss of working relationships with the benefit teams.
- Areas which had been discussed by key partners at the Welfare Reform Conference in February 2012, including number of households affected, sourcing of alternative accommodation and budget advice, together with solutions to those issues raised.
- The establishment of a credit union within the area (research was currently underway to explore the options available) and work with other registered providers.
- The work of the Under Occupation Group set up between the Council and BDHT.
- The work of the Welfare Reform Steering Group in preventing homelessness and the use of bed and breakfast accommodation and the wider issues of the Welfare Reform.

The Strategic Housing and Enabling Officer informed Members that a report on the findings of the Welfare Reform Steering Group would be prepared for presentation to Cabinet in September 2012 and an update could be provided to a future Board meeting if required.

Members discussed the following areas in detail:

- Under what circumstances people would not be asked to downsize in respect of under occupation, for example where specific adaptations for a disability had been made to a property.
- The effect on children should they have to move to accommodation in a different area or bed and breakfast accommodation, for example moving schools.
- The cost of bed and breakfast accommodation if the Council did not take any action to address the forthcoming changes.
- The role of the Citizens Advice Bureau in providing money and debt advice and the funding of additional staff to assist with this support.
- Discretionary housing payment funding allocation, the available budget and any refund provided by Central Government.

- Preventative work and support to ensure that families were not evicted and made homeless due to rent arrears.
- The number of families affected by the benefit cap.
- The potential number of people with other Registered Providers that could be affected by the under occupation benefit changes.
- How the Council would operate and monitor the number of people living at a property in order to implement the Under Occupation benefit changes.
- The payment of removal costs for families who were required to “downsize” due to the Under Occupation benefit changes.

The Strategic Housing and Enabling Officer confirmed to the Board that the benefit cap and Under Occupation sanctions would come into effect from April 2013, however BDHT were already being pro-active in working towards mitigating the impact of the Under Occupation changes. After further discussion it was

**RESOLVED** that the Board receive a progress report on the impact of the Welfare Reforms at the meeting to be held on 10th September 2012.

#### 117/11 **TENANCY STRATEGY - PRE-SCRUTINY REPORT**

The Chairman invited the Strategic Housing and Enabling Officer to introduce this item. The Board was reminded that it had requested sight of the Tenancy Strategy at a very early stage and advised that there were several discrepancies within the report and draft Strategy which had since been amended. The document would go out for consultation shortly and the findings would be presented to Cabinet in July 2012. Under the Localism Act the Council was expected to produce a Tenancy Strategy by 15th January 2013, this was therefore a new document. The Tenancy Strategy related to the letting of all social and affordable rent housing within the district, including adapted properties and sheltered units, however it did not include temporary accommodation or specialist supportive units. The Strategic Housing and Enabling Officer provided the Board with details and answered questions from Members on the following areas:

- Guidance to Registered Providers in respect of tenancies that are granted.
- Flexible and fixed term tenancies and conditions under which the Council would want the Registered Providers to provide such tenancies.
- The circumstances under which a 2 year minimum period of tenancy would be provided.
- Circumstances under which Lifetime Tenancies would be provided and maintaining existing Lifetime Tenancies.
- The shortage of social housing in the District and how to make the best use of existing stock.
- Objectives of the Strategy – to ensure that affordable housing met local housing need.
- The Countywide Housing Strategy

- The conversion of tenancies to the Affordable Rent Model and ensuring that prospective tenants are fully aware of the cost of such units.
- The disposal of stock by Registered Providers.
- The allocation of stock under the Localism Act
- The development of a Homelessness Policy
- The risk of homelessness linked to the placing of more people into private rented sector housing and the Council's relationship with private landlords.
- The availability of properties within rural areas and the effect of this on young people's ability to remain in those areas.
- The flexibility within the allocation legislation for social housing and the interpretation of Localism.

Officers noted several suggested amendments by Members to the wording of the Draft Tenancy Strategy and confirmed that, where appropriate, these would be picked up within the consultation process. After further discussion it was

**RESOLVED:**

- (a) that the Report and Draft Tenancy Strategy as detailed in Appendix 1 be noted; and
- (b) Officers provide the Board with details of any disposal of stock which has taken place by BDHT and details of any claw back clause still in existence through BDHT.

118/11 **ENFORCEMENT AND FIXED PENALTY NOTICES UPDATE REPORT**

The Chairman invited the Environmental Services Manager to introduce the report. Members were reminded that an update had been requested following implementation of the new scheme, details of which had been presented to the Board at its meeting on 5th April 2011.

Members were reminded that the strategy included a staged approach where the Enforcement Officer would use their discretion in taking the appropriate enforcement action and that the work was accompanied by a publicity and campaign programme to raise awareness of the work of the team. The particular areas currently covered by this were dog fouling, fly-tipping and littering. The service commenced following the Council's adoption of the strategy and publicity programme in October 2011 and was delivered by the Community Safety Team.

The Board discussed the following areas in more detail:

- The summary of Environmental Enforcement Action Taken – in particular the “no further action” statistics.
- The evidence gathering process in order to take and carry through enforcement action.
- Fly tipping - the circumstances and stage at which Enforcement action would or could be taken.

- Graffiti – in particular if this was on private land and the level of investigation involved.
- Publicity campaign, in respect of dog fouling and the difficulty in issuing fixed penalty notices for this offence.
- Development of the service – including processes (training and investigation) in order to carry out enforcement.
- The ability to issue penalties in respect of un-adopted roads.

In response to Member comment, the Executive Director for Leisure, Environment and Community Services undertook to feedback to Members in respect of whether the Environmental Protection Act 1990 was the relevant legislation which could have been used in taking action in respect of the ongoing issues at the Marlbrook Tip site. After further discussion it was

**RESOLVED** that the Board receive a quarterly summary of Environmental Enforcement action taken in order to monitor progress of the new service.

119/11 **BURGLARY AND VEHICLE CRIME IN BROMSGROVE UPDATE REPORT**

The Chairman invited the Senior Community Safety Officer to introduce the report. The Board was informed that all the information and statistics provided within the report had been provided by West Mercia Police. Members' attention was drawn to the 25.5% decrease in the number of burglary offences in 2011/12 compared to 2010/11 together with the detection rate of these offences. Attention was also drawn to the legal implications within the report and the Board noted that if it wished to take this matter further the most appropriate route would be through the Board's West Mercia Police Authority representative, Councillor Brandon Clayton.

The Board discussed the following areas in detail:

- Distraction robbery and if these were included within the statistics provided.
- Clarity as to at what point in the process a crime/incident was included within the statistics.
- Vehicle crimes and theft from unlocked motor vehicles in particular. (The Senior Community Safety Project Officer undertook to provide Members with details of the number of thefts from unlocked vehicles within each Ward.)
- The work of the Community Safety Team in supporting West Mercia Police in respect of the preventative work carried out.
- The link between known offenders being in custody or in the community which could lead to a decrease/increase in offences.

**RESOLVED** that the report be noted.

120/11 **CABINET INTERIM RESPONSE TO THE PLANNING POLICY TASK GROUP REPORT - VERBAL UPDATE**

The Chairman had, as Chairman of the Planning Policy Task Group, presented the report to the Cabinet meeting held on 4th April 2012. After lengthy discussion Cabinet had requested clarification and further background information on Recommendations 1, 2, 3 and 6. All remaining recommendations had been endorsed. The Board agreed that the most suitable course of action was for the Task Group to hold a further meeting to discuss the points raised by Cabinet.

**RESOLVED** that the Planning Policy Task Group reconvene as soon as possible to discuss the points raised by Cabinet and report back to the Board meeting to be held on 18th June 2012.

121/11 **FORWARD PLAN OF KEY DECISIONS**

The Forward Plan of Key Decisions was considered by the Board. As this was the final meeting of the Board for the current municipal year no further items were considered for pre-scrutiny.

**RESOLVED** that the Forward Plan be noted.

122/11 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

The Board were informed that outstanding items on the Work Programme would be carried over to the 2012/13 Work Programme which would be discussed in detail at the meeting to be held on 18th June 2012.

**RESOLVED** that the Work Programme be noted.

123/11 **WCC HEALTH OVERVIEW AND SCRUTINY COMMITTEE (FOR INFORMATION)**

Councillor Dr. B. T. Cooper, the Council's representative on the Worcestershire County Council Health Overview and Scrutiny Committee (HOSC) informed Members that he had attended its meeting on 17th April 2012. A Member asked for clarification in respect of a point made in the minutes of the HOSC meeting held on 13th March 2012 "although Clinical Commissioning Groups (CCGs) would have differences which reflected local need, they would still work collaboratively". Councillor Dr. Cooper explained that there would be flexibility in how the CCGs were set up and differences in working practices for each individual CCG. This was still therefore very much a case of "work in progress" which would become clearer as the CCGs developed.

Councillor Dr. Cooper suggested that a representative from the CCG for Bromsgrove and Redditch be invited to attend a future meeting of the Board. He advised that the CCGs were required to be in place, in at least "shadow"

format by June 2012. The Board agreed that this should be included within the Work Programme for the September meeting.

Councillor Dr. Cooper informed Members that the HOSC had received 3 presentations at its meeting held on 17th April 2012, namely Worcestershire Health and Care NHS Trust Foundation Application, Salaried Dental Services and Worcestershire's Emergency Ophthalmology Service. The Emergency Ophthalmology Service was most relevant to residents in the District. At the moment the service was spread throughout the County and as there were major clinical concerns about the quality of this service, it had been agreed that it would be reviewed prior to the Acute Service Review. All acute eye services would therefore, during working hours and for the interim period, be based at Kidderminster Hospital.

The meeting closed at 8.37 p.m.

Chairman