

OVERVIEW & SCRUTINY BOARD

HOUSING TASK GROUP

FINAL REPORT

NOVEMBER 2025



Bromsgrove
District Council
www.bromsgrove.gov.uk

This page is intentionally left blank

Contents

- 1. Membership of the Task Group**
- 2. Foreword from the Chairman**
- 3. Summary of Recommendations**
- 4. Background Information**
- 5. Chapter 1 – Housing Allocations – Policy and Process**
- 6. Chapter 2 – Asset Rich and Potentially Revenue Poor**
- 7. Chapter 3 – Section106 Contributions**
- 8. Chapter 4 – Fleeceholding (Land in New Developments Not Adopted by the Council)**
- 9. Chapter 5 – Outcomes**
- 10. Areas to Note**
- 11. Appendix 1 – Overview and Scrutiny Topic Proposal**
- 12. Appendix 2 - Terms of Reference**
- 13. Appendix 3 – Witnesses**

MEMBERSHIP OF THE TASK GROUP



**Councillor Harrison Warren-Clarke
Chairman of the Task Group**



Councillor Alan Bailes



Councillor Anita Dale



Councillor R. J. Hunter



Councillor Bakul Kumar



Councillor Peter McDonald

Supporting Officer Details

Sarah Woodfield – Democratic Services Officer – Lead Officer

Jess Bayley-Hill – Principal Democratic Services Officer

Jo Gresham – Senior Democratic Services Officer

Gavin Day - Democratic Services Officer

FOREWORD FROM THE CHAIRMAN

I am incredibly proud to present this report, outlining the findings and recommendations of the Housing Task Group.

From the offset the group had covered a wide range of topics, based upon the concerns of local people, whilst also remaining focused on what we can affect as a Local Authority.

Members of the group, who come from all political parties and none, have all worked together, making contributions and reaching consensus on the contents of this report, its findings and recommendations. We have thoroughly scrutinised the policies of Bromsgrove District Council (BDC) and its partners on topics such as access to social rented housing, 'Fleeceholding', examples of hidden housing need/poverty and more!

I implore the intended recipients of this report to carefully consider the evidence, comments and recommendations from the Task Group and work with us to secure necessary improvements for the people of Bromsgrove.

Councillor Harrison Warren-Clarke
Chairman of the Housing Task Group

Summary of Recommendations

After consideration of the evidence available and interviewing relevant officers the Task Group have proposed the following recommendation(s) (supporting evidence can be found under the relevant chapters within the main body of this report).

Recommendation 1 – Housing Allocations
Officers approach Bromsgrove District Housing Trust (BDHT) and jointly explore a startup crisis package for residents living in social housing including the potential of an increase in housing benefit payment to cover the costs of the crisis package. The findings to be completed in three months and reported back to the Overview and Scrutiny Board.
Financial Implications for recommendations: There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations: There are no direct legal implications in relation to this recommendation.
Resource Implications: Officer time in preparing the report.

Recommendation 2 – Housing Allocations
Bromsgrove District Council's preference is for the mix of affordable housing contained within a new development be made up of social rent and shared ownership properties only and exclude outright sales of affordable homes.
Financial Implications for recommendations: There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations: There are no direct legal implications in relation to this recommendation.
Resource Implications: Officer time in preparing the report.

Recommendation 3 – Asset Rich and Potentially Revenue Poor
Officers provide Members with costings of bad debt owed to the Council as a result of non – payment of Council tax by residents.
Financial Implications for recommendations: There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:

There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in preparing the report.

Recommendation 4 – Asset Rich and Potentially Revenue Poor
Officers monitor the number of residents claiming Council Tax Support in housing Bands F, G and H (with metrics built into the performance reporting framework).
Financial Implications for recommendations:
There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:
There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in preparing the report.

Recommendation 5 – Section (S) 106 Contributions
Where a planning application has a material impact on the local community and there is a consideration for S106 contribution allocation, the Ward Member (and neighbouring Ward Member(s)) should be informed and consulted with prior to consideration of the application. A follow up consultation with the Ward Member (and neighbouring Ward Member(s)) should also take place.
Financial Implications for recommendations:
There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:
There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in preparing the report.

Recommendation - Fleeceholding
As part of the Local Government Reorganisation process, the Council:
a. Includes the proposal that a process be investigated whereby a future unitary authority pursues and seeks to manage contracts in new developments that are causing fleeceholding issues within the District; b. Suggests that a new unitary authority continues to lobby Government on the matter of fleeceholding within Bromsgrove District.

Financial Implications for recommendations:
There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:
There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in preparing the report.

Background Information

The potential to review housing was discussed by Members at a meeting of the Overview and Scrutiny Board held on 11th July 2024. This subject was suggested as a topic which was possibly suitable for further investigation when Members discussed key lines of enquiry for a scheduled review of affordable housing.

A report was considered at the Overview and Scrutiny Board meeting held on 23rd July 2024 and was presented by Councillor Warren-Clarke. During consideration, it was outlined that the review would be a Task Group, consisting of a small group of Members for a scheduled review of affordable housing in Bromsgrove. Following consideration of the report, it was agreed by the Board to establish the task group and the terms of reference was approved.

The key objectives of the proposed task group review and included in the terms of reference were agreed to scrutinise the following areas:

Key Objectives

Fleeceholding - Members “to address and influence” to assist residents.

Section 106 monies to support infrastructure rules – Members located in town centres/urban areas could add significant value.

To investigate “asset rich” but “revenue poor” residents and the support available locally to residents - This could involve the task group exploring potential gaps that could be addressed by the Council and partner organisations.

During the Overview and Scrutiny Board meeting held on 10th September 2025 the membership report was discussed, with the purpose of the report to formalise the membership of the Task Group which was agreed at this meeting as Councillors H. D. N. Warren-Clarke, P. M. McDonald, A. Bailes, B.A. Dale, B. Kumar and R. Hunter. It was also agreed that the Chairman would be appointed at the first task group meeting. Councillor Warren-Clarke was subsequently appointed as the Chairman of the review at the first meeting of the Task Group on 31st October 2024.

Following the task’s groups initial meeting held on 31st October 2024, Members agreed an additional item to the terms of reference. The agreed wording for this additional key objective was endorsed by the Overview and Scrutiny Board meeting on 19th November 2024.

Additional Key Objective

To scrutinise the allocations policy and housing register regarding eligibility, qualification and allocations and explore standards of housing let under the policy.

Chapter 1

Housing Allocations – Policy and Process

During the initial Task Group meeting, Members discussed the potential to have an additional objective added to the review. This was in respect of the housing needs for residents currently on the housing waiting list and for officers to provide information on what was driving the need for social housing.

Members were clear that, in terms of housing allocations, residents living locally should have priority for social housing and for this to also be explored further. The Strategic Housing Services Manager explained to Members that the housing register was used as part of the allocations policy and would need to be reviewed.

Mr. John Whitwam, Director of Housing and Communities, Bromsgrove District Housing Trust (BDHT), was invited to the task group meeting held on 13th January 2025.

During the presentation, it was outlined that the strapline for BDHT was “Building Vibrant Communities Together”. Over four thousand homes were owned by BDHT with a mix of social rented, market rent, shared ownership and leaseholders (right to buy properties). Stock transfer was initiated in 2004 and tendered for a five-year period. BDHT was based locally in Bromsgrove with one hundred and sixty employees which focused on the community. It was also explained that BDHT held housing stock for Redditch Borough Council, Wyre Forest District Council and Pershore Town Council. Partnership working such as contractors, were also sourced locally, where possible and support services networks such as 360 Services aided residents, ranging from budgetary advice to complex family support.

Allocations Policy

BDHT adhered to the Home Choice Plus allocations policy, which were approved by the relevant Local Authorities. Housing priority decisions were made by the relevant Local Authority with statutory guidance and legislation in place to assist with the prioritisation process. Most Local Authorities did not own their own housing stock and were usually run by Housing Associations.

Eligibility And Qualification

Local connections to the partnership area (person had lived in the area for at least five years) were a key consideration for the eligibility and qualification process. However, there were some exceptions i.e. if a person was fleeing domestic abuse, part of the armed forces, a care leaver or if there was a genuine housing request and adhered to the relevant threshold requirements. Applicants were required to be over 16, with some special approvals on those under 18, however, the policy was in the process of being reviewed. If applicants had the right to live in the UK and were entitled to claim public funds i.e. if they had the required immigration status. A person was not to cause unacceptable behaviour to the extent that they would get an outright possession order, however, the offence must be serious. If

a person had an Anti-Social Behaviour (ASB) case against them, this would be considered as a serious offence and less likely to be given housing entitlement.

Prioritisation

Banding structures ranged from Priority, Gold Plus, Gold, Silver Plus, Silver, Reduced Banding, Bronze Plus and Bronze and were set by the Local Authority's constituency when the initial policies were agreed. When a property became vacant, BDHT advertised the void property for a period of a week. Interested parties then had the opportunity to bid for the relevant property, followed by an automated selection process, based on the highest band structure and who had been on the waiting list the longest.

Reduced Preference

Reduced preference assessments were determined by the Local Authority; however, exemptions were made in exceptional circumstances. Reduced preference assessments could be determined if there was a housing related debt i.e. a possession order or ASB offence. However, these were assessed and after further review, penalisations could be withdrawn.

Letting Standard

All Housing Associations had their own letting standards which were used as a guide for inspecting void properties. As part of the Decent Homes Standard, there was no requirement for carpets (only flooring in the kitchen and bathroom) and no white goods. However, carpets or flooring could remain in properties from a previous tenant but only offered if in an acceptable condition and were considered safe, to avoid any possible liability claims.

BDHT Letting Standard

Health and Safety checks were carried out which included damp and mould, properties cleaned and cleared, repairs completed, if decorating was required and outdoor spaces were checked for any safety issues including trip hazards. A hardship grant funding pot of £30,000 was available for tenants who required carpets, flooring and white goods, subject to an assessment. There were other funding options available such as The Salvation Army and Newstarts, providing free furniture and household supplies.

Following the presentation, Members questioned some areas in further detail which were as follows:

- **Would there be any exceptions if a person was not on the priority list but at risk?**
If a person was at risk, they should already be on the Gold Plus banding structure and would also have the right to appeal through the Local Authority.
- **How was the banding structure formally assessed?**

A signed tenancy agreement determined the number of bedrooms required i.e. if the tenant had dependants and claimed child benefit. A signed declaration was also required as part of the tenancy agreement, which should deter a fraudulent claim. If there was a medical requirement, a general practice letter would be requested.

- **How were local connection determined, if it would be safer for a person to be in another district area?**

There were discretions i.e. if someone was fleeing domestic abuse, or in a witness protection programme, however, a high percentage of claims were normally connected to the local area. The Housing Act 1996, Part 6 statutory guidance rules would also be incorporated into the assessment. The Local Authority within the preferred district area would be required to make a referral on behalf of the claimant to the Council.

- **How was an application assessed if a claimant had a local connection within a specific District area?**

The agreed policy did not apply to specific ward areas, only at a district level. However, there was also a right to appeal the initial decision made.

- **Were there any indicative timescales for banding structures?**

It was difficult to evaluate if the applicant was not on the list as a priority and specific time guidelines were not guaranteed but people were positioned through the bandings depending on their circumstances. The increased high demands were mainly due to the poor turnaround of void properties and new build supply demands were not meeting the estimated proposed targets, also resulting in a higher demand for housing.

- **Could BDHT consider further housing stock i.e. accommodation above units?**

BDHT were unable to pursue the purchase of further housing stock due to increased demands such as rent caps, inflation increases and further legislation commitments for health and safety requirements. Further housing stock requirements were dependant on grant funding through the Affordable Homes Programme.

- **Were assessments carried out to ensure the claimants understood the banding structure requirements necessary, particularly if banding had been assessed and was due to be reduced?**

Claimants were informed prior to their banding being reduced. Also, checks were carried out to ensure the person understood the reasons for the reduction and the requirements necessary for the bidding process. There was always the right to appeal a decision, which could be made through the Strategic Housing Department.

- **If an assessment could be prioritised if a person preferred a particular area and if that person was happy to free up a larger than necessary property?**

BDHT would not generally advise to leave a house as this would be lessening the persons security. However, BDHT were in the process of launching a downsizing project to try and free up larger properties for families. There was also a mutual exchange option whereby tenants could swap properties, providing the option was suitable for both parties. The task group were advised that the scheme was increasing as an option for tenants.

- **If the Hardship grant funding was adequate to assist tenants with the necessary required household items?**

Grant funding did not provide the adequate support necessary to assist all the needs required within the District. However, there were other household support grants available through Central Government and local charities. It was noted that furniture poverty had become an increasing countrywide issue.

- **Had service charges been explored to assist with the necessary household good requirements?**

The option had been utilised in the past but tenants that had benefit privileges withdrawn were sometimes unable to pay the charges necessary. Mutual exchange was an alternative option, however, sometimes caused difficulties if a property was furnished and the other was unfurnished.

- **Was there a communication platform available for donating free of charge household goods?**

Social media platforms were available such as Facebook Market Place for free items to collect. However, such a scheme would be costly to administer and cause possible liability claims to the Council.

- **Could the use of a depot be explored as an option to store free of charge, unwanted household goods?**

The option would be a cause for concern as goods should meet the Health and Safety and British Standard requirements to avoid any liability claims. Also, to administer, would cause financial pressures to Council funding.

- **Had there been difficulties with clashes of BDHT and national policy requirements?**

Most of the policies worked well, however, the reduced preference threshold of a gross household income (including benefits) of more than £38k per annum did cause difficulties but were under review.

- **Was the household income threshold of £38k a BDHT or Council policy?**

The threshold had been agreed by Bromsgrove District Council (BDC) but was under review to assist with the social housing demand.

- **Could BDHT suggest any suitable recommendations to improve social housing difficulties within the District?**

An increase in supply for social housing within the District would assist with the increased demand for temporary accommodation. The Council was working with BDHT to ensure the best use of the housing stock availability, by reviewing that tenants were suitably housed to accommodate the resident to number of bedrooms ratio.

Members also discussed a report that went to Cabinet on 10th December 2024 which revealed a significant increase in demand for temporary accommodation in the Bromsgrove District. In response, it was agreed that the report did highlight the consequence of low social housing stock availability, with people being housed in temporary accommodation for long periods. Members were advised that BDHT assisted with supplying temporary accommodation where possible, with demands increasing in some instances, however, there was an option to source accommodation outside the District

area. Members were also informed that suitable temporary accommodation options were available for people fleeing domestic abuse, with bed and breakfast being an alternative.

After considering all the evidence, Members concluded that an area for improvement for residents allocated social housing was ensuring the provision of essential items for those who did not have them when moving into a new property. Additionally, it was suggested that payments for this kind of package could be offset against any housing benefits claimed by the resident. Members understood that this would need to be investigated further.

After all discussions in respect of the evidence, Members made the following recommendations to the Overview and Scrutiny Board:

Recommendation – Housing Allocations
Officers approach Bromsgrove District Housing Trust (BDHT) and jointly explore a startup crisis package for residents living in social housing including the potential of an increase in housing benefit payment to cover the costs of the crisis package. The findings to be completed in three months and reported back to the Overview and Scrutiny Board.
Financial Implications for recommendations:
There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:
There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in preparing the report.

Recommendation – Housing Allocations
Bromsgrove District Council's preference is for the mix of affordable housing contained within a new development be made up of social rent and shared ownership properties only and exclude outright sales of affordable homes.
Financial Implications for recommendations:
There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:
There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in preparing the report.

Chapter 2

Asset Rich and Potentially Revenue Poor

One of the key objectives of the Task Group investigation was to gather evidence on the topic of residents considered to be 'asset rich' however potentially 'revenue poor'. Some of this had been considered at a previous Task group investigation into Fuel Poverty. It was therefore included in the Topic Proposal that the work of the Task Group would not be duplicated during investigations. Members reviewed the findings of the Fuel Poverty Task Group and invited the Strategic Housing Services Manager to address any relevant questions. It was agreed that Social Housing sustainability should be discussed in more detail, with the group expressing concerns that some social housing was provided to tenants which were ill-equipped, lacking basic household items such as curtains, carpets and white goods, as detailed in the previous chapter of this report. It was felt that the Council should be seeking to better promote where tenants could source affordable second-hand goods and where the public could donate and recycle relevant items for tenants. The Strategic Housing Services Manager advised Members that the Council did work in partnership with NewStarts to assist tenants to source furniture packs and that a report was due to go to Cabinet regarding the Homelessness Prevention Grant Funding, with NewStarts included within the funding provision.

During the task group meeting held on 6th February 2025 the Strategic Housing Services Manager was invited to a meeting to discuss the Asset Rich and Potentially Revenue Poor item in more detail and provide evidence in respect of the current situation within the District.

In presenting the evidence to Members, they were advised that the terminology "Assets" (wealth a person owned) and "Cash" (wealth a person had available to spend) were typically used to describe older adults and retirees who owned valuable assets, mainly a property but had limited income in the form of cash readily available. There was limited data available to provide on the subject, however, the Council Tax Support data system had been utilised to assist with reporting. From the data produced, it was estimated that over 4,000 residents were receiving Council Tax support within the District. Various Council Tax Bands ranging from A - H were discussed and considered, showing the rise in property value from 1st April 1991 to December 2024 in the West Midlands Region. The average and median house price ranging from one to five bedroomed houses was also discussed. It was reported that a higher percentage of homeowners within the lower Council Tax Bands A – C were receiving Council Tax support. When reviewing the pensionable age, statistics showed that a high percentage were receiving Council Tax support and an average of 50 per cent of homeowners at pensionable age were receiving Guaranteed Pension Credit.

Member Discussions

Following consideration of the presentation it was discussed whether neighbouring Local Authorities experienced similar concerns within their local areas. Although it was suggested by Members that the Task Group could

investigate what measures were being carried out within other areas to address the issues the Strategic Housing Manager advised that Local Authorities did not generally provide statistical information on Council Tax Support claims within their area and that individual Local Authorities would be required to agree to the information being provided.

Members also discussed the potential for the Council to consider providing information to residents in respect of renting a room within their property. Members were advised that information was available on the internet providing advice for homeowners to consider Equity Release or Lifetime Mortgages as available options, however, they were not considered favourable as they could affect inheritance considerations. It was also advised that the Council did not provide formal advice on Equity Release and Lifetime Mortgages but advised individuals to seek independent financial advice.

The group also discussed options available for a person at a pensionable age, owning a larger property, to consider downsizing and were advised that there were limited alternative housing options available. BDC had considered working in partnership with BDHT to make best use of the housing stock available, however, a credible housing option would need to be offered to homeowners before this option were considered. Members suggested that downsizing could be explored through the Local Plan to assist with addressing the lack of social housing within the District. It was explained that housing stock was in limited supply, due to a large population of residents within the District being at a pensionable age. Members were advised that due to the lack of alternative housing options, downsizing a person's property was not a favourable option for consideration from a Council's perspective.

After all discussions in respect of the evidence, Members made the following recommendations to the Overview and Scrutiny Board:

Recommendation – Asset Rich and Potentially Revenue Poor
Officers provide Members with costings of bad debt owed to the Council as a result of non – payment of Council tax by residents.
Financial Implications for recommendations:
There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:
There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in preparing the report.

Recommendation – Asset Rich and Potentially Revenue Poor
Officers monitor the number of residents claiming Council Tax Support in housing Bands F, G and H (with metrics built into the performance reporting framework).
Financial Implications for recommendations:

There are no direct financial implications in relation to this recommendation.

Legal Implications for recommendations:

There are no direct legal implications in relation to this recommendation.

Resource Implications:

Officer time in preparing the report.

Chapter 3

Section (S) 106 Contributions

During the initial task group meeting held on 31st October 2024 the group discussed S106 contributions to support infrastructure for housing and communities within the District.¹ Members expressed frustrations that amenities were not being replaced and it was suggested that a meeting to discuss what powers the Council had at a District Council level to ensure S106 contributions were made, would be helpful. It was also suggested that a list of S106 contribution funds which had been formally agreed and if monies were spent, should be explored at a future task group meeting. The Chairman agreed that the Assistant Director of Planning and Leisure Services should be invited to a meeting.

At a task group meeting held on 27th February 2025 the Assistant Director of Planning, Leisure and Culture Services informed Members that S106 monies were not usually received for affordable housing but was generally provided by the developer or the procured registered social landlord. However, there was a S106 legal agreement between the Council and property developers stating that affordable housing would be provided on a housing development and houses built were registered through a social landlord.

Information previously circulated to Members was also discussed which detailed S106 contributions received from 2019 to 2024 through various planning applications providing infrastructure such as Waste and Recycling, Healthcare, Open Space, Play Areas and Sports Facilities.

Several areas of interest were discussed as a result of the evidence provided by the Assistant Director of Planning, Leisure and Culture Services. These were as follows:

- **If developers had not fulfilled their obligation of affordable housing on a development, were the monies provided elsewhere?**
It was predominately housing developers who dealt with the affordable housing element, however, if affordable housing could not be provided on site for a particular reason, the Council would ensure the monies were used off site for the specified purpose.
- **Was there an audit trail of monies spent for S106 contributions?**
The S106 legal agreement between the Council and the property developer demonstrated how the monies were spent.
- **Was it common that housing developers did not always fulfil their obligations to build the required affordable housing?**
The group were advised that if there was a legal agreement via the Viability Assessment, then the necessary housing must be provided.
- **What was the Council's current situation regarding Community Infrastructure Levy (CIL) agreements?**
The Council had carried out a levy assessment in the past which revealed that S106 contributions resulted in better mitigation and fund raising than CIL contributions and that there no CIL regime within the District.

- **How significant was it for affordable housing to be provided through S106 contributions?**

Information on the Council's website provided a yearly report of how many affordable houses were built through S106 contributions. However, forty percent must be achieved, as agreed by the planning policy, unless there was scrutinised evidence to the contrary.

- **Had Local Authorities discussed with Government the need for S106 monies to be provided in advance of works carried out?**

Legally the contributions were required to be based on necessity and proportionality. Monies were not necessarily required to be paid until a housing development was completed, depending on the nature of the S106 monies requested.

- **If a development was unfinished and the five-year timeframe for S106 contributions had expired, what happened to the monies owed to the Council?**

If the developer had signed an agreement to build affordable housing with proposals also agreed at Planning Committee the Council monitored all sites and ensured monies were collected and spent in a timely manner.

- **What happened to unspent S106 contribution monies? Was there residual money which could be attributed to BDHT for affordable housing?**

Details were included in the S106 Agreement legal document; therefore, funds could not be spent in other areas outside of that agreement. It was explained that no S106 monies had been lost in the past few years due to the five-year time expiration and that all monies were index linked.

- **What happened to monies if a project had varied, an extension was required and the five-year period had expired?**

The developer could choose to vary the planning application but may be reluctant to pay the fee necessary. However, if there was only a short period before expiration, developers may agree to an extension. Members were advised that participation during Planning Committee meetings was encouraged to discuss the proposed planning harm and necessary mitigation for proposals.

- **Were S106 contributions restricted geographically?**

If the issue was specified at Planning Committee that there was a planning harm identified in terms of a cause and effect, then mitigation via S106 was an option.

- **As part of the adopted Local Plan, forty percent of houses built within housing developments on greenfield sites should be affordable housing. Did S106 contributions form part of the agreement?**

The golden thread requirement for affordable housing was fifty percent (including green and brown belt areas).

- **Could Members be informed of S106 contributions being considered or spent in their area?**

S106 monies received were distributed and reported through the Finance system but would be explored further by Officers.

Following the discussions the Chairman expressed the view that Members should be provided with the details of how and where S106 contribution monies were

being spent in their ward areas. The Chairman also considered the importance of Member participation to ensure housing developments were acceptable i.e. street lighting, which was an important element of a housing development for residents. The Assistant Director of Planning, Leisure and Culture Services agreed that Member participation at the early stages, during the pre-application discussions and at Planning Committees to communicate the specifics required for a site were advisable.

After all discussions in respect of the evidence, Members made the following recommendations to the Overview and Scrutiny Board:

Recommendation – Section (S) 106 Contributions
Where a planning application has a material impact on the local community and there is a consideration for S106 contribution allocation, the Ward Member (and neighbouring Ward Member(s)) should be informed and consulted with prior to consideration of the application. A follow up consultation with the Ward Member (and neighbouring Ward Member(s)) should also take place.
Financial Implications for recommendations:
There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:
There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in consulting with relevant ward Members.

¹ Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal. This can be via a planning agreement entered into under [section 106 of the Town and Country Planning Act 1990](#) by a person with an interest in the land and the local planning authority; or via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority. Planning obligations run with the land, are legally binding and enforceable. A unilateral undertaking cannot bind the local planning authority because they are not party to it. Planning obligations are also commonly referred to as 'section 106', 's106', as well as 'developer contributions' when considered alongside highways contributions and the Community Infrastructure Levy. **Source:** [Planning obligations - GOV.UK](#)

Chapter 4

Fleeceholding (Land in new developments not adopted by the Council)

During the initial meeting held on 31st October 2024, Members discussed fleeceholding. Specific locations across the District where residents had raised issues in respect of fleeceholding were discussed and that an investigation would be welcomed by residents in these locations. Members reported that there had been issues raised by residents concerned with repairs and maintenance and management fees. The group also noted that costs were not fixed, with some residents being charged differing amounts. Members requested a presentation for fleeceholding to better understand this area as part of the investigation and to include Council policies regarding the issue. The presentation was also to include if the policy had any impact for residents and if not, how the Council could better promote the specific policies in place. (Following the request, details of the Open Spaces Policy, including the standards and cost calculator were included as part of the agenda for Members' consideration at a meeting held on 16th December 2024).

The Assistant Director of Planning and Leisure Services provided further information on the matter to the group. It was explained that the formal planning process was to determine planning applications received to approve, refuse or approve with conditions. As part of the submissions process for larger planning applications, it was the requirement to agree the amount of open space, with policies agreed to the acceptable standards of the open space. However, it was not within the planning process to determine the management of open space when granting planning permissions or in seeking if unadopted land was available.

Members were informed that a formal document had been produced which included, subject to the appropriate fees, that the Council could be given the rights to adopt certain land. The group were also advised that the Council had also formally written to Central Government, urging that the situation be reviewed at a national level.

Several residents had submitted their concerns, frustrations and issues to the Council and that several meetings had been arranged along with relevant Council Members who had sympathised with the issues residents experienced.

At a subsequent meeting Members queried the definition of fleeceholding and it was explained that the terminology was used in the popular press over the years. Residents with a freehold property could have the option of private management arrangements, however, leasehold properties would be required to discuss issues through a formal Tribunal process. It was noted that a formal Committee paper had been considered previously and outlined the Council's approach to the adoption of land.

Discussions with the East Works Residents

A task group meeting was held on 16th December 2024 with representatives from the East Works Residents Group to discuss their shared experiences and issues with unadopted land on the Cofton Estate housing development. Several areas were highlighted including fees, management of the land and the requirement for residents to pay both Council Tax and management fees.

Following all discussions in respect of the evidence, Members made the following recommendation to the Overview and Scrutiny Board:

Recommendation - Fleeceholding
As part of the Local Government Reorganisation process, the Council: a. Includes the proposal that a process be investigated whereby a future unitary authority pursues and seeks to manage contracts in new developments that are causing fleeceholding issues within the District; b. Suggests that a new unitary authority continues to lobby Government on the matter of fleeceholding within Bromsgrove District.
Financial Implications for recommendations:
There are no direct financial implications in relation to this recommendation.
Legal Implications for recommendations:
There are no direct legal implications in relation to this recommendation.
Resource Implications:
Officer time in preparing the report.

Chapter 5

Outcomes

Recommendations

As detailed in this report, once all evidence had been received from witnesses the discussions in respect of the recommendations took place. It was noted that any recommendations should be evidence-based and in line with the usual process, would be shared with Council Officers, so they could provide further details on the suggested recommendations.

The considerations and discussions were carried out with particular focus on the four key aims and objectives as detailed in the task group's terms of reference. These were:

**Housing
Allocations
Policy,
Process and
Standards**

**'Asset rich'
but potentially
'revenue poor'**

**Section 106
monies to
support
infrastructure
rules**

Fleeceholding

Housing Allocations Policy

As detailed earlier in this report, Members discussed in detail the housing allocation policy. As a result of these discussions, a recommendation was suggested; *Officers approach Bromsgrove District Housing Trust (BDHT) and jointly explore a startup crisis package for residents living in social housing including the potential of an increase in housing benefit payment to cover the costs of the crisis package. The findings to be completed in three months and reported back to the Overview and Scrutiny Board.* Following consideration, the Strategic Housing Services Manager commented; *Officers can explore the suggestion of a crisis packaged jointly with BDHT. However, Housing Benefit will not cover the cost of furniture as this is not eligible as part of the Housing Benefit criteria.* A timeframe of three to six months was suggested for this investigation to be completed.

The Housing Benefit allocation process was also discussed to explore the increase of housing benefit support as a means of purchasing household essentials which were sometimes unaffordable items but necessary for new tenants in social housing. It was also suggested that the crisis package should only be allocated and applicable to residents living in social housing.

A Council webpage was discussed as a means of promoting donatable goods. However, it was pointed out that this was discussed in previous Housing Task Group discussions with officers advising that the Council would need to consider the administrative costs to facilitate the webpage and possible concerns of liability claims to the Council.

The suggested recommendation to explore a crisis start up package with BDHT was agreed by the task group; *Planning Officers explore and report back on a new definition of affordable housing for the District, which is limited to rent and shared ownership.* Following deliberation, the Strategic Housing Services Manager commented; *the definition of affordable housing from a planning point of view is set nationally in the NPPF. Options can be explored via the production of the Local Plan but it extremely unlikely that the outcome will be to locally define affordable housing as per the recommendation.*

Following the recommendation suggested and the points raised by Officers the group expressed the view that some housing developments considered as affordable were inconsistent. It was agreed that a clear definition of the term “affordable housing” should be provided in the planning policy, however, properties discounted for outright sale should be excluded from the affordable homes policy. It was also agreed that band structures should be considered when allocating affordable housing within the District.

Asset Rich, Revenue Poor

During the Housing Task Group meeting held in February, which discussed Asset Rich and Revenue Poor in detail, a recommendation was suggested by Members; *Officers monitor the number of residents claiming Council Tax Support in housing Bands F, G and H (with metrics built into the performance reporting framework).* After consideration of the recommendation the Customer Support Manager responded; *yes happy with the CTS measure.*

During discussions the following was also suggested by the Task Group; *Officers provide Members with costings of bad debt owed to the Council as a result of non – payment of Council tax by residents.* After deliberation of the suggested recommendation by Members the Revenue Services Manager commented; *the Finance Department would need more structure around what is expected in terms of the bad debt reporting. We have limited capacity to produce the reports – so the time implication was a factor.*

After considering the proposed recommendations and Officer comments the task group discussed the following:

- Council Tax Band thresholds should be monitored closely when Council Tax support was calculated, particularly in the higher band thresholds, with the view that households could utilise the release of equity in their homes or move to a lower band valued property to meet the additional Council Tax liability. However, the Chairman expressed the view that the Council should not be viewed as encouraging householders to sell their homes and be left vulnerable with possibly running the risk of increasing the need for individuals to be on the housing waiting list.
- The Council Tax support scheme seemed unbalanced, with some householders living in cramped housing conditions compared to others living in larger properties but could equally claim Council Tax Support.

- The view received from Officers stating that the relative reductions in the total costs of Council Tax would be less than 0.5 percent of the total costs of Council Tax within the higher tax bracket was discussed further by the group, with some Members expressing the view that cost savings would be minimal. However, other Members urged that there could be a possible increase in Council Tax support claims, due to the Government's aim to increase social and affordable housing.
- Additional support could be concentrated to households claiming Council Tax support in the lower band bracket. It was also suggested that the Council Tax banding could be evaluated on a band-by-band basis and the task group should seek further analysis from Officers of how banding for F, G and H were individually calculated (to exclude any residents with ill health implications).
- Alternative support to Council Tax benefit could be explored for Bands F, G, and H.
- Larger families should be a consideration, who could only claim limited Council Tax support (for up to two children), with the additional penalty charges of bedroom tax.
- The Council should explore bad debt owed to the Council for non-payment of Council Tax.

Section (S) 106 Contributions

S106 contributions discussions were considered further by the group and Members reiterated, as discussed in previous task groups, that Members should be informed of S106 contribution considerations early in the Planning Application process. It was also agreed that Members should be consulted on S106 contribution considerations in their ward areas and neighbouring areas to enable Members to advise Planning Officer of the potential use of the monies to be utilised effectively. It was therefore agreed that the discussed considerations were to be included as a recommendation in the Housing Task Group Final report.

The recommendation suggested was; *where a planning application has a material impact on the local community and there is a consideration for S106 contribution allocation, the Ward Member (and neighbouring Ward Member(s)) should be informed and consulted with prior to consideration of the application. A follow up consultation with the Ward Member (and neighbouring Ward Member(s)) should also take place.* Following consideration of the suggested recommendation the Assistant Director of Planning, Leisure and Culture Services responded; *The weekly list of all applications received into Planning Services is already sent to all members and is on the website. Officers can provide an additional list so that members can identify major residential applications anticipated to trigger section 106 agreements. S106 are uploaded to public records. Once a decision is issued on a planning application, a legal agreement is uploaded to public access and visible for all parties.*

Fleeceholding

Members revisited discussions held during the Housing Task Group meeting on 16th December 2024 with the East Works Residents, where fleecing issues were considered. It was agreed that the Council had a duty of care to Council Taxpayers within the District who experienced fleecing issues and should be actively approaching individuals to assist and provide further advice.

The suggested recommendation was; therefore, *the Council should actively pursue and seek to take over contracts that are causing fleecing issues within the District.* In response the Assistant Director Finance and Customer Services commented; *the cost to the Council of setting up a separate trading company would require consideration of upfront costs (such as legal costs to ensure compliance with company registration and other costs such as governance, IT systems etc). It would also require an initial cash injection to cover initial staffing and operational costs during the period before it was able to trade successfully. There are several key financial risks that would need to be considered carefully before undertaking this, such as whether the company would generate enough revenue to cover costs, whether the council would underwrite any losses, procurement issues and market uncertainty. A full business case should be undertaken to consider the options available and review the risks and costs that could impact on the Council. The MTFP for 2025/26 currently does not reflect any budget for the costs identified above. A further consideration is the long lead in time which would be required and whether such a process could be completed before the Local Government Reorganisation (LGR).*

The Legal Department's Solicitor commented, in conclusion that; *Members can take some assurance from the fact that legislation is due to be introduced to bring in regulation of estate management fees/ companies, and it is hoped that this will assist affected homeowners. In the meantime the advice of Officers regarding the legal implications of competing for maintenance contracts is that to do so would not be possible without complex work to set up a company for which there is no budget or business case. Further, even if set up there is no guarantee that such a company would be able to take over the maintenance contracts as this would be down to market forces.*

Further Considerations

Following officer's responses to the recommendations, it was agreed by Members to hold a further meeting which was held on 17th September 2025 to consider the recommendations.

Members were particularly keen to look at the allocation of affordable homes on new developments in the future. It was suggested that a preferable allocation would include opportunity to access to social rented housing and shared ownership properties on these new developments rather than properties for outright purchase. Officers advised that this approach could potentially limit housing developments in the District and that the Council's current approach of offering more options of affordable housing provided greater flexibility.

However, following the discussions Members suggested that the recommendation be amended from:

Recommendation 2 - Planning Officers explore and report back on a new definition of affordable housing for the District, which is limited to rent and shared ownership and amended to:

Recommendation 2 - Bromsgrove District Council's preference is for the mix of affordable housing contained within a new development be made up of social rent and shared ownership properties only and exclude outright sales of affordable homes.

During this meeting Officers also presented detailed advice in respect of fleecing. Members were advised that there were legal complications in respect of competing for maintenance contracts on private land by the Council and it was a complex legal process to establish an arm's length company in order to do this. It would also require a significant amount of time and budget to investigate this option as a possibility due to the requirement of a business case and legal investigations. Local Government Reorganisation was currently underway, and the timelines were extremely tight. Therefore, to carry out these detailed investigations at this time would put significant pressures on officer time and Council finances.

Members were reassured that legislation was to be introduced by Government to bring in regulation of estate management fees and companies in the future.

Therefore, following the discussions, Members suggested a new recommendation from:

Recommendation 6 - The Council should actively pursue and seek to take over contracts that are causing fleecing issues within the District and amended to:

Recommendation 6 - As part of the Local Government Reorganisation process, the Council:

- a) Includes the proposal that a process be investigated whereby a future unitary authority pursues and seeks to manage contracts in new developments that are causing fleecing issues within the District; and**
- b) Suggests that a new unitary authority continues to lobby Government on the matter of fleecing within Bromsgrove District.**

The remainder of the recommendations were unchanged.

Areas to Note

During the investigation there were several areas to note. These were as follows:

Recommendation Suggestion

During discussions in various housing task group meetings concerning the housing allocation policy and procedures process, a recommendation was suggested by Councillor Dale, *Local connections to the area are to be a key consideration for the eligibility and qualification process for housing allocation.*

However, during the course of task group discussions, it was explained that local connections to the partnership area (person had lived in the area for at least five years) were a key consideration for the eligibility and qualification process for housing allocations.

OVERVIEW & SCRUTINY TOPIC PROPOSAL

This form can be used for either a Task Group or a Short Sharp Review topic proposal.

Completed forms should be returned to scrutiny@bromsgrove.gov.uk – Democratic Services, Bromsgrove District Council.

Name of Proposer: Councillor H. Rone-Clarke	
Tel No:	Email: h.rone-clarke@bromsgrove.gov.uk
Date: 11.07.24	

Title of Proposed Topic (including specific subject areas to be investigate)	Housing Task Group
Background to the Proposal (Including reasons why this topic should be investigated and evidence to support the need for the investigation.)	The potential to review housing was discussed by Members at a meeting of the Overview and Scrutiny Board held on 11th July 2024. This subject was suggested as a topic that was possibly suitable for further investigation when Members discussed key lines of enquiry for a scheduled review of affordable housing, due to be considered at the meeting of the Board scheduled to take place on 23rd July 2024. There are particular areas relating to housing that would be of interest to Members. Some of these subjects may just involve sharing information whilst other aspects may benefit from a more detailed review. For this review, it is suggested that the following should be noted: • 'Fleeceholding' – in terms of the definitions of fleeceholding and the local context in respect of this national matter. • The report in respect of affordable housing due to be considered at the

	Overview and Scrutiny Board meeting on 23rd July 2024 will provide useful background information for Members of a Task Group. • Revisiting the findings of the Fuel Poverty Task Group, for information, to avoid duplicating the work of that earlier investigation. • Infrastructure considerations, in respect of Section 106 agreements. This should not duplicate the work of the Strategic Planning Steering Group and it is noted that Members cannot scrutinise specific planning applications. • The difficulties experienced by residents who are asset rich but are struggling financially and the extent to which this is a particular issue in Bromsgrove District.
Links to national, regional and local priorities (including the Council's strategic purposes)	Housing has been agreed as a Council priority in the Council Plan 2024 – 2027.
Possible Key Objectives (these should be SMART – specific, measurable, achievable, relevant and timely)	1. Based on background information provided to the group, to identify the extent to which “fleeceholding” is a challenge in Bromsgrove District and whether there are any actions to address or influence this locally. 2. To scrutinise information about the rules with respect to providing Section 106 monies to support infrastructure for housing and communities in the District. 3. To investigate the extent to which there is an issue locally for residents who are considered to be “asset rich” but potentially “revenue poor” and the support available locally to residents in this position. This should involve the group exploring whether there are any gaps in provision that could be addressed by the Council or partner organisations.

Anticipated Timescale for completion of the work.				
Would it be appropriate to hold a Short Sharp Inquiry or a Task Group? (please tick relevant box)	Task Group	X	Short Sharp Inquiry	

OFFICE USE ONLY - TO BE COMPLETED WHEN THE TOPIC PROPOSAL IS ACCEPTED

Evidence	
Key documents, data, reports	
Possible Site Visits	
Is a general press release required asking for general comments/suggestions from the public?	
Is a period of public consultation required?	
Witnesses	
Officers	
Councillors (including Portfolio Holder)	
Any External Witnesses	

OVERVIEW & SCRUTINY BOARD

Housing Task Group

Terms of Reference as at September 2024

Looking at Housing Provision within Bromsgrove District Council's Operations Task Group has been set up by the Overview and Scrutiny Board to carry out detailed scrutiny/pre-scrutiny of the above topic.

1. The Task Group be made up of 5 Members with a quorum of 3. The Task Group will meet throughout the next six months at intervals to be decided by the Group.
2. Meetings will be restricted to 1.5 hours in order for the Group to remain focused (with the option to extend should it be deemed necessary).
3. The Task Group agreed that if Members missed more than 2 meetings then they would no longer be on the Task Group.
4. The Task Group will be a standing item on the agenda of the Overview and Scrutiny Board and either a verbal or written report will be provided at each of the Board's meetings.
5. The Task Group is able to make recommendations to the Overview & Scrutiny Board who will then put forward its recommendations for consideration by Cabinet or directly to Cabinet/Council.
6. The Task group is expected to complete the investigation in six months and provide its findings and recommendations to the Overview and Scrutiny Board in a written report at that time.
7. Should the Task Group not complete its work within that timescale, then an interim report will be presented to the Overview and Scrutiny Board with a request for further time to complete the investigations.

Aims and Objectives of the Task Group

The Task Group will undertake a scrutiny investigation into Housing Provision within Bromsgrove District Council's Operations and will cover the following areas:

- 1 Based on background information provided to the group, to identify the extent to which "fleeceholding" is a challenge in Bromsgrove District and whether there are any actions to address or influence this locally.
- 2 To scrutinise information about the rules with respect to providing Section 106 monies to support infrastructure for housing and communities in the District (*this should not duplicate the work of the Strategic Planning Steering Group and it is noted that Members cannot scrutinise specific planning applications*).
- 3 To investigate the extent to which there is an issue locally for residents who are considered to be "asset rich" but potentially "revenue poor" and the support available locally to residents in this position. This should involve the group exploring whether there are any gaps in provision that could be addressed by the Council or partner organisations (*Members to revisit the findings of the Fuel Poverty Task Group, for information, to avoid duplicating the work of that earlier investigation*).
- 4 To scrutinise the allocations policy and housing register regarding eligibility, qualification and allocations and explore standards of housing let under the policy.

WITNESSES

The Task Group considered evidence from the following sources before making its recommendations:

Internal Witnesses:

Ruth Bamford, Assistant Director for Planning, Leisure and Culture Services

Debra Goodall, Assistant Director of Finance and Customer Services

Matthew Bough, Strategic Housing Services Manager

Nicola Cummings, Principal Solicitor (Governance)

External Witnesses:

John Whitwam, Director of Housing and Communities, Bromsgrove District Housing Trust (BDHT)

Mike Pattison, East Works Residents

David Dixon, East Works Residents

Legal, Equalities and Democratic Services
Bromsgrove District Council, Parkside Offices, Market Street
Bromsgrove, Worcestershire B61 8DA
Email: democratic@bromsgroveandredditch.gov.uk