

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the Economic and Social Overview & Scrutiny Committee
held in Committee Room 1, Council Offices, Woodgreen, Witney,
at 6.30pm on Tuesday 17 April 2018

PRESENT

Councillors: P J Handley (Chairman), Mrs E H N Fenton (Vice-Chairman), M A Barrett,
A C Beaney, H B Eaglestone, P D Kelland, T N Owen and G Saul.

Also in Attendance: Mrs J C Baker and Mr J Haine

92. MINUTES

RESOLVED: That the minutes of the meeting held on 22 March 2018 be approved as a correct record and signed by the Chairman.

93. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mrs L C Carter, Mrs J M Doughty and Mrs L E C Little, and the following resignation and temporary appointment was received and noted:-

Ms E P R Leffman for J C Cooper,

94. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers in items to be considered at the meeting at this juncture. Subsequently, whilst not a disclosable interest, Mrs Fenton and Ms Leffman advised that they were both Members of the Board of Citizens Advice West Oxfordshire.

95. PARTICIPATION OF THE PUBLIC

There were no submissions from members of the public in accordance with the Council's Rules of Procedure.

96. PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK AND DEVELOPER CONTRIBUTIONS

The Committee received and considered the report of the Head of Planning and Strategic Housing regarding the Government's proposed changes to the National Planning Policy Framework and its approach to developer contributions for affordable housing and infrastructure.

Ms Leffman questioned whether the Officer response in relation to promoting healthy and safe communities (paragraphs 4.62 and 4.63) should make reference to Air Quality issues. Mr Haine undertook to discuss this issue with Officers and to give further consideration to the matter at the Cabinet meeting.

Mr Handley expressed his concern that the recent consultation regarding the proposed re-designation of local uncontrolled airspace to controlled airspace in order to address new arrival procedures at Oxford Airport and RAF Brize Norton had been dealt with at Officer level without reference to the Overview and Scrutiny Committees, suggesting that this would result in an increase in air traffic and detriment to air quality in Oxfordshire.

With regard to question 17 (Ensuring the vitality of town centres) it was noted that there were a number of larger villages within the District with significant retail facilities and Ms Leffman questioned whether there was a need to provide a more accurate definition of 'town centres' to reflect this position. Again, Mr Haine undertook to investigate further and consider the matter at the forthcoming Cabinet meeting.

Mr Saul noted the new requirement for local authorities to prescribe a housing requirement figure for neighbourhood plan areas or, at least, provide an indicative figure, and questioned how such a figure was to be calculated and whether the new provisions would impact on the Chipping Norton Neighbourhood Plan.

Mr Haine indicated that it was thought that the calculation of this figure would vary from area to area and the Planning Policy Manager advised that the proposed response raised some concern regarding the requirement to provide neighbourhood plan areas with a housing figure. Whilst the principle was thought to be sound, little guidance had been provided on how this should be done and this was likely to lead to significant variation between local authorities. As the Chipping Norton Neighbourhood Plan had already been adopted it was uncertain whether or not it would need to be reviewed or whether this could be addressed through a review of the Local Plan as this rolled forward.

Mr Handley expressed concern that some local councils failed to accept the commitment to growth implicit in the neighbourhood planning process and were simply seeking to limit or preclude development. Mr Handley stated that he considered the neighbourhood planning process to be questionable.

Mr Beaney drew attention to the requirement to provide at least 10% of homes as 'affordable home ownership' and enquired as to the percentage currently achieved. The Planning Policy Manager advised that this figure was part of the Government's attempt to broaden out affordable home ownership to incorporate other forms of tenure. Officers considered that it was overly prescriptive to stipulate a percentage figure and believed that it was more appropriate for the volume of affordable housing to be based upon local housing need.

Mr Beaney also noted that it was proposed that Maximum parking standards should only be used where there is clear and compelling justification and questioned how such justification was defined. The Planning Policy Manager advised that the consultation document failed to provide a clear definition. Mr Beaney went on to question whether there was a danger to the Council's emerging Local Plan whereby the new NPPF could render an existing Local Plan instantly out-of-date where policies are not entirely consistent. In response, the Planning Policy Manager advised that the transitional arrangements were not particularly strong and there needed to be a period within which existing adopted Local Plan policies were entirely protected from the provisions of the new NPPF to allow time for a review.

In response to a further question he explained that 'open book' viability assessments would enable the quantum of developer contributions to be assessed with all relevant information available.

Mr Saul considered that Officers had done well in identifying the concerns and proposed that the Cabinet be recommended to approve the suggested consultation responses.

Having been duly seconded the proposition was put to the vote and was carried.

RESOLVED: That the Cabinet be recommended to approve the suggested consultation responses attached as appendices to the report for submission to the Government.

(Mr Haine left the meeting at this juncture)

97. COMMISSIONING SERVICES FOR WELFARE BENEFIT, HOUSING, DEBT & MONEY MANAGEMENT AND EMPLOYMENT ADVICE

Whilst not a disclosable interest, Mrs Fenton and Ms Leffman advised that they were both Members of the Board of Citizens Advice West Oxfordshire.

The Committee received and considered the report of the Group Manager for Revenues and Housing Support regarding the proposed commissioning specification for services currently supported by the Grant to Citizens Advice West Oxfordshire.

Ms Leffman questioned whether the Equality Impact Assessment referred to in the report considered by the Cabinet on 10 January had been carried out and expressed some concern that this was not included with the report. In response, the Group Manager for Revenues and Housing Support confirmed that the assessment had been completed and advised that this could be circulated to Members if required.

Ms Leffman asked whether the assessment had taken account of the impact upon both residents and Citizens Advice. The Group Manager advised that it had followed the usual process in assessing the potential impact upon residents but not on the organisation itself. He stressed that the overall budget provision was not to be reduced and that any residual funds available following the commissioning process would remain in the grants budget.

Ms Leffman noted that the total value of the services proposed to be commissioned was around half of the £132,000 previously provided to Citizens Advice West Oxfordshire by way of grant and questioned how the remaining funds would be applied. The Group Manager explained that it was proposed to commission services within the four specific areas identified in the report with the residual funds being retained within the grants budget where it would be subject to applications by both Citizens Advice and other organisations to fund specific projects through the normal grants process.

Ms Leffman expressed concern that the invitation to tender for debt and money advice failed to specify the need for registration with the Financial Conduct Authority. She also noted that the tender for welfare benefit advice was primarily focussed on providing advice on appeals and questioned how those seeking initial advice would benefit from the revised arrangements.

The Group Manager advised that, whilst Citizens Advice helped many hundreds of clients, his service and the Department of Works and Pensions saw many more. The Council had its own team of Officers to provide advice on a variety of benefits whilst the service to be commissioned was directed towards those who were unwilling to approach the Council or were submitting an appeal against a decision that it had made.

Mr Handley requested that contact details for the Council's own Officers be circulated to all Members. The Group Manager advised that this information had been provided in December 2017 but could be recirculated if required.

Mr Handley asked the Cabinet Member with responsibility for Leisure and Health if she was satisfied that the proposed arrangements would prove adequate. In response, Mrs Baker confirmed that she believed that a robust plan was in place. She advised that there had been constructive correspondence between her and Ms Leffman and that she had attended a meeting with the Chairman of Citizens Advice regarding the proposed arrangements.

Mrs Baker stressed that the overall budget provision was not to be reduced and that any residual funds available following the commissioning process would remain in the grants budget where it would be subject to applications from both Citizens Advice and other organisations to fund specific projects through the normal grants process. The new arrangements ensured transparency, secured efficiency and made provision for data collection. The decision to commission services by means of a competitive tendering exercise had already been taken and the current report sought approval of the way in which that commissioning process was to take place.

Whilst expressing her sympathy for the position advanced by Ms Leffman and Citizens Advice, Mrs Baker believed that this was the right and proper way in which to proceed for the benefit of residents of West Oxfordshire.

Mr Beaney sought clarification of the recommendation at (d) and the Group Manager advised that, following the commissioning of each of the four 'lots', any surplus budget would be transferred back to the Grants Fund for organisations to bid for grant funding in respect of specific projects which accorded with the Council's aim and priorities.

Mr Beaney suggested that the invitations to tender should include a requirement for those successful organisations to attend the relevant Overview and Scrutiny Committees and that, in addition to the variety of methods by which advice was to be provided, home visits should also be specified. He acknowledged the concerns expressed by Citizens Advice but emphasised that it was incumbent upon the Council to ensure that there was no duplication of services and that it did not pay for the same service twice. The proposed arrangements would ensure clarity and transparency.

Mr Owen sought further clarification of the proposals and it was explained that it was intended to commission the provision of advice services by means of a competitive tendering process rather than through the previous arrangements of a direct grant to Citizens Advice. The Executive Director (Commissioning) reminded Members that the principle of commissioning services in this way had already been considered and agreed by the Cabinet having also been subject to a 'call-in' through the scrutiny process.

Mr Saul enquired whether the residual funding would be reserved exclusively for the type of advice of a legal nature currently provided by Citizens Advice or whether it would be available for more general grant spending. In response, the Group Manager advised that remaining funds would not be ring fenced to any particular issue but would be allocated through a commissioning process based upon the priorities of the Council.

Ms Leffman acknowledged that the decision to follow a commissioning route had already been taken but her concerns were now centred on how that process was to be carried out. She expressed concern that the tender process would place an unreasonable burden upon those organisations seeking to secure contracts and questioned whether the cost to the Council in conducting the tendering exercise had been factored into its consideration. The Group Manager advised that these questions had been addressed and that, whilst the initial contracts would be for an 18 month period, future contracts would be let on a longer term basis in order to minimise the burden on both parties. The tender process was not unduly onerous and, whilst there was a cost, the new process was designed to secure better value for money.

Ms Leffman noted that a significant number of households were housed in the private rented sector. She also expressed concern that the division of the services into four 'lots' could result in residents with complex issues having to deal with four different organisations. The Group Manager advised that the Council had a duty to those in the private rented sector and many such residents already sought advice from the Council which employed an Officer with this specific responsibility.

With regard to concerns over referrals to other organisations, the Group Manager advised that, as the Council had the primary responsibility for housing, most initial enquiries were referred directly to the Authority. However, in certain instances (such as an appeal against a Council decision) it was clearly appropriate for an individual to be able to seek independent advice. The Group Manager informed Members that such instances were exceedingly rare.

The Group Manager informed Members that it was common practice for all organisations to refer an individual to the most appropriate agency with the professional capability of providing the best advice. The Council often referred residents to other organisations and those organisations did likewise themselves. The role of the Council's Client Support Officers was one of co-ordination, directing residents to the most appropriate source of assistance.

Mr Handley questioned whether there were a sufficient number of organisations willing to tender for this work and expressed concern that, should no response be forthcoming, there would be gaps in the services available.

Ms Leffman sought examples of other authorities that had chosen to follow a commissioning route. The Group Manager advised that there were many different models of service provision in operation. Cherwell had tendered for debt advice services and Cotswold District Council operated a mixed model. Commissioning arrangements such as those proposed were a common approach.

Mr Handley considered the proposals were taking the concept of commercialisation too far and praised the voluntary ethos that underpinned Citizens Advice. He expressed the hope that the new arrangements would prove successful. Mrs Baker indicated that the decision to proceed in this way had not been taken lightly and a great deal of research had been carried out. This was a common process which made sense as it would provide clarity as to what was required from providers and what they could expect from the Council. The new arrangements made provision for the collection of data as, at present, there was no clear information as to how the service operated.

Mrs Baker expressed her support for the work of Citizens Advice and explained that bids would be evaluated in a transparent manner. This reflected the way in which the Council operated in all other respects and would bring the allocation of funding for these services into line.

If Citizens Advice had any other projects it would wish to take forward it had the opportunity to apply for grant aid. Recent changes to the way in which revenue grants were administered would ensure that the way in which such grants were apportioned and the results of the projects receiving support would be clear. The processes by which charities operated and the legislation surrounding them had changed and the Council needed to respond in a proactive rather than reactive manner.

In conclusion, Mrs Baker expressed the hope that the Council would continue to maintain a close and effective working relationship with Citizens Advice.

Mr Owen expressed his concern with the new arrangements, preferring to have seen Citizens Advice remaining outside the commissioning regime.

Mr Saul expressed concern that the service specifications were too narrowly framed and would fail to secure the range of advice required. He asked if this was likely to result in a change in the nature of advice provided. The Group Manager advised that the services to be commissioned reflected those previously provided by Citizens Advice.

Mr Handley considered that the tender documents lacked clarity and indicated that he was unable to support the recommendations.

In view of the concerns outlined above, Members were reluctant to endorse the current proposals.

It was proposed by Ms Leffman and seconded by Mr Saul that the Cabinet be requested to defer consideration of the matter and that Officers be requested to submit a revised report, together with the Equality Impact Assessment (referred to in the report considered by the Cabinet on 10 January) for further consideration by the Committee.

RESOLVED: that the Cabinet be requested to defer consideration of the matter and that Officers be requested to submit a revised report, together with the Equality Impact Assessment, for further consideration by the Committee.

98. CHAIRMAN'S REMARKS

Mr Handley advised that this was to be his last meeting as Chairman of the Committee. He thanked Members and Officers for their support during his period of office and paid tribute to the work carried out by the Committee during that time.

The meeting closed at 7:40pm

Chairman