

OVERVIEW AND SCRUTINY COMMITTEE

Meeting: Wednesday, 2nd November, 2022
at 2.00 pm.

Present: Councillors Shirley (Chairman), Cassidy (Vice-Chair), Gawne, McEwan, Morgan, Robson and C. Thomson.

Officers Present: Debbie Storr (Head of Legal and Governance), Susan Roberts (Director of Resources), Paula Westwood (Scrutiny and Democratic Services Team Leader) and Katie Pepper (Democratic and Electoral Services Officer).

19 Apologies for Absence

Apologies for absence had been submitted from Councillor Hall.

20 Minutes

The Minutes of the meeting held on 15th September, 2022 were taken as read and confirmed.

21 Public Participation

RESOLVED:- Representatives from United Utilities; namely, Nicholas Walls – Drainage Performance Manager for Cumbria and Russell Clark – Performance Engineer for Cumbria had attended the meeting and addressed the Committee in respect of Agenda Item No. 8 – Flooding on Walney Promenade (Minute No. 23 refers).

22 Work Programme Update

The Scrutiny and Democratic Services Team Leader had submitted a report outlining a summary of the progress made in respect of each topic as follows:-

Flood Work Group

At the previous meeting, the Committee had agreed to extend the scope of the review to look at wider flooding of the entire coast. A meeting of the Work Group had taken place in October with the Head of Programme Management and Climate Change so that the Work Group could understand the duties and responsibilities, along with the different organisations involved and their obligations with regards to flooding. Details of the Cumbria Coastal Strategy had been appended to the report. A Member had raised concerns over South Walney being recorded as 'No active intervention' as there was well established coastal erosion problems on South Walney and the sea cuts right across the Nature Reserve. The Member had asked if this point could be revisited and revised.

The Head of Programme Management and Climate Change had been unable to attend the meeting and the Chair advised that any questions would be forwarded to him for a written response.

Flooding on Walney Promenade

At the previous meeting, Members had requested that United Utilities be invited to provide an update on the plans being made for the sewer network to prevent flooding on Walney Promenade. Arrangements had been made for a United Utilities representative to attend the meeting to provide an update, following on from the investigatory work they had undertaken earlier in the year.

Nicholas Walls and Russell Clark from United Utilities had attended the meeting to provide an update. They advised the Committee that the Maritime permits had taken 8 months which was why their investigatory work had taken some time. Investigations had indicated that some of the manhole covers had been subject to tidal water infiltration. Some had been easily remedied by replacing the marine gaskets. However, one manhole north of Teasdale Road was letting in water and the plan was to remove that. It had been noted that permits would be required to undertake those works, which again could take some time to process.

A Member asked if they believed that the measures taken/to be taken would address the flooding issues. They advised that it would be difficult to say for certain due to many varying contributory factors such as height of tides, rain and flow but it was likely that the works would address the issues.

Nicholas and Russell had offered to provide the Committee with a further progress update upon completion of the works which had been welcomed by the Committee.

Discretionary Housing Payments

At the previous meeting, the Committee had agreed to change the focus of the review to cover looking into the national legislation and potential loopholes and requested that the Director of Recourses be invited to present an update report at the next meeting. There was a separate item on the agenda from the Director of Resources (Minute No. 26 refers).

Review of Anti-Social Behaviour Strategy and Action Plan

At the previous meeting, Members had requested Senior Management Team to provide a press release to communicate to Council Tax payers, details of ongoing or planned works in relation to the anti-social behaviour strategy. Members had also requested that Gareth Sargent of Cumbria Police, together with the Head of People and Communities, be invited to the next meeting to provide an update. Following consultation with Senior Management Team and the Head of People and Communities, the Scrutiny and Democratic Services Team Leader had been advised that there was multi agency work ongoing to address the issues previously reported in July, and at present, there were no further updates. The Council had been working with Partners to secure funding to assist with monitoring anti-social behaviour in the Town Centre; a report would be taken to Executive Committee prior to Christmas with an update on that. The Head of People and Communities would attend Committee in the future when that piece of work had been finalised and there was additional information to report. It had also been noted that corporate communications had been issued around Halloween and safety around Bonfire Night, in partnership with the Fire Service and the Police.

The Chair expressed disappointment that no member of the team had attended the meeting to present an update, as anti-social behaviour was a major concern at the present time.

It had been noted that a very detailed presentation, including anti-social behaviour measures, had been offered to all Members on the evening of 1st November and only a small number of Members had attended.

The Chair advised that it would be useful to know the number of arrests made to tackle anti-social behaviour, to assure the Committee that action was being taken.

Impact of Covid-19 Going Forward

The Work Group had not met since the last Committee meeting in September. The Head of Public Protection had advised that national and local comms were now focused on the Autumn Booster for both Covid and Flu and at present, there was nothing further to report.

It had been noted that a meeting of the Work Group was scheduled to take place on 17th November and that an update would be provided at the next meeting.

Barrow BID

At the previous meeting it had been agreed that a review of Barrow BID be added to the Work Programme. The Head of Regeneration in her capacity as the named Liaison Officer between the Borough Council and the BID would bring a report to December's Committee meeting detailing the annual activity of the BID. The BID Manager would also attend that meeting to present the Business Plan and answer any questions from Members.

RESOLVED:- To note the updates on progress in respect of each of the Work Groups.

23 Contract Management

The Director of Resources reported that the Audit and Governance Committee had established a Combined Improvement Plan which addressed recommendations from external audit, internal audit, the Annual Governance Statement review of governance, and the self-assessment of the CIPFA Financial Management Code. A copy of the improvement plan had been attached as an appendix to the report.

The Plan incorporated the statutory recommendations made in relation to the external audit of 2020-2021 including ensuring Members and Officers had robust assurance and reporting arrangements in place, for managing all ongoing contracts and to enable appropriate and timely action to remediate any non-compliance or wider deficiencies.

The Director of Resources had proposed that Overview and Scrutiny Committee may wish to oversee the performance management and service delivery of significant contracts, which would also provide assurance and transparency of contract management.

RESOLVED:-

1. To agree that Contract Management Assurance would be incorporated into the Work Programme; and
2. To agree that the Director of Resources would provide all Members of the Committee with a list of the contracts, requesting they choose six each to be shortlisted for review. The final list for review would be determined in consultation with the Director of Resources, the Chair and Vice Chair of the Committee and would be reported to the next meeting.

24 Service Performance

The Director of Resources reported that the service performance framework had been reviewed to clarify the indicators reported in the Annual Statement of Accounts. Performance against corporate strategic priorities was reported within the Growing Forward report.

The framework had been attached as an appendix to the report and aimed to define each indicator, to note the source of the data, any target in place where that was relevant, and the responsible Officer.

The report contained the service performance for the financial year 2021-2022 and quarter 1 of 2022-2023 where this was available.

Planning Applications

Planning applications had a nationally set target for major applications processed within 13 weeks of 60%, and other applications within 8 weeks of 70%.

Performance was measured across a two-year period and at 31 March 2022 and 30 June 2022, the major applications were 73.68% within 13 weeks and the others 74.26% within 8 weeks.

Food Safety Inspections

The food safety inspections had been reset post-COVID by the Food Standards Agency.

The inspection regime was a phased approach based on the categories of the establishment, with new businesses highlighted as a priority.

In accordance with the Food Standards Agency recovery plan all 'A' rated premises had received an on-site intervention, in addition 7 out of 10 'B' rated premises had received an on-site intervention, along with 29 'C' rated, 29 'D' rated and 51 'E' rated premises receiving an intervention.

Achievement of the recovery plan was better suited to an annual report.

Forum Theatre Attendance

There had been 23,742 attendees for 2021-2022; recovery from COVID restrictions had impacted the programme. For quarter 1 there had been 12,176 attendees.

Disabled Facilities Grants Awarded

During 2021-2022 104 grants had been awarded; for quarter 1, 41 grants had been awarded.

From December 2022 the Council had appointed a second Housing Grants Officer, and increased the non-means tested limit of grant to £10,000.

Operations

There were several performance indicators for Operational Services. Indicators for 2021- 2022 had been recorded as follows; performance for 2022-2023 was not yet available:

- Playground maintenance inspections 100%
- Waste containers delivered within 7 working days 73%
- Assisted list waste collections missed 0.11%
- Fly tips collected within 1 working day of being reported 67%
- Percentage of missed waste or recycling collections 4.53%

There was also an indicator for the percentage of household waste sent for recycling and the data for 2021-2022 was not yet available. It was expected that there would be an improvement within quarter 4.

Corporate Complaints

The percentage of corporate complaints dealt with within the timescales assigned to the stages was 64% for 2021-2022; an analysis had been attached as an appendix to the report.

For quarter 1 of 2022-2023 performance was at 75%.

Complaints handling training was planned be provided by the Local Government Ombudsman in November/December 2022.

Housing Benefits

With Universal Credit as the route for support to working age claimants, the legacy benefit claims were limited to the more complex areas of specified/supported accommodation and temporary accommodation, and all pension age claimants.

The average time to process a new claim across 2021-2022 had been 30 days and for quarter 1 2022-2023 had been 27 days.

The average time to process a change in circumstances across 2021-2022 had been 5 days and for quarter 1 2022-2023 had been 10 days – there was a significant bulk of transactions in the last quarter of the year; at the same time last year performance had been at 11 days.

The Revenues and Benefits Department had managed the Council's business support grants, extended Business Rate relief, Council Tax relief and Self isolation Payments through 2021-2022 which hugely increased workloads.

During 2022-2023 Revenues and Benefits had managed the Energy Rebate schemes.

There were several vacancies within the service and agency workers were currently engaged and a document management automation was currently being implemented.

Revenues

As noted in the Housing Benefits section, the additional work from COVID and the Energy Rebate schemes had impacted performance.

For Council Tax 2021-2022, the Council had achieved 95.35% in-year collection; recovery of the balances owed continued beyond the billing year.

For quarter 1 2022-2023 collection had been at 28.61% (2021-2022 had been 28.67%).

For Business Rates 2021-2022 had achieved 97.94% in-year collection; quarter 1 2022-2023 had been 34.46% (2021-2022 had been 26.1%).

The collection of Business Rates was ahead of previous years but that could be influenced by the major ratepayer's payment dates changing even slightly over a month-end.

Absence Management

Absence management performance had been reported as an average over the workforce – that was not to infer that all staff had been absent through illness, it was a standard calculation.

The average number of days lost to long term sickness for 2021-2022 had been 9.15; for quarter 1 2022-2023 it had been 2.74 days (2021-2022 quarter 1 had been 1.76 days).

The average number of days lost to short term sickness for 2021-2022 had been 2.4; for quarter 1 2022-2023 it had been 0.56 days (2021-2022 quarter 1 had been 0.2 days).

Conclusion

The service performance had been presented for noting and should the Overview and Scrutiny Committee wish to delve into any area of performance, the appropriate Head of Service would be instructed to report to or attend the Committee meeting.

The Director of Resources advised that it was her intention to reinstate quarterly reporting in table format with RAG ratings.

RESOLVED:- To note the Service Performance report.

25 Supported Accommodation

The Director of Resources reported that the Council was responsible for administering the Housing Benefit regulations on behalf of the Department of Works and Pensions.

Specified or exempt accommodation was generally referred to as supported accommodation for Housing Benefit purposes and was provided by non-profit making organisations as landlords.

For those living in supported accommodation, Housing Benefit covered the rent element and eligible service charges (eligibility was set out in the DWP regulations); payment was referred to as enhanced housing benefit.

For supported accommodation Housing Benefit claims, the Council must have the evidence to support their determination that:

- The landlord falls within the prescribed categories – non-metropolitan county council, housing association that does not trade for profit, registered charity or non-profit making voluntary organisation, and
- The landlord or person acting on its behalf was responsible for providing care, support, or supervision beyond the level any tenant would expect from any landlord, and
- The tenant had an actual or potential need for the available support which must relate to giving advice and assistance to the claimant in coping with practicalities of everyday life, and
- The care, support or supervision is an obligation of the landlord, and
- There was an explanation about how much the ineligible service charge was and how it was funded – if there was no separate identifiable funding stream there was a deduction from the eligible rent to cover the cost of the provision.

The Council was able to determine a reduced Housing Benefit payment or to pay no enhancement where the criteria was not met; the Council must disclose to the landlord the reason for any reduction.

Where no enhancement was paid, the Local Housing Allowance (LHA or rent element) was paid.

There were several supported accommodation providers within the Borough, particularly within Barrow-in-Furness, which brought a high volume of claims.

Gathering and verifying the evidence to determine such claims was far greater than an individual claimant application and the Housing Benefit department had established systems and processes to cover schemes where that was possible; scheme means a particular landlord and a particular building or property.

The level of care provided to those in supported accommodation was not for the Council to determine, but for the Housing Benefit determination the care must be needed and went sufficiently beyond what any non-supported tenant would receive.

Where enhanced Housing Benefit had not been paid or was reduced from the amount claimed, the landlord may appeal to the Tribunal Service.

The Council and the landlord can proceed to the High Court following the tribunal.

The potential for conflict with the Homeless Duty potentially arises where the enhanced Housing Benefit does not meet the DWP criteria and payment is reduced or only LHA can be paid; this may lead to individuals being turned away from accommodation and presenting as homeless.

The Council cannot pay enhanced Housing Benefit pending a tribunal decision as to knowingly pay without the supporting evidence may remove the Council's entitlement to subsidy from the DWP, and could bring into question the Council's ability to administer the regulations.

Where supported accommodation was provided by an organisation that was not a Housing Association, there was a limitation on the DWP subsidy which results in the Council directly funding the difference. This was a budget impact the Council had no control over from a Housing Benefit perspective.

RESOLVED:-

1. To note the report; and
2. To agree to recommend that the Executive Committee, on behalf of the Council, should send a letter to the Secretary of State, the Chief Executive of Westmorland and Furness Shadow Authority and the local MP (cc'd to the Leader of Westmorland and Furness Shadow Authority), requesting that consistent Local Housing Allowance (LHA) rates be applied across the three areas of Barrow, South Lakeland and Eden.

The meeting closed at 3.19 pm.