

BOROUGH OF BARROW-IN-FURNESS
OVERVIEW AND SCRUTINY COMMITTEE

Meeting:- 13th September, 2012
at 2.00 p.m. (Committee Room No. 4)

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.
3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration on any of the items on the agenda.

Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

Apologies for Absence/Attendance of Substitutes.

Confirmation of Minutes of the meeting held on 12th July, 2012 (copy attached).

- (D) 7. Tenants' Co-regulation.
- (D) 8. Annual Report.
- (D) 9. Coastal Protection.
- (D) 10. Street Cleansing.

NOTE (D) – Delegated
(R) – Referred

Membership of Committee

Councillors Roberts (Chairman)
Doughty (Vice-Chairman)
Biggins
Derbyshire
Hamilton
Husband
Johnston
R. McClure
Murphy
Opie
C. Thomson
M. A. Thomson

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BOROUGH OF BARROW IN FURNESS

OVERVIEW AND SCRUTINY COMMITTEE

Meeting, Thursday, 12th July, 2012
at 2.00 p.m.

PRESENT:- Councillors Roberts (Chairman), Derbyshire, Hamilton, Husband, Opie and C. Thomson.

6 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were submitted from Councillors Doughty (Vice-Chairman), Biggins, R. McClure, Murphy and M. A. Thomson.

7 – Minutes

The Minutes of the meeting held on 30th May, 2012 were taken as read and confirmed.

8 – Tenants’ Co-Regulation

The Policy Review Officer provided Members with an update of the scrutiny review into tenant’s co-regulation. He advised that changes to the regulation had been reported to the Housing Management Forum in June 2012.

It was noted that from 1st April, 2012, the Housing Communities Agency (HCA) had taken over the housing regulation role. Co-regulation remained at the heart of the framework which meant having a solid partnership between tenants, landlords and those who governed the organisation to deliver positive results for tenants. Specifically, for the Council, it meant that Councillors who governed housing services would be responsible for:-

1. Meeting the standards set out in the framework;
2. Delivering the organisations social housing objectives, including being transparent and accountable; and
3. Supporting tenants to both shape and scrutinise service delivery and to hold Councillors to account.

The standards from the old system had been added to and undergone some amendment. They were now called ‘economic’ and ‘consumer’ standards. The Economic standards covered rents, governance and financial viability, and value for money and the consumer standards covered tenant involvement and empowerment, home, tenancy and neighbourhood/community.

The regulator was going to focus regulatory activities on the economic standards. The Local Authority owned housing would not be subject to economic regulation by the HCA so the Council would not need to deal with that aspect of the regulatory standards.

With regards to consumer standards, the regulator no longer had an active role in monitoring provider's service performance. There would be no automatic inspection regime and intervention would only occur where there was a risk of serious harm to tenants. This had been referred to as the 'serious detriment test'. It was noted that since 1st April, 2012, there were known to have been 19 enquiries to the regulator under the 'serious detriment test' and all had been refused. No details of those complaints had been released, however what could be drawn from that was that the regulator was keen for issues to be resolved between the landlord and the tenant at a more local level.

With regard to the Council's position, it appeared that as long as an effective system of co-regulation was in operation and the Authority was meeting the consumer standards, there would be no intervention by the regulator.

It was noted that some of the key changes to the consumer standards were as follows:-

1. There was a greater focus on local resolution of complaints and disputes, including a role for tenant panels in resolving complaints;
2. There was an increased scope for tenants to have considerably more influence in relation to repairs and maintenance through the development of a tenant cash back scheme in which tenants would be rewarded for undertaking minor repairs;
3. There was a greater focus on promoting mutual exchange to assist tenants in moving to properties appropriate to their housing needs; and
4. Local Authorities had flexible tenure options (shorter fixed term tenancies of not less than 5 years or by exception tenancies of not less than 2 years, in addition to any probationary period) if they chose to use them and must have clear and accessible lettings policies detailing the types of tenancies granted.

The Policy Review Officer advised the Committee that in order to provide additional information and a perspective from another Housing Authority, the Housing Manager had invited Lancaster City Council to discuss their approach to co-regulation. A meeting had been provisionally arranged for week commencing 16th July, 2012. It was noted that the Housing Manager would attend the briefing with Lancaster City Council. The Policy Review Officer advised that the scrutiny review would need to progress quickly following that meeting.

The Chairman requested that Councillor Hamilton (Chairman of the Housing Management Forum) and the Housing Manager provide an update at the next meeting of this Committee.

RESOLVED:- (i) To note the information;

(ii) To note that a meeting had been arranged with Lancaster City Council to discuss their approach to co-regulation; and

(iii) To note that the Policy Review Officer in consultation with Councillor Hamilton (Chairman of the Housing Management Forum) and the Housing Manager would provide an update at the next meeting of this Committee.

9 – Coastal Protection

The Policy Review Officer submitted a report providing Members with an update of the scrutiny review into coastal protection. It was noted that Members of the work group had met with the former Director of Regeneration and Community Services who had provided information on the Council's responsibility under the 1949 Coastal Protection Act. In order to discharge the Council's duty under that Act surveys of the coastline and other coastal protection assets needed to be undertaken. The latest survey had been carried out earlier this year and access to the information had been provided to Members on the Member's area of the Council's website.

It was noted that the coast line was divided into cells and that each cell had one of the following coastal protection policies attached to it:-

- Hold the line;
- Advance the line;
- Manage re-alignment; and
- No active intervention.

Coastal protection was very expensive and the Government, through DEFRA, had offered Local Authorities grant in aid for high priority work. The Council had two schemes which had been submitted for funding, namely:- Roa Island defence improvement and West Shore Park.

The Policy Review Officer advised the Committee that the next stage of the review was to carry out site visits to some of the Council's assets. He had circulated at the meeting, images of erosion at Roa Island Causeway West and East, Earnse Bay Caravan Park, Wylock Marsh on Walney and Waterside House. He advised that the Council had submitted a bid for capital funding for the replacement of an ineffective flood gate at Wylock Marsh, Walney (£9,000) and to reinstate the top layers of revetment at Waterside House (£15,000) with a view to obtaining match funding.

A site visit to view the various areas of erosion had been arranged for Monday 23rd July, 2012 departing the Town Hall Courtyard at 12.30 p.m.

RESOLVED:- (i) To note the information; and

(ii) To note that a site visit to the various sites had been arranged for Monday 23rd July, 2012 departing the Town Hall Courtyard at 12.30 p.m.

10 – Street Cleansing

The Policy Review Officer submitted a report providing Members with an update of the scrutiny review into Street Cleansing. He reported that the Council continued to face increasing financial pressures and that those had been compounded by the uncertainty regarding Cumbria County Council's decision to reduce the value of the Recycling Reward Scheme. It was noted that in order to offset the impact that may have on the Council's waste collection arrangement, the Council had submitted an interim bid for funding from the Weekly Collection Support Scheme. It was noted that feedback and support from the Department of Communities and Local Government had been received on that bid and that preparations were underway for the final bid.

It was noted that the recycling reward scheme payments for the first two quarters of this year had been capped at the level for the same period last year. The situation for Barrow was that the Council exceeded the capping level on the recycling percentage basis so the payments would be based on the tonnage of recyclate collected. In the first quarter this year the Council had collected 2813 tonnes of recyclate compared to 2742 last year and therefore were on target to claim the maximum available recycling reward.

The Policy Review Officer advised the Committee that the Council had bid for £900,000 and that part of the bid had suggested recycling into bins rather than bags and boxes which would mean more collections in a shorter time. He advised that should the bid be unsuccessful, then the Council would need to consider a change to fortnightly collection of residual waste in all parts of the Borough (Minute No. 129 of the Executive Committee on 7th March, 2012 refers).

It was noted that last year it had been agreed to maintain street cleansing as a standing agenda item for this Committee. The Policy Review Officer advised the Committee that the Streetcare Manager was continuing to work with BIFFA to improve the waste collection and street cleansing service.

RESOLVED:- To note the information.

The meeting closed at 2.26 p.m.

OVERVIEW AND SCRUTINY COMMITTEE	(D) Agenda Item 7
Date of Meeting: 13th September, 2012	
Reporting Officer: Policy Review Officer	
Title: Tenants' Co-regulation	
Summary and Conclusions:	
Provide Members with an update of the scrutiny review into tenants' co-regulation.	
Recommendation:	
Members are invited to consider the information and determine how to progress this review.	

Report

Changes to regulation were reported to the Housing Management Forum in June, 2012.

From 1st April 2012, the Housing Communities Agency took over the housing regulation role. Co-regulation remains at the heart of the framework which means having a solid partnership between tenants, landlords and those who govern the organisation to deliver positive results for tenants. Specifically, for Barrow Borough Council, it means that Councillors who govern housing services are responsible for:-

1. Meeting the standards set out in the framework;
2. Delivering the organisations social housing objectives, including being transparent and accountable; and
3. Supporting tenants to both shape and scrutinise service delivery and to hold Councillors to account.

The standards from the old system have been added to and undergone some amendment. They are now called 'economic' and 'consumer' standards. Economic standards cover rents, governance and financial viability, and value for money. Consumer standards cover tenant involvement and empowerment, home, tenancy and neighbourhood/community.

The regulator is going to focus regulatory activities on the economic standards. Local authority owned housing will not be subject to economic regulation by the HCA so Barrow Borough Council will not need to deal with this aspect of the regulatory standards.

With regard to consumer standards, the regulator no longer has an active role in monitoring provider's service performance. There will be no automatic inspection regime and intervention will only occur where there is a risk of serious harm to tenants. This has been referred to as the 'serious detriment test'. Since 1st April 2012, there are known to have been 19 enquiries to the regulator under the 'serious detriment test' and all have been refused. No details of these complaints have been released but what can be drawn from this is that the regulator is keen for issues to be resolved between landlord and tenant at a more local level.

The requirement for local offers and annual reports is retained.

With regard to Barrow Borough Council's position, it appears that as long as an effective system of co-regulation is in operation and the Authority is meeting the consumer standards, there will be no intervention by the regulator.

Key Changes to Consumer Standards

Some of the key changes to these standards are as follows:-

1. There is a greater focus on local resolution of complaints and disputes, including a role for tenant panels in resolving complaints;
2. There is an increased scope for tenants to have considerably more influence in relation to repairs and maintenance through the development of a tenant's cash back scheme in which tenants are rewarded for undertaking minor repairs;
3. There is a greater focus on promoting mutual exchange to assist tenants in moving to properties appropriate to their housing needs; and
4. Local Authorities have flexible tenure options (shorter fixed terms tenancies of not less than 5 years or by exception tenancies of not less than 2 years, in addition to any probationary period) if they choose to use them and must have clear and accessible lettings policies detailing the types of tenancies granted.

To provide additional information and a perspective from another housing Authority, members of the work group met with the tenant involvement officer from Lancaster City Council to discuss their approach to co-regulation. Members were particularly interested in the "quality group" approach and would like to meet tenants groups in Barrow to discuss this option.

Background Papers

Nil

OVERVIEW AND SCRUTINY COMMITTEE	(D) Agenda Item 8
Date of Meeting: 13th September, 2012	
Reporting Officer: Policy Review Officer	
Title: Annual Report	
Summary and Conclusions:	
To present the Scrutiny Annual Report for 2012.	
Recommendations:	
1. Members are invited to note the annual report	
2. To present the annual report to full Council.	

Report

Annual report from the Overview and Scrutiny Committees

2012

Foreword

In 2011/12 only one Committee was appointed called the Overview and Scrutiny Committee. The responsibility for monitoring the Council's risk management and performance management arrangements has been transferred to the Audit Committee in line with recognised good practice.

Membership of the Overview and Scrutiny Committee in 2011/12:

Councillors Roberts (Chairman)
Doughty (Vice-Chairman)
Biggins
Derbyshire
Hamilton
Husband
Johnston
R. McClure
Opie
Preston
C. Thomson
M. A. Thomson

In May 2012 Councillor Preston was replaced by Councillor Murphy.

Members agreed to develop a four year work programme up to March 2015 and identified topics for review these are presented in table 1.

The committee recognises that additional urgent items may be identified during the period and they will be considered in an appropriate timeframe.

It is anticipated that we will complete two or three reviews per year depending on the availability of resource.

Table 1

Item	Topic	Scope of the review
1	Allotments.	To review the Council's arrangements for managing tenancies and the waiting list. Ensure the allotment service is financially sustainable.
2	Street cleanliness.	To review to Council's arrangements for working with the contractor to deliver a higher standard of street cleanliness. To ensure appropriate arrangements are in place to manage external factors and the impact on street cleanliness e.g. seagulls and fly tipping.
3	Coastal protection.	The implementation of phase four of the Flood and Coastal Erosion Risk Management Strategy has resulted in changes to way in which coastal defence projects are funded. The review will focus on our medium term project plan and how it will be funded.
4	Estates and asset management.	To review arrangements for maximising income from our assets and the potential for the disposal of redundant assets.
5	Town centres development and supporting local traders.	Review arrangements for supporting local traders in the current economic climate.
6	Highways and car parking	Review the provision of highways maintenance by Cumbria County Council. Review street lighting and on-street parking arrangements.
7	Economic Development, planning and development control.	Review arrangements for planning and economic development in light of the reduced funding as a result of the Governments deficit reduction programme. Ensure the Council still has appropriate arrangements in place to access development funding.

8	Cultural Services	Review the impact of the Council's service review on cultural services. The review will consider events, distribution of funding and service charges.
9	Policy and strategy	Monitor the development of and performance against the Council's key priorities.
10	Housing strategy	Review availability of private sector and social housing and consider partnership arrangements to ensure that the availability of housing in the borough meets demand.

The review of allotments was completed in December and recommendations relating to allotment provision and administration were implemented.

Members agreed that the street cleanliness review would be an on-going standing item at every meeting so they could monitor this essential Council service.

The Coastal protection review is on-going and will be completed in 2012/13.

In March 2012 the committee agreed to add Tenant Co-regulation to the work programme as an urgent review in response to the Co-regulation legislation and the way that tenants are involved in the management of social housing. This review is on-going and will be completed in 2012/13.

Background Papers

Nil

OVERVIEW AND SCRUTINY COMMITTEE	(D) Agenda Item 9
Date of Meeting: 13th September, 2012	
Reporting Officer: Policy Review Officer	
Title: Coastal Protection	
Summary and Conclusions:	
Provide Members with an update of the scrutiny review into coastal protection.	
Recommendation:	
Members are invited to consider the information and determine how to progress this review.	

Report

Members of the work group carried out site visits to some of the coastal protection assets including Roa Island causeway and the watch tower, Waterside House, Wylock Marsh and Earnse Bay. Having developed a better understanding of the coastal protection strategy and observed the condition of some of the revetments, Members are going to meet with the Technical Services Unit Manager to discuss priorities and access to funding. I will provide details of the meeting with the Technical Services Unit Manager at this meeting.

Background Papers

Nil.

OVERVIEW AND SCRUTINY COMMITTEE	(D) Agenda Item 10
Date of Meeting: 13th September, 2012	
Reporting Officer: Policy Review Officer	
Title: Street Cleansing	
Summary and Conclusions:	
Provide Members with an update of the scrutiny review into street cleansing.	
Recommendation:	
Members are invited to consider the information and determine how this review should be progressed.	

Report

The Council is still receiving 2,000 requests a year for replacement bins which cost £18 each. To reduce this cost the Council has been working with Biffa to collect redundant bins and clean them for re-use. To date almost 400 redundant bins have been collected and refurbished which has made significant saving in cost of replacement bins.

The council has also been working with Biffa to reduce the amount of side waste that is presented in bags. Residents are being advised on how to reduce the amount of side waste through recycling and how best to present occasional excess waste.

Background Papers

Nil.