

NORTHUMBERLAND COUNTY COUNCIL

COMMUNITIES AND PLACE OVERVIEW AND SCRUTINY COMMITTEE

At a meeting of the **Communities and Place Overview and Scrutiny Committee** held at County Hall, Morpeth on Wednesday, 5 April 2023 at 2.00 p.m.

PRESENT

Councillor N. Oliver
(Chair, in the Chair)

MEMBERS

Cartie, E.	Gallacher, B.
Castle, G.	Lang, J.
Dale, A.	Morphet, N.

OFFICERS IN ATTENDANCE

R Murfin	Interim Executive Director of Planning & Local Services Regeneration, Commercial & Economy
S. Nicholson	Scrutiny Co-Ordinator
S. Ogle	Housing Operations Manager
P. Soderquest	Service Director - Housing and Public Protection
J. Stewart	Strategic Housing Manager
N. Turnbull	Democratic Services Officer

ALSO PRESENT

1 member of the press.

42. APOLOGIES

Apologies for absence were received from Councillors Carr, Horncastle, Mather and Reid.

43. MINUTES

It was agreed that the following items referred to in the minutes would be followed up by the Scrutiny Coordinator:

- List of charges for street works permits
- Profile for applications for on-call firefighters

- Timescale for bus service improvement plan and list of the current subsidised bus services. An update was due to be considered by the OSC on 26 April 2023. A report was to be considered by Cabinet in May 2023.
- Clarification regarding the Council's Tree Management Policy and Tree & Woodland Strategy.

A Councillor reported that training on the One Network system would be available after the Annual Council meeting.

RESOLVED that the minutes of the meeting of the Communities and Place OSC held on 8 March 2023, as circulated, be confirmed as a true record and signed by the Chair.

44. FORWARD PLAN OF CABINET DECISIONS

The Committee considered the Forward Plan of key decisions (April to July 2023). (Schedule enclosed with the signed minutes).

Members discussed proposed changes to the timing of scrutiny reports following the Caller Review to incorporate best practice. Members had differing opinions as to whether there should be pre or post scrutiny of Cabinet decisions. Some members held the view that OSCs should be able to pre-scrutinise reports prior to their consideration by Cabinet. A report was due to be considered by the Council at the annual meeting on 17 May 2023 when the issue would be discussed, and a decision taken. The Scrutiny Co-ordinator commented that preparations were being made should the proposals be agreed.

RESOLVED that the report be noted.

45. OVERVIEW

45.1 S106 Infrastructure Funding Statement 2021-2022

The Committee were presented with the third Infrastructure Funding Statement (IFS) which was required to be published by all Local Planning Authorities which entered into Section 106 planning obligations. (A copy of the report is enclosed with the signed minutes.)

Rob Murfin, Interim Executive Director of Planning and Local Services, Regeneration, Commercial and Economy explained that the statement for 2021-2022 now included a breakdown of all Section 106 funds for each of the 5 Local Area Committees, following a request by members. The statement has been commended by the Department for Levelling Up, Housing and Communities as one of the best and clearest statements, and represents national good practice. He highlighted the following data from the Executive Summary:

- The total amount of additional money to be provided under any planning obligations entered during 2021-2022 was £13,674,343.51.
- The total amount of money received from planning obligations was £4.6 million.
- Nearly £3.5 million had been secured by s278 Highway agreements for highway improvement works.
- The total amount of money retained at the end of the reported year was £10.8 million.

He reported that the Government was consulting on the implementation of a tariff-based approach which would be based on the final sale price of a development. The amount per square metre would be set locally and subject to viability testing. A report on the implications on changes to funding levels would be brought to a future meeting of the committee.

In answer to questions, he explained that:

- Although legal agreements may have been signed during the year, work may not physically have started on a development during that year or reached a trigger point for payment of monies.
- Funds received could have included agreements from the current or previous year on attainment of a trigger point.
- Money retained by the Council included money which had been collected but not yet spent as it would be kept until there were sufficient funds to pay for a project, such as a school extension. The majority related to provision of affordable housing in a Housing Developer Fund.
- Payments to Parish and Town Councils were made in arrears when schemes, such as for a play area, were reimbursed when a project had been constructed.
- A potential total was provided within the breakdown for each Local Area Council. It was noted that not all developments proceeded to construction due to market conditions, and therefore this figure was not always realised.
- Trigger points could be subject to negotiation.
- More money was likely to be agreed by a developer if payable at phased trigger points during the construction of a development compared with amounts received upfront when building commenced at a development. A valuation-based decision would be made by officers as to which was more beneficial on a case-by-case basis.
- The current system required negotiations on every site whereas a tariff-based system paid on sales would be easier for administration. This would be particularly beneficial in high sales areas such as Southeast England.
- Sections 106 agreements were negotiated to address the impact of a developments and were based on evidence, such as a requirement for additional education places at a higher level. They could not normally be used to address existing maintenance problems at the local village school.
- The strength of a levy-based approach enabled the council to spend funds according to an Infrastructure Improvement and Delivery Strategy. The funds could be used for maintenance and to address existing problems.

- Parish and Town Parish Councils would potentially receive 15% or 25% if they had an adopted Neighbourhood Plan with an Investment Strategy.
- For the previous 10 years, Local Authorities could choose whether they used Section 106 agreements or Community Infrastructure Levy (CIL). For most local authorities in the north of England, funds would be lower if CIL was used due to lower land values.
 - An audit of section 106 agreements had ensured that there were better processes in place to monitor historic agreements to ensure that monies were paid.
 - Agreements now included claw back if market sales were higher than a designated figure.
 - The LAC review included proposals for a sub report on developer contributions prior to completion of negotiations to ensure that the Chair and local member were satisfied with the approach adopted on the distribution of funds.
 - The total amount of money received was likely to be less than the total amount of money negotiated in a year, mainly due to the time lag between an agreement being negotiated and stage payments for large developments which could take 10 or more years before completion.
 - Some agreements included conditions restricting the geographic location of affordable housing which could take time to deliver following receipt of the funds.
 - More consistent wording was now used for section 106 agreements which was easier to monitor and report.
 - A Section 106 training course for members was to be arranged.
 - There could be a fluctuation of needs between areas, such as healthcare, so the amounts negotiated for infrastructure varied. The Infrastructure Delivery Plan underpinned the Local Plan and set out the assumptions and money needed to respond to the growth set out in the Local Plan.
 - Analysis of Section 278 highways agreements were more complex as sometimes the developer provided funding for work which was commissioned by the Council, or they could do the work themselves and this was not included within the figures for developer contribution.

The following issues were raised by members:

- Development was restricted in small villages in rural areas and therefore no funding available via section 106 agreements or affordable housing where there was less than 10 units. The Director agreed there was a mismatch and it was why the Council had its own building programme for community housing projects and explored other opportunities. He added that if there was a falling market, less homes got built but the demand for affordable housing increased in an inverse relationship.
- It would be desirable to receive feedback from the areas which benefitted from Section 106 payments including education, ecology and highways.
- It would be beneficial if the statement included dates of agreements, particularly where funds had not been spent.
- Some elements, such as play areas, needed to be delivered in a timely manner to enable young families with children to benefit. It was not helpful

to them if play areas were constructed on the completion of a large development which may take many years.

- It would be useful to have a cumulative position of outstanding monies. The Director suggested that members be provided with a spreadsheet which contained data regarding Section 106 agreements.

RESOLVED that the report and S106 Infrastructure Funding Statement for 2021-2022, be noted.

46. SCRUTINY

46.1 Homelessness and Rough Sleeper Strategy for Northumberland 2022 - 2026

The Homelessness and Rough Sleeper Strategy for Northumberland 2022 – 2026 was approved by Cabinet on 8 March 2023. (A copy of the report is enclosed with the signed minutes.)

Philip Soderquest, Service Director - Housing and Public Protection, explained that presentations on Homelessness and Rough Sleeping had been given to the 5 Local Area Councils between November 2022 and March 2023 to explain the statutory duties placed on local authorities by the Homelessness Act 2002 and the Homelessness Reduction Act 2017 and had outlined the provision for residents who were homeless, or at risk of homelessness, in Northumberland. The strategy was a refresh of the previous policy and although the number of priorities had reduced, they were broadly similar and had been merged, except for welfare reform which was a transitional issue. Definitions for homelessness and rough sleeping were included in Appendix 1 of the strategy on page 33 of the papers.

He reported that any issues with host breakdown under Homes for residents from Ukraine was a separate issue. The Council had received monies from the Government LA Housing Fund to support the commitment to refugee's resettlement by acquiring additional homes and would be used as first allocation for guests who were at risk of homelessness. They were looking to purchase 8 properties by November 2023 in areas where the largest populations from Ukraine had settled.

Julie Stewart, Strategic Housing Manager, reported that the Homelessness Grant allocation in 2023/24 was £529,000 and £556,000 in 2024/25. Although this was lower than expected, amounts received had been halved at other local authorities. The grant was used to fund the existing housing service, which meant there was little flexibility to commission additional services. She explained that the team were dealing with consistent high levels of cases with no periods where lower numbers of applications were received. Managing expectations was challenging, with the profile of residents seeking assistance changing and more difficult for residents to obtain homes in the private rented sector, due to changes within that sector.

The following information was provided in response to questions from members:

- 68% of homelessness cases were in the south east of the county, as expected due to the population cluster. This was highest in Blyth, Ashington, Newbiggin by the Sea and Bedlington. There were also high demand in Hexham, Haltwhistle and Berwick upon Tweed which was challenging as the Council had limited temporary accommodation in those areas. They recognised more options were needed for dispersed accommodation in other areas and had recently acquired an additional property in Berwick through Advance Northumberland.
- Data for Band P, the highest priority, had been checked for a LAC meeting in March. At that time there were 197 individuals in urgent housing need. During 2022/23, 2,491 housing applications had been received with 361 full applications which had led to placements in temporary accommodation. There were approximately 11,000 individuals on the housing register; 50% of which were in Band 3 with no identified housing need as they were currently adequately accommodated. It was also reported that many were not actively bidding under the choice-based lettings system and also that some of those who had registered lived outside of Northumberland.
- The private sector provided a greater percentage of housing than social housing. Some individuals were being made homeless due to being served with a Section 21 no fault eviction, where landlords in the private sector wished to put their properties to an alternative use. This included holiday accommodation which generated more income, or they wished to sell as the industry was concerned about regulation by the Government, including application of the decent homes standards, removal of the landlord's ability to serve a Section 21 no fault eviction notice, longer secured tenancies.
- Host families under the Homes for Ukraine scheme were expected to make their accommodation available for a minimum period of 6 months, although this could be extended if all parties were in agreement. It was initially expected the situation would be short lived, however, due to the ongoing war and cost of living concerns, goodwill payments had increased from £350 to £500 per month where sponsorship arrangements continued beyond 12 months.
- The Homes for Ukraine tariff payable to Local Authorities had reduced from £10,500 to £5,900 with effect from 1 January 2023 for any new families arriving in the UK.
- Anyone who was classed as Band P priority homeless was provided with temporary accommodation whilst bidding for properties. The Council's duty to provide accommodation was deemed to be discharged if a suitable property in reasonable travelling distance became available and was not taken.
- It was intended that monitoring of progress against the Action Plan with feedback to members on an agreed basis including production of an annual report of progress against the action plan. Development of a web-based housing advice platform would take place as part of improvements to the Council's updated main website. Information on housing matters was also available over the telephone via the Contact Centre or free telephone

number, face to face appointments in Blyth and perhaps also Ashington one day per week, depending on demand, and virtual calls.

- The Duty to Refer, had come into effect in 2019 under the Homelessness Reduction Act 2017. Most referrals came via the Probation Service and had not significantly increased workload.
- Priority 1 referred to single homeless people in accordance with the terminology and definition used by Government in the Homelessness Reduction Act as they were more likely to be sleeping rough, with more complex needs perhaps with substance misuse issues and were more difficult to place in accommodation. The majority of temporary accommodation in Northumberland was shared accommodation which would not be suitable. There tended to be more options for homeless families than single homeless people.
- Some individuals declined assistance despite offers of help and referrals to other services for mental health or other complex issues. Changing Lives were commissioned to provide a Homeless Response Service who were trained to talk and direct support should it be needed, as well as the Traveller Liaison Officer.
- Other social housing providers did not have a statutory duty to assist with the provision of homeless accommodation. It was therefore difficult for the Council to meet demand in some areas, such as Berwick, where it did not hold housing stock. The Council were working with housing providers, such as Bernicia, who were providing some temporary accommodation in sheltered housing.
- Whilst there was a stereotype of people who found themselves homelessness, this was becoming a more varied mix of individuals for differing reasons.

Members raised the following points:

- Employment, education and work experience needed to be taken into account when looking at accommodation options for someone that was homeless.
- There should be support for all vulnerable residents.
- The work of the Housing Team was acknowledged having responded and adapted quickly to the Homes for Ukraine scheme helping scared and traumatised families and the assistance given to host families.
- There was concern that homeless figures may not be accurate with some families moving in with family and friends.

RESOLVED that:

- a) The Homelessness and Rough Sleeper Strategy for Northumberland 2022-2026, be supported.
- b) The Strategic Housing Manager be invited to a meeting in approximately 6 months to discuss progress against the Action Plan.

Ch.'s Initials.....

Communities and Place OSC, 5 April 2023

47. OVERVIEW

47.1 Social Housing Regulations Bill

The report informed members of the impending Social Housing Regulations Bill and implications for housing and the introduction of a regulatory regime. (A copy of the report is enclosed with the signed minutes.)

Philip Soderquest, Service Director - Housing and Public Protection, explained that the Council owned approximately 8,500 homes in the former district areas of Alnwick District and Blyth Borough which had previously been managed by Homes for Northumberland, an Arm's Length Management Organisation (ALMO) which had ceased to exist in 2015.

Reform of social housing was proposed following the Grenfell Tower disaster to strengthen the voice of tenants and role of regulation. It was expected that there would be greater focus and regulation on mould and damp, following the death of a child in Rochdale, and that named senior officers would be required to have a formal qualification in a housing subject or be working towards a qualification.

He stressed the significance of this Bill and the powers of the new Regulator of Social Housing who would have powers to take action against housing providers, seek improvements, powers to name poorly performing organisations with the risk of intervention if a body did not deliver against consumer regulation standards. Amendments to the bill were awaited following the third reading of the bill by Parliament. The Bill was expected to come into force on 1 April 2024.

He reported that discussions were being held with the Regulator for Social Housing about participating in a pilot assessment process instead of a peer review exercise (recommendation 1).

Whilst officers believed the Council delivered a good housing service, managing the estate and improvements, however, they were not complacent and were:

- Undertaking a self-assessment and developing improvement plans.
- Identifying named officers for compliance with health and safety and consumer standards,
- Making provision for growth in the service with some of the rental increase agreed by Council on 22 February 2022 to create additional salary capacity to be able to respond to the new requirements.
- Implementation of tenants' satisfaction measures which were required to be reported by 31 March 2024.

Susan Ogle, Housing Operations Manager, emphasised the importance of the Council's relationship with its tenants, to make sure that tenants were listened to and empowered in order that the housing service developed in a manner that they wanted. It was anticipated that inspections would be carried out on a 4 yearly basis, similar to the OFSTED inspection of education establishments. She stressed that this would be a significant change.

The following information was provided in response to questions from members:

- It was expected that inspections would focus on current matters, including mould and damp, management of tenant's enquiries and complaints and tenant involvement.
- Regular meetings were held with tenants via a Tenants Alliance. It was acknowledged that it was important to ensure there was appropriate representation on any forum, depending on the type of engagement required. Other improvements proposed for engagement with tenants included collection of satisfaction surveys, the ability to interact via the tenant portal regarding rent account and repairs and well as being able to liaise with Tenant Involvement Coordinators to better understand their vulnerabilities.
- The Council had limited grounds to enter properties as a landlord without agreement. These included powers under anti-social behaviour or environmental health depending on the issue. Prior to the Covid Pandemic, estate officers undertook a tenancy audit of homes with consent and agreement on a 3 yearly cycle; this was to be recommenced. The Estates Officers also supported vulnerable residents to sustain their tenancies and prevent evictions with pre-tenancy assessments to ensure better maintained properties, higher rent collection levels and less anti-social behaviour. They had also recently assisted a number of tenants get back into employment through the North of Tyne Working Homes Scheme.
- It was intended that ward councillors should have knowledge and oversight to be able to assist tenants seek resolution of housing related matters and make a social landlord accountable.
- The Housing Ombudsman investigated individual complaints raised by tenants where there has been maladministration leading to injustice following a 2 stage internal complaints procedure. The Ombudsman would review how the complaint had been managed and whether there had been maladministration.
- The Social Housing Regulator would be looking at broader aspects of the operation of housing providers, their governance arrangements and whether tenants' satisfaction measures and compliance standards were being met.
- Annual gas safety inspections and servicing were carried out for approximately 99% of council properties with tenants not giving access for the remainder. The results would need to be reported to the Regulator. Other areas which needed to be strengthened included electrical safety inspections and capacity in this area had been identified as part of the planned growth of the service.
- Recruitment and retention of staff in all areas was challenging including housing trades due to the payment of higher wages in the private sector or lack of skilled staff. It was hoped that tenants could become involved in apprenticeships as an extension to the Working Homes scheme.
- Rent collection for 2022/23 was 100.62% as they actively worked with tenants to ensure tenancies were maintained and ensure the level of arrears was minimised, tackled early and assisted tenants to secure additional benefits.

Comments made by members included:

- The helpfulness of Estates Officers to resolve matters that had been brought to their attention.
- The necessity of supporting new tenants, particularly with the cost of living crisis.

In conclusion, the Service Director - Housing and Public Protection highlighted the importance of undertaking a critical assessment to form conclusions about the housing service and how this be used to inform the Regulator about the Council's housing service. The Council wanted to improve its visibility and accessibility to tenants and raise their customer's experience.

The Chair, on behalf of members of the committee, thanked the Service Director – Housing and Public Protection for his many years of service at Northumberland County Council and Tynedale Council, prior to his retirement in May 2023.

The Chair suggested that the implications of the Social Housing Regulations Bill needed to be raised with other departments, including the Contact Centre, Information Services etc to ensure resources were in place to meet requirements.

RESOLVED that:

- a) The contents of the report be noted.
- b) An update on the Council's preparations for the implementation of the Social Housing Regulations Bill preparations be received in approximately 6 months.

48. REPORT OF THE SCRUTINY CO-ORDINATOR

Communities and Place Overview and Scrutiny Committee Monitoring Report

The Committee reviewed its work programme for the 2022/23 council year. (Report enclosed with the signed minutes).

The Scrutiny Co-ordinator reported that the Northumberland Infrastructure Funding Statement had been re-scheduled to this earlier meeting in order to allow consideration of a report on the North East Bus Service Improvement Plan at the meeting of the committee on 26 April 2023. A Task and Finish Working Group on open land had also been requested.

At the final meeting of the year, members would be requested to consider if there were any matters that had been considered during 2022/23 that needed to be revisited in the programme for 2023/24. Items already identified included:

Ch.'s Initials.....

Communities and Place OSC, 5 April 2023

- Tree and Woodland Strategy
- Food Waste Recycling Pilot
- Fire and Rescue Service - Safety and Contamination
- Bus Services
- Homelessness Strategy Action Plan
- Social Housing Regulations Bill Progress Update

RESOLVED that the work programme be noted.

CHAIR _____

DATE _____