

MAIDSTONE BOROUGH COUNCIL

**MINUTES OF THE REGENERATION AND SUSTAINABLE
COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE MEETING
HELD ON TUESDAY 9 DECEMBER 2008**

PRESENT: Councillors Sherreard (Chairman), Batt, FitzGerald, English, Moriarty, Nelson-Gracie, Paine, Thick and J A Wilson.

APOLOGIES: Councillors Beerling and Ross.

98. Web-Casting

Resolved: That all items on the agenda be web-cast

99. Notification of Substitute Members

It was noted that Councillors Moriarty and J A Wilson were substituting for Councillors Beerling and Ross respectively.

100. Notification of Visiting Members

There were no visiting Members

101. Disclosures by Members and Officers

Councillors Nelson-Gracie and J A Wilson declared a personal interest in Agenda Item 8, 'Enforcement of Planning Conditions and Compliance with Section 106 Agreements Review' by virtue of the Parish Councils in their respective Wards. Councillors English and J A Wilson declared an interest in agenda item 8, by virtue of their membership of the Kent Association of Parish Councils. All Members of the Committee declared that they had been lobbied by Councillor Moriarty with regard to Agenda Item 9, 'Choice Based Lettings – Allocations Scheme'.

102. Exempt Items

Resolved: That all items on the agenda be taken in public as proposed.

103. Minutes

Resolved: That the minutes of the meeting held on 11 November 2008 be agreed as a correct record and duly signed by the Chairman.

104. Enforcement of Planning Conditions and Compliance with Section 106 Agreements (S106) Review

The Committee considered the problems and solutions outlined in the notes from the Enforcement of Planning Conditions and Compliance with S106s Workshop with Parish Councils. Members

agreed to prioritise and put forward the solutions, suggested at the workshop, in the Committee's final report with the addition of: 'it was anticipated that the number of enforcement cases would be reduced once the following activities were in place: the cradle to grave approach in dealing with planning applications; a protocol of using pre-application discussions; a dedicated officer; and the use of the newly created enabling committees'.

The Committee felt that it would be useful for Parish Councils and Ward Councillors to receive pre-application discussion training at the same time, to ensure consistency in their understanding. The Committee also noted the progress made with regard to communication with Parish Councils. Parish Councils had been advised that they could receive appropriate, confidential enforcement information following the implementation of a Standing Order. It was noted that some Parish Councils had yet to respond to the letter from the Council and the Committee encouraged them to do so. Members highlighted that some Parish Council's needed clarification with regard to the need for a standing order rather than a resolution in the minutes. Councillor English agreed to follow this up.

Members requested a full list of all outstanding enforcement cases, including basic details, estimated dates for completion and priority, be distributed to the Committee.

The Committee expressed their gratitude to Parish Councillors for their co-operation and involvement in the review. The Parish Councillors present thanked the Committee for undertaking the review and for allowing Parish Councils to participate. The Committee agreed that the draft report would be circulated to Parish Councils for their comment.

Resolved: That

- a) The Committee prioritise and recommend the solutions agreed from the workshop with Parish Councils in the final Enforcement of Planning Conditions and Compliance with S106s Review;
- b) The Committee receive a full list of outstanding planning enforcement cases, including basic details, estimated dates for completion and their priorities;
- c) Parish Councillors, if possible, should receive pre-application training at the same time as their Ward Member to ensure consistency in their understanding; and
- d) The draft Enforcement of Planning Conditions and Compliance with S106s Review Report be circulated to Parish Councils for their comment.

105. Choice Based Lettings –Allocation Scheme

The Chairman welcomed the Chief Housing Officer, John Littlemore and the Housing Options Manager, Kaks Chahal to the meeting. Mr Littlemore gave a brief overview of Choice Based Lettings (CBL), highlighting that CBL was the mechanism for allocating social

housing properties. CBL allowed housing applicants to view details on, choose between and apply for currently available to-let properties. Feedback was then given to applicants who bid for the property to help the applicant assess their chances of success in subsequent applications. 36% of Local Authorities had implemented CBL. The allocation scheme, of bands or points, was how the priority was given to applicants in the allocation of the properties. The person with the highest points or who had been on the waiting list in the highest band for the longest time would be awarded the property. CBL could use either a band or point based system. Mr Littlemore explained that the CBL scheme was being scrutinised following a request from a Member to investigate whether the scheme should change from a point based system to a banding system. Officers had set out the pros and cons of the two CBL systems; bands versus points in the discussion paper in the agenda and it was recommended to continue with a points based scheme.

The Committee was informed that the framework governing the allocation of properties was set out in the 1996 Housing Act and in Communities and Local Government's (CLG) Guidance. CLG guidance, circulated in September 2008, highlighted that CBL allocation, in accordance with the unchanged Housing Act, should not be based on the applicants time on the waiting list alone, but instead be according to greatest need. Members felt that the banding scheme was simpler for the applicant to understand and queried whether it was possible to create a Housing Act Compliant CBL banding scheme. Mr Littlemore advised the Committee that a compliant CBL banding scheme could be achieved, but that it would become extremely complex, requiring a large number of bands. As a banding allocation scheme would also have to accommodate those applicants whose needs were identified in multiple bands or had multiple needs in one band. Mr Littlemore highlighted to the Committee that the applicant had won in the last six legal cases against Local Authorities using banding schemes. A fundamental change in legislation was therefore required for a simplistic banding scheme to be achieved.

A Member highlighted some of the problems residents had raised with the current points allocation method, including lack of transparency, unfairness, queue jumping and points chasing. The Committee was advised that the Council's CBL scheme ensured a transparent, tenant led approach, whereby applicants could see how many points the 'winning' applicant had, when they were allocated a given property. It was also noted that 'band chasing' could occur in place of 'points chasing' as no more properties would be available under CBL than the current system. Mr Littlemore felt that a number of the negative comments put forward to Members against the existing points scheme were in relation to the Maidstone Housing Trust Transfer list. He advised that these issues would not be addressed by the Council using a band based CBL. Members were informed that discussions were taking place between the Council and Maidstone Housing Trust to create a singular housing list.

CBL was being implemented in April 2009 and Members acknowledged that there was insufficient time for a banding scheme to be implemented at this stage. Mr Littlemore advised the Committee that the allocation scheme could be amended after the CBL implementation date. A number of Members were concerned that the stigma attached to points would remain, despite changing to CBL. The Committee felt it was important to interview other Local Authorities in the South East on the workings of other CBL allocation schemes. Members agreed to form a working group to undertake a review of the CBL allocation schemes.

The Committee agreed that Councillors English, Moriarty, Nelson-Gracie and Paine would form the working group and that Councillor FitzGerald should also be invited to sit on the working group.

The Chairman thanked the officers for the information they had provided.

Resolved: That

- a) The Committee form a working group to review the Choice Based Lettings Allocations Scheme;
- b) The Cabinet Member for Regeneration be recommended not to make any long term decisions with regard to the allocation scheme used in Choice Based Lettings, until after receipt of the Scrutiny Committee's Working Group review;
- c) The Working Group be made up of Councillors English, Moriarty, Nelson-Gracie and Paine; and
- d) Councillor FitzGerald be invited to join the Working Group.

106. Future Work Programme and Actions Taken Since Last Meeting

The Overview and Scrutiny Officer highlighted the extraordinary meeting of the Committee on Thursday 18 December to receive a petition and interview Officers with regard to the Call-Ins of the following Cabinet Member for Environment's decisions: On and Off Street Parking Demand and the Award of Park and Ride Bus Service Contract.

The Committee was informed that the Economic Development Manager, John Foster, would be in attendance at it meeting on 13 January to commence the Committee's in-depth review of Economic Development.

Resolved: That the future work programme be noted.

107. Duration of the Meeting

6:30 p.m. to 7.55 p.m.