

MINUTES OF A MEETING OF THE COMMUNITY AND CORPORATE OVERVIEW AND SCRUTINY COMMITTEE HELD ON 5 JANUARY 2022 FROM 7.00 PM TO 9.32 PM

Committee Members Present

Councillors: Guy Grandison (Chairman), Sam Akhtar, Paul Fishwick, Clive Jones and Alison Swaddle (Vice-Chairman)

Committee Members in Attendance Virtually

Councillors: Shirley Boyt, Anne Chadwick and Phil Cunnington

Executive Members Present

Councillors: John Kaiser and Wayne Smith (Executive Member for Planning and Enforcement)

Officers Present

Callum Wernham (Democratic and Electoral Services Specialist), Stephen Brown (Interim Assistant Director - Place), Neil Carr (Democratic & Electoral Services Specialist), Graham Ebers (Deputy Chief Executive (Director of Resources and Assets)), Roger Paine (Head of Service - Building Control Solutions), Ed Shaylor (Head of Enforcement and Safety) and Jason Varley (Operational Manager - Development Management & Compliance (Senior Specialist))

63. APOLOGIES

There were no apologies for absence.

Shirley Boyt, Anne Chadwick, and Phil Cunnington attended the meeting virtually, and were therefore marked as in attendance, and they were not able to propose, second, or vote on items

64. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 13 December 2021 were confirmed as a correct record and signed by the Chairman.

65. DECLARATION OF INTEREST

There were no declarations of interest.

66. PUBLIC QUESTION TIME

There were no public questions.

67. MEMBER QUESTION TIME

There were no Member questions.

68. PLANNING ENFORCEMENT AND BUILDING CONTROL UPDATE

The Committee considered a presentation, set out in agenda pages 13 to 20, which outlined how Wokingham Borough Council (WBC) carried out its duties in relation to Planning Enforcement and Building Control.

The presentation outlined that most planning applications were approved, and most unauthorised development was acceptable and could be regularised through retrospective planning applications. The issuing of an enforcement notice should be used as a last resort, and WBC's approach to planning enforcement was in line with Government

guidance and was set out within the Local Planning Enforcement Plan. A total of 35 enforcement notices were issued by WBC in 2020, and these notices were only served once all other negotiations had failed. Most enforcement notices resulted in an appeal and usually a public enquiry, and WBC had a good track record in winning the majority of enforcement appeals. With regards to Building Control, this was a statutory service which was simultaneously in direct competition with the private sector for all projects regardless of their nature and size. Building Control ensured that building standards were met at the design stage and further critical stages of construction, however Building Control was not a clerk of works service. The enforcement of matters related to Building Control was restricted to one year after the completion of works, whilst prosecution could occur up to two years from completion of works. WBC was also responsible to intervene where there was a category one, serious hazard, in residential accommodation under the Housing Act 2004. WBC was unable to assist in a number of areas, including encroachment and trespass issues, party wall dispute, asbestos, or poor quality of workmanship.

Wayne Smith (Executive Member for Planning and Enforcement), Stephen Brown (Interim Assistant Director – Place), Roger Paine (Head of Service - Building Control Solutions), Ed Shaylor (Head of Enforcement and Safety) and Jason Varley (Operational Manager - Development Management & Compliance (Senior Specialist)) attended the meeting to answer Member queries.

During the ensuing discussions, Members raised the following points and queries:

- Was WBC deterred from serving enforcement notices due to the expense and resource involved? Officer response – No, officers always looked for the most cost effective and efficient way of resolving issues, and enforcement notices were only issued once all other forms of negotiations had been exhausted.
- To what extent was WBC's statutory Building Control Service in direct competition with the private sector? Officer response – WBC's Building Control Service was in direct competition with the private sector, and there were over 100 private companies across the UK, offering clients a wide range of choice.
- Was WBC's Building Control involved in the Loddon Field development? Officer response – No, this was dealt with by the national house building council, which most national house building companies chose to use.
- Who should be contacted where a private driveway was obstructed by a vehicle parking on the pavement? Officer response – As the pavement was part of the highway, this would be a police matter.
- How many Planning Enforcement officers were there to deal with in excess of 800 requests for service per year? Officer response – There were five officers in post for this function, however the Planning Department operated a hybrid model whereby planning officers worked across both disciplines to offer resilience.
- Was there any redress for the complainant of a potential enforcement breach should officers respond by stating that a breach had not occurred? Officer response – It was for officers to decide if there had been a breach, however if further information was provided (for example evidence that lots of clients were attending a home office for meetings) then officers would reassess the case.

- Where a case had been determined as not expedient to pursue, did this mean that the development was a breach however it was not cost effective to enforce? Officer response – No, this might occur where officers believed that a development would get planning permission, however the applicant might not want to pay for an agent to proceed the application and officers had to decide whether it was effective to enforce in each specific case.
- Who should Members and the public contact in the case of a category one and two hazard? Officer response – All such requests should go via the environmental health email. Once this service was fully integrated back in-house, this would allow WBC more control. WBC expected private landlords to address issues in the first instance, however where there was a lack of response WBC would intervene in the case of an emergency.
- Were there many cases of illegal HMOs within the Borough? Officer response – There were not as many instances as in neighbouring Boroughs such as Reading and Slough, although there were a number of HMOs on the western edge of the Borough. If landlords were hiding the status of a dwelling as an HMO then officers were keen for the public and Members to report such instances to environmental health. From April 2022 onwards, a list of licensed HMOs would be published on the WBC website to allow residents to check the status of registered HMO dwellings.
- It was noted that landlords had a responsibility to manage a HMO more so than a regular rented dwelling.
- It was noted that at the beginning of an enforcement investigation, officers would write a letter with a 28 day response time. If appropriate, officers would suggest a retrospective planning application is placed, and would offer a reasonable timetable for the application to appoint an agent.
- Where a neighbouring property undertook construction work and caused an issue, for example with rainwater drainage, would this be a Building Control issue? Officer response – In this instance this would be a Building Control issue, however if this was raised after more than two years since works ceased then this would be an environmental health issue.
- Were discretionary licences for HMOs being considered after the service was brought back in-house in April 2022? Officer response – Once the service moved back in-house additional data could be gathered regarding this issue, and Members could be appraised of the findings. The process of creating the discretionary license would be time and resource heavy, however if it solved a problem then it would be explored.
- Would the in-house service be effective from April 2022, and would improvements be seen? Officer response – It was hoped that the service would be at least as good as that offered currently by the Public Protection Partnership (PPP) in April 2022, and over time a variety of improvements would be made. Members, residents and Town and Parish Councils would be consulted regarding what improvements they would like to see. A good manager had been recruited, and several staff were being transferred from the PPP. Response times for a variety of issues would hopefully be improved, and a particular focus would be placed on responding to issues for vulnerable tenants.

- It was noted that whilst housing associations were responsible for dealing with accommodation issues and repairs, in recent times some associations had been experiencing resource issues.
- It was noted that the service from April 2022 would be far more accessible for Members, residents, and Town and Parish Councils.
- It was noted that should a discretionary HMO license be approved, this would apply to all HMOs operating on the day of approval and beyond.

RESOLVED That:

- 1) Wayne Smith, Stephen Brown, Roger Paine, Ed Shaylor, and Jason Varley be thanked for attending the meeting;
- 2) The Committee be kept apprised of developments as Environmental Health moved back in-house in April 2022.

69. MTFP - MOVEMENT FROM FINANCIAL LOCKDOWN VERSION 1

The Committee considered a report, set out in agenda pages 21 to 40, which gave an overview of the movements of the revenue and capital budgetary positions since the publication of financial lockdown version 1.

John Kaiser (Executive Member for Finance and Housing) and Graham Ebers (Deputy Chief Executive (Director of Resources and Assets)) attended the meeting to answer Member queries.

It was noted that the only addition in terms of concluding the MTFP was a supplementary bid of £250k to cover the inflationary costs of the re-tendering for the supplier of home to school transport after the previous supplier went out of business. The cheapest tender came in at an additional £60k per term when compared to the previous supplier.

The Local Government Finance Settlement was only a one year settlement, and a great deal of uncertainty remained with regards to several factors including inflation, adult social care funding, construction costs, and the ongoing implications of the pandemic. Given the level of uncertainty, it was commented that a mid-year review to assess the presumptions made within the Medium Term Financial Plan (MTFP) may be pertinent. The Executive Member commented that officers would have the option of providing a paper to the Executive asking for a supplementary budget estimate should services face additional costs in-year.

During the ensuing discussions, Members raised the following points and queries:

- How much additional funding did Wokingham Borough Council (WBC) receive within the Local Government Finance Settlement? Deputy Chief Executive response – WBC had received no revenue support grant, the same business rates as this financial year, a £0.83m reduction in new homes' bonuses, and additional £0.931m social care grant, and an additional £1.7m in other grants such as Covid-19 support funding. Overall, WBC would receive an additional £1.8m in funding, whilst inflationary pressures alone placed £8m of additional costs on the Council.

- How would the additional £6m in revenue expenditure, after additional grants, be covered? Deputy Chief Executive response – A combination of service efficiencies and increasing Council Tax and the Adult Social Care precept would cover much of the costs. After the additional £250k bid for the re-tendering of home to school transport, approximately £2.5m of the revenue budget would be funded through reserves.
- With regards to the predicted approximate £13m capital budget deficit over the next 3 years, what pending might be reduced to address this? Deputy Chief Executive response – This was the cumulative position of 3 years of spending and it could be addressed in a number of ways, such as re-profiling into future years, reducing the ambition or size of the scheme, finding additional income through grants or capital receipts, or as a last resort by increasing borrowing against the Council Tax payer which had not been done for a considerable amount of time. The numbers proposed this year were not dissimilar to the figures presented this time last year.
- Were the figures presented in relation to Adult Social Care still uncertain in view of the Adult Social Care bill? Deputy Chief Executive response – The figures being presented were the best figures to WBC's knowledge at this time, and had been run by the relevant Executive Member and Director. However, this had to be taken in the context of a number of uncertainties including inflationary pressures, Covid-19, and the proposed Adult Social Care reforms.
- What was the strategy with relation to when reserves reached worrying levels? Deputy Chief Executive response – The reserves were predicted to be at around the £8m mark which was a reasonable level, though not ideal. Historically, reserve levels of around £10m were a much more comfortable position, and the concern was that WBC could not keep using reserves year on year as the £8m mark would soon be eroded. Given this, it was commented that a mid-year review of the budgetary position could be presented to the Committee during the 2022/23 municipal year.
- How did WBC compare to neighbouring authorities in terms of Covid-19 expenditure, and had enough inflationary costs been built in to the proposals? Deputy Chief Executive response – WBC had managed to collect the highest percentage of their Council Tax in the country, however income had suffered more than at neighbouring authorities due to how WBC's leisure contract was constructed which had resulted in less Government support. Car parking had held up reasonably well, however outgoing costs were one of the highest compared to neighbouring authorities due to the level of intervention made by WBC which had resulted in a number of supplementary estimates being taken to the Executive.
- What was the additional £400k in 2023/24 in relation for staffing resource for Adult Social Care proposed for? Deputy Chief Executive response – This was proposed to deliver the transformation programme in order to create efficiency savings over time. The £400k was being brought forward from year 3 to year 2 in order to deliver ongoing change and improvement earlier.
- Had WBC heard any additional information with regards to the capital bid, CS 1, for the additional £6m in grant funding? Deputy Chief Executive response – This was in relation to the basic needs grant which had not been formally announced, and once more detail was received this would be assessed alongside all capital grants and the forecast would be adjusted.

- Had the additional forecasted car parking income via the increase of charges been abandoned, or delayed? Deputy Chief Executive response – The proposals showed that there was no proposed increase for 2022/23, and the decision to raise or increase the charges in future would remain, as it always had, in the hands of Members.
- It was noted that the savings proposals relating to income from solar farms and delivery of 1000 houses over 4 years at 5 percent had been merged with the community investment income bid.
- It was noted that the intention to deliver as many social and affordable homes as possible remained, however due to the significant increase in construction costs it may be difficult to realise a return of between 5 and 7 percent. This would be monitored as this could be a short term issue.
- Could more detail be given with relation to the community investment bid? Deputy Chief Executive response – This was previously known as the property investment group, which invested in the community for the benefit of the community whilst making income over and above the cost of inflation. Whilst there would be lesser returns in some areas due to the inability to be able to invest solely commercially anymore, the increasing cost of electricity presented other options for WBC in terms of the agreed and proposed solar farms.
- It was noted that the proposed crematorium was not going ahead, and the proposed credits had been removed from the proposed income stream.
- Could more detail be given with regards to the review of corporate accommodation? Executive Member and Deputy Chief Executive response – As a result of the pandemic a number of operational efficiencies had been realised including a hybrid model of working. As a result, WBC required a smaller operational footprint and work was underway to assess the most effective and efficient use of our accommodation. There had been a big increase in the number of homeless in the Borough, and options could be explored to reformat some of WBC's property to make better use of the space.
- It was suggested that some of the unused WBC accommodation could be offered to small businesses and start-ups at discounted rates.
- How long might WBC feel the effects of the additional revenue expenditure relating to the pandemic? Deputy Chief Executive response – Additional staffing and capacity would be covered by the Community Outbreak Management Framework, with much of these costs due to be reimbursed with the grant ending in March 2022. It was entirely possible that in the absence of further Government funding, supplementary estimates may need to be submitted to continue the undertaking of the pandemic response.
- It was noted that the special items bid related to additional capacity within the transitions team was no longer required as this was now being made a permanent resource.
- It was noted that the special item bid for reintegration of Trading Standards and Environmental Health was being deferred to year 2.

- In the backdrop of increasing construction costs, would there be any reduction in planned builds relating to SCAPE projects? Executive Member and Deputy Chief Executive response – Plans and commitments were being assessed to ascertain what money was precisely needed for each project. As these were such big projects, budgets were usually overestimated and the proposed figures were just a more precise version based on current knowledge.
- Would the re-profiling of funding for some flood alleviation schemes result in delays to essential works? Executive Member and Deputy Chief Executive response – Professional officers had considered that some schemes planned for year 1 would now be more appropriate in year 2. Additional detail could be sought from the Assistant Director for Highways and Transport.
- It was noted that detail regarding the capital bid for feasibility and first stage of new non-highway crossing would be sought from the Assistant Director for Highways and Transport.
- Was it unusual to have re-profiled figures being much smaller than the original predicted spend for large capital bids? Deputy Chief Executive response – This was not that unusual, and this was done to accurately predict how much of the total spend would be used in each year rather than assuming that all of the budgeted spend would occur in year one.
- Were there any additional capital spend challenges in relation to Adult Social Care? Deputy Chief Executive response – The biggest issue of self-provision was shared between Adult Social Care and Children's Services. Should suitable land or facilities be identified and a business case support development then both services could see additional self-provision in future.
- Could more detail be given in relation to the savings predicted from electric vehicle charge points? Deputy Chief Executive response – This bid was initially placed as expenditure only, however the premise was now to provide charging points in a responsible way to cover WBC's own costs. Any assumptions made now would likely be even greater in future due to the rising costs of electricity.
- Had the proposed works to the California crossroads been delayed? Executive Member response – The wider SDL had not come forwards as quickly as was anticipated, and to carry out the works as scheduled would cause major disruption to residents.
- Were works planned to the Shinfield eastern relief road? Executive Member response – This would be a big cost which would be assessed as time moved forwards. There needed to be a great deal of confidence over any works, and works outside of general maintenance and checking the road was safe was not required at this time.
- How much income was predicted to be generated from solar farms? Deputy Chief Executive response – In summary, £1m per annum over 25 years was predicted over and above the cost of borrowing. The 'per year' income would start lower, and increase as more sites came fully online.
- Were all proposed savings still viable and achievable? Executive Member and Deputy Chief Executive response – The process in place required the relevant Executive

Member and Director to sign off on all major proposals. As the Chief Financial Officer, the Deputy Chief Executive could not put forward a budget that he did not believe was reasonable or achievable. Key performance indicators had been reinforced this year, and officers had the opportunity to submit supplementary estimates should they require additional funding in-year. It was noted that even statutory funding increases would require Executive approval prior to spending.

- The Chairman commented that this process was an invaluable part of the budget setting cycle, despite the time taken involving Executive Members, Committee Members and senior officers, as it enabled a detailed oversight of proposals prior to budget Council.
- The Committee thanked John Kaiser and Graham Ebers for their attendance at all of the budget scrutiny meetings, their answers to queries and questions, and for putting together budget proposals in the context of a very uncertain time.

RESOLVED That:

- 1) John Kaiser and Graham Ebers be thanked for attending the meeting;
- 2) Detailed answers be sought from the Assistant Director for Highways and Transport, and circulated to the Committee;
- 3) A mid-year review of the budgetary position be scheduled for September 2022;
- 4) Officers draft the annual report of the Committee's work in relation to the budget scrutiny process, for submission to budget Council and the Executive, to be agreed in consultation with the Chairman.

70. WORK PROGRAMME

The Committee considered their work programme for the remainder of the municipal year, set out in agenda pages 41 to 42.

RESOLVED That:

- 1) Callum Wernham be thanked for attending the meeting;
- 2) The work programme for the remainder of the municipal year be noted.