

COMMUNITY SERVICES AND LICENSING COMMITTEE

24 March 2016

7.00 pm – 9.10 pm

Council Chamber, Ebley Mill, Stroud

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Minutes

Membership

Councillor Chris Brine (Chair)	P	Councillor Elizabeth Peters	P
Councillor Jonathan Edmunds (Vice-Chair)	P	Councillor Gary Powell	P
Councillor June Cordwell	P	Councillor Nigel Prenter	P
Councillor Stephen Davies	P	Councillor Stephen Robinson	P
Councillor Julie Job	P	Councillor Chas Townley	P
Councillor John Jones	P	Councillor Penny Wride	P
Councillor Russell Miles	A		

P = Present A = Absent

Officers Present

Strategic Head of Customer Services	Revenue and Benefits Manager
Policy Implementation Manager for	Health and Wellbeing Development
Planning, Housing & Regeneration	Co-ordinator
Senior Youth Officer (Hear by Right)	Regeneration Officers - Tourism
Head of Environmental Health	Democratic Services Assistant

Others Present

Charlotte Bignell, Stroud District Council Youth Council
 George Gooch, Stroud District Council Youth Council

CSLC.041

APOLOGIES

An apology for absence was received from Councillor Russell Miles.

CSLC.042

DECLARATIONS OF INTEREST

There were none.

CSLC.043

MINUTES

RESOLVED

That the Minutes of the Meeting held on 4 February 2016 are confirmed and signed as a correct record.

CSLC.044 **PUBLIC QUESTION TIME**

There were none.

CSLC.045 **GROWING THE VISITOR ECONOMY – TOURISM IN THE STROUD DISTRICT**

The Policy Implementation Manager for Planning, Housing and Regeneration introduced the report which set out the Council's role and involvement with the Cotswold Tourism Partnership. The public-private partnership had developed following the withdrawal of funding from the Gloucestershire LEP and was supported by tourism officers from Stroud, Tewkesbury and Cheltenham.

In response to questions from Members, officers confirmed that; discussions had taken place with Great Western Trains to examine opportunities to promote the Stroud Area and that they would report back on the question of boat moorings being included in the visitor data. Officers also confirmed that the Partnership was looking to promote the area for walking and cycling.

RESOLVED **To approve the working arrangements as set out in the report, including involvement in the Cotswold Tourism Partnership**

CSLC.046 **HEALTH AND WELLBEING PLAN UPDATE**

The Head of Environmental Health and the Health and Wellbeing Co-Ordinator gave a presentation on the Council's Wellbeing Plan. It was noted that Stroud was the only district council in the County to have produced such a plan. The Plan was one of the Council's five key strategies. The report highlighted the impact of; individual lifestyle factors, social and community networks and socio economic and environmental conditions. Of concern to officers were the life expectancy inequalities within the district, with a life expectancy gap of five years within the most deprived areas of the district.

The report identified that an emerging area of concern across the county was loneliness and social isolation. Officers outlined the work that the Council was undertaking to respond to such issues by working with local community groups.

RESOLVED **To note the verbal update.**

CSLC.047 **TASK AND FINISH GROUP UPDATE ON YOUTH STRATEGY 2017-2020**

Councillor Steve Robinson and the Senior Youth Officer (Hear by Right) gave an update report and outlined the current budget allocation of £50,000 would need to be increased in future years. A youth forum was being established in Hardwicke in response to increasing demands resulting from future housing development.

To compliment the update report, two representatives from the District Youth Council gave a presentation on the consultation that had been undertaken with young people in the district aged 11-18. There had been 413 respondents to the survey which focussed on local democracy issues for young people.

77% felt that their voice wasn't heard by local Councillors; 60% of respondents identified that more political education was needed within schools and over 70% supported the campaign by the British Youth Council for the lowering of the voting age to 16 years; subsequently almost 80% agreed they would have voted if they had the chance.

RESOLVED **To note the verbal update and to thank the representatives of the District Youth Council for their presentation.**

CSLC.048 **PERFORMANCE MONITORING**

Councillor John Jones informed Members that was nothing to report.

CSLC.049 **MEMBERS' QUESTIONS**

Councillor Chas Townley asked the following questions regarding the Discretionary Housing Policy of Councillor Chris Brine, Chair of Community Services and Licensing Committee:

Question 1

Why has no report on Discretionary Housing Payments been included in the agenda for this meeting, which can be debated tonight, particularly given that it formed part of the work programme for this Committee?

Answer

The new DHP policy was agreed by members in March 2015. At the Dec 2015 committee it was agreed to add to the work programme a 12 month update on the DHP policy. A DHP Members Information sheet was sent out in early March 2016 giving this update. This was a factual update on performance of the new DHP policy with no member decision required consequently an Information Sheet was issued rather than a report.

Question 2

In the purpose of the policy section of the DHP Policy (adopted in March 2015) it states "We will operate this policy in line with the Discretionary Financial Assistance Regulations (2001) and the guidance issued by the Government's Department for Work and Pensions (DWP) in its DHPs Guidance Manual (Guidance Manual)", as the published document includes both Guidance from the DWP and a good practice guide; Can the Chairman state:-

- a) Whether the Council has adopted, either just the Guidance, or both the Guidance and the Good Practice Guide, as forming part of the Council's policy,
- b) whether the adopted policy refers to the guidance document published at the time when the policy was adopted in March 2015 or if it automatically incorporates any further revisions of the guidance as it is updated by DWP?

Answer

The policy has adopted the DWP guidance manual including the good practice guide – last revision February 2016.

Supplementary Question

Does the Council have the more opportunity to exercise discretion?

Answer

Yes there are opportunities to exercise discretion beyond the guidelines.

Question 3

During the current financial year how many applications for Discretionary Housing Payments have been refused for reasons which meant the claim did not meet the legal requirements of the Regulations, including:

- a) because the claimant was not receiving any Housing Benefit or Local Housing Allowance (Regulation 2(a));
- b) because the claimant was already receiving housing benefit that fully covered the Landlord's full rent charge (including cases where the rent is above the Local Housing Allowance) (Regulation 4(a));
- c) Any other reason which made the claim invalid in law (eg Regulation 3).

And, the number that were valid claims but were refused because of the application of the Council's policy on the basis:-

- d) Is not in need of 'further financial assistance' by virtue of the financial resources test applied by the Council and were
 - a. Council Tenants
 - i. Where members of the household were in receipt of disability benefits
 - ii. Where members of the household were not in receipt of disability benefits
 - b. Registered Provider Tenants
 - i. Where members of the household were in receipt of disability benefits
 - ii. Where members of the household were not in receipt of disability benefits
 - c. Private Tenants
 - i. Where members of the household were in receipt of disability benefits
 - ii. Where members of the household were not in receipt of disability benefits

The application was declined for any other local policy reason (split by tenure and disability as in d) above).

Answer

- a) 5 DHP claims have been refused because they are not in receipt of Housing benefit or LHA.
- b) No DHP claims have been refused because the claimant was already receiving HB to cover the full rent charged by the landlord.
- c) No DHP claims have been refused due to the claim being invalid in law.
- d) Valid claims refused because of financial resources test:
(Disability benefits treated as Disability Living Allowance, Personal Independence Payments and Attendance Allowance).
 - a) Council Tenants:
 - i. 14 claims where members of the household were in receipt of disability benefits.
 - ii. 8 claims where members of the household were not in receipt of disability benefits.

- b) Registered Provider Tenants:
 - i. 0 claims where members of the household were in receipt of disability benefits.
 - ii. 1 claim where members of the household were not in receipt of disability benefits.
- c) Private Tenants:
 - i. 3 claims where members of the household were in receipt of disability benefits.
 - ii. 6 claims where members of the household were not in receipt of disability benefits.
- d) No DHP application has been declined for any other local policy reason.

Supplementary Question

If more discretion had been applied cases could be looked at in a more favourable light. Could the Council undertake a review to see if more could be done?

Answer

A Task and Finish Group could be set up to review the policy.

Question 4

Given that in the DWP guidance (paragraph 1.15) it states "There is no definition of the phrase "further financial assistance" in law. It is up to you(the council) to interpret it", how then does Stroud District's policy provide guidance for decision makers to decide in what circumstances "further financial assistance" should be given and how disability income and expenditure should be accounted for in the assessment of a client's financial resources?

Answer

Each application should be considered on a case by case basis based on its own merits.

Included in the policy under 8.3: The amount of DHP award will be dependent on relevant factors affecting the application, such as:

- the gap between the housing benefit and the rent they have to pay
- any steps taken by the applicant to reduce their rent
- the financial circumstances of the applicant and his/her household
- the disability / health issues of the applicant and his/her household
- the exceptional nature of their circumstances
- the amount of debt the claimant has
- the amount of savings or capital the claimant has
- our duty to prevent homelessness
- if the property has been significantly adapted for the needs of a disabled person
- any other exceptional circumstances

Typically the decision maker will look at steps the applicant has taken to change their circumstances, such as seeking help from Citizens Advice Bureau or similar body and actively bidding on Gloucestershire Homeseeker.

Question 5

The report to Committee in March 2015 stated “We receive limited funds each year for the DHP scheme. Because the amount that can be spent on the scheme each year is restricted, not everyone who claims a DHP may be awarded one. Who receives DHP is entirely at the discretion of the Council”.

Would the can the Chair confirm therefore that the primary purpose of the policy is to contain expenditure within the available grant and any additional funding provided by the Council?

Answer

The Council is constrained by the “Discretionary Housing Payments (Grants) Order 2001” that stipulates the maximum an authority can spend on DHP is 2.5x the Authority’s contribution from Central Government, inclusive of the government contribution.

Central Government contribution to DHP is ring-fenced and any under spends are returned.

Question 6

Typically for claims issued on a short term basis (other than a removal allowance or other one off cost), how long are claims usually granted for?

Answer

Claims are typically between 1 to 25 weeks.

15 claims have been paid for more than a year.

33 claims have been paid between 26 weeks to 51 weeks.

Question 7

In the introductory paragraph of the policy agreed by Committee in March 2015 it states that the purpose of discretionary housing payments are for “periods of short term need” and comments have been made to me that indicate this is a barrier in continuing on a renewed basis claims for people whose circumstances have not changed (including discouraging people making renewed claims); Given that Regulation 5 appears to give the Council full discretion to determine the period of award is there any legal bar on the Council amending its policy to provide for renewal of claims on a unconditional basis where there is no change in circumstances (including financial circumstances), except to ensure spending is maintained within the maximum legal expenditure of the Council?

Answer

Again, each application should be considered on a case by case basis based on its own merits. There is no limit to the length of time over which a DHP may be made. When there is a specific end date, we make it clear to the applicant what the period of the award is. We also provide information on how to re-apply if necessary.

Guidance states it is unlawful for an authority to have a blanket and routine policy.

Question 8

Has the impact of the short-term policy applied by the Council been reviewed and what is the estimate of the number of renewed claims which have been discouraged by the publicity of this element of the policy?

Answer

Whilst DHP is to help with housing costs, during periods of short term need, applicants are not discouraged from re-applying - see 7.

Question 9

In accordance with the Regulations the Council is required to withdraw awards of DHP to clients sanctioned by DWP (even though they are legally still entitled to claim HB), over the last three years how many times have sanctioned clients had awards of DHP withdrawn?

Answer

There have been no cases where DHP has been withdrawn.

Question 10

At the first meeting of the Committee of in this civic year I requested an opportunity for the Committee to undertake an early review of the Discretionary Housing Policy. The reasons I did so is because I believed that the changes made to the policy in February would still result in a significant underspend of the grant. Furthermore a joint seminar looking at Welfare Reform issues (including DHP) was agreed to take place during October. This did not take place. Taking all these factors including that no report is available for debate at this meeting and the Constitution states that,

“Councillors will participate constructively in the good government of the District in the interests of all residents. They will contribute actively to the formation and review of the Authority’s policies, budget, strategies, plans and service delivery” (page 160);”

Does the Chair accept that the Committee has not been given an adequate opportunity to actively contribute to a further review of the Discretionary Housing Payment policy and its operation and what steps will he be taking to ensure that the Committee can undertake a full and effective review in the new civic year?

Answer

A Welfare Reform members information evening was held in January 2015 which covered the proposed new DHP policy prior to it being agreed at the March 2015 committee.

A further Welfare Reform evening including DHP was planned in October but unfortunately was cancelled due to an external speaker pulling out at short notice.

There was no decision made at the March 2015 Committee or any subsequent committee to undertake a further review of the new DHP policy during its first year of operation.

If members want a future review to be undertaken then this could be put forward as a proposal for the work programme which will be considered by members in the new Civic Year.

In conclusion, the Chair recommended that a small group of Members meet with officers to review the policy.

RESOLVED

Councillors Penny Wride, Jonathan Edmunds and Chas Townley to meet with officers to examine the policy.

The meeting closed at 9.10 pm.

Chair