

Supplement for

Cabinet

Wednesday 11 November 2020

6.00 pm

Agenda item 7 - Scrutiny Reports

Contents

7. Scrutiny Committee Reports	3 - 28
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The agenda, reports and any additional supplements can be found together with this supplement on the committee meeting webpage.

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To: Cabinet
Date: 11 November 2020
Report of: Housing and Homelessness Panel
Title of Report: Impact of Covid-19 on the Private Rented Sector

Summary and recommendations	
Purpose of report:	To present Housing and Homelessness Panel recommendations concerning the impact of Covid-19 on the Private Rented Sector
Key decision:	No
Scrutiny Lead Member:	Councillor Nadine Bely-Summers, Chair of the Housing and Homelessness Panel
Cabinet Member:	Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery
Corporate Priority:	Deliver more, affordable housing
Policy Framework:	Council Strategy 2020-24
Recommendation: That the Cabinet states whether it agrees or disagrees with the recommendations in the body of this report.	

Appendices
None

Introduction and overview

1. At its meeting on 03 August 2020, the Housing and Homelessness Panel welcomed two members of the Oxford Tenants Union to give a presentation on the impact of Covid-19 on residential tenants within the private rented sector.
2. The Panel would like to thank Lucy Warin and Rob Zinkov of the Oxford Tenants Union for giving up their time to attend and share their insights with the Panel.

Summary and recommendation

3. Lucy Warin of the Oxford Tenants Union presented to the Panel. Following an introduction to the work of the Oxford Tenants Union the Panel were informed of

the changing challenges faced by tenants during the Covid-19 pandemic. Initially, concerns were raised over failures by landlords and agents to maintain social distancing, attending properties for viewings unannounced or entering for inspection and cleaning without tenant permission. Latterly, problems had arisen in shared properties where tenants had been held responsible for the full rent following the departure of a house-mate, despite it not being possible to replace them. The pressure of paying rent during the pandemic had caused many people to be 'sick with worry' throughout, and those who had few alternative options were facing sofa-surfing or rough sleeping. Maintaining people in their homes was suggested to be the best means of preventing a significant rise in homelessness. As one of the places nationally with the most acute ratio between rents and earnings, Oxford would be particularly vulnerable to such an increase.

4. In response to the presentation the Committee's particular areas of scrutiny focused on the following areas:
 - Tenants' rights during the pandemic
 - Council support for at-risk tenants
 - Damage limitation through persuasion of landlords and central government
5. The Committee makes five recommendations

Tenants' rights during the pandemic

6. In response to the pandemic's impact on renters, central government has introduced limited protections for renters but some have been subsequently repealed. A ban on evictions expired on 20 September. With the expected backlog of cases in the courts, and the prioritisation of eviction cases involving serious violence or anti-social behaviour, this measure should have the impact of ensuring that renters who have simply fallen behind on rent due to the pandemic ought not to be under immediate threat of losing their homes. Reports from Oxford Tenants Union, however, suggest that tenants are unaware of the limited protections that exist, nor do they tend to seek help until problems are very far advanced. Many, therefore, give up their tenancies before they need to. A portion of those giving up their tenancies end up in more precarious rental circumstances – overcrowded houses, sofa surfing, or homelessness. The Panel considers that there are virtually cost-free ways of sharing good quality information on tenants' rights, for example Shelter, and the Oxford and other Tenants' Unions have high quality and readily available information, and that at the very least these could be shared via the Council's social media and other online channels.
7. Though it has not seen numerical evidence to support this, it is considered likely by the Panel that the burden of this situation will fall disproportionately heavily on BAME groups. Risk factors include the higher proportion in lower-paid jobs and jobs in at-risk sectors such as hospitality and retail, and the lower relative proportion of home ownership amongst BAME residents. Non-English speakers, or even those for whom English is a second language are less likely on average

to be familiar with their rights, and face additional hurdles with becoming acquainted with those rights. The Panel considers that the Council, through its Communities arm, both through its grant-giving and work with BAME communities and elsewhere, has the relationships and reach to broaden access to information on rental rights and sources of support. On the grounds of equality, it should seek to do so.

8. An area of particular concern for the Panel is in regards to 'No DSS' policies, blanket bans by landlords towards renting to those in receipt of Universal Credit and other housing-related benefits. In July 2020 such blanket bans on housing benefit claimants were deemed unlawful. Feedback from Oxford Tenants Union, and reports in the national press indicate that despite the ruling little has changed, with few non-compliant landlords and agents updating their policies.¹ Benefit claimants already face a significantly reduced pool of potential properties owing to the level of financial support provided through the Local Housing Allowance. It is doubly important, therefore, that the pool of available properties is not further reduced through unlawful discrimination. As anticipated job losses materialise and more people enter the benefits system for the first time, the competition for available properties will increase, making finding a home more difficult for many, and potentially a cause of homelessness for some.

Recommendation 1: That the Council uses its existing channels of communication, particularly social media, to share information on tenants' rights and advice relevant to the pandemic and seeks to use its existing links with local community groups to improve access to that information amongst non-English speaking groups or those with English as a second language.

Council support for at-risk tenants

9. The Panel notes the duties placed on the Council through the Homelessness Reduction Act, which include the provision of advice and the creation of housing plans for those at risk of homelessness. It also notes the praise received from central government in its implementation of the Homelessness Reduction Act, and the efforts made to embed homelessness prevention corporately. Nonetheless, Oxford faces a situation in which it is likely that there will be a significant spike in the number of people facing eviction and potential homelessness. Given that the Council has also had to adapt its ways of working in the light of Covid, the Panel seeks reassurances over the adequacy of its homelessness prevention capacity in light of the new environment and additional pressures.
10. Specific areas of concern are over 1) the percentage increase of people presenting as at-risk of homelessness before the Council has insufficient capacity, 2) whether the reduction in face to face meetings with residents reduces the opportunity to identify and provide early intervention support for at-

¹ <https://www.theguardian.com/society/2020/aug/02/landlords-in-england-ignoring-no-dss-ban-claim-private-renters>

risk tenants, 3) whether home working impairs communication across teams regarding homelessness prevention, and 4) whether Covid has reduced the capacity of external stakeholders in homelessness prevention. It is the view of the Panel that there is both a financial and a human case for ensuring the Council's homelessness prevention capacity is capable of meeting the pressures it is likely to face in the months to come.

Recommendation 2: That the Council develops a plan for how it could increase homelessness prevention capacity at short notice in the event of an eviction spike, and reviews the effectiveness of its current provision in light of Covid-enforced changes to ways of working.

11. A further area of concern for the Panel is in relation to those tenants living in sub-standard accommodation. Even in the absence of formal lockdowns, tenants are likely on average to be spending more time at home due to home-working, shielding, self-isolation, reduced hours and fewer opportunities for socialising away from the home. As winter approaches, the weather is also more likely to reduce the amount of time spent outdoors. The approach of winter, however, also heralds an increase in risk for many tenants in sub-standard accommodation, particularly those with damp problems or poor insulation. As such, over winter tenants face the prospect of spending more time in a higher risk environment, raising the importance of the Council's work to increase the safety of homes let in the City.
12. The Panel considers that addressing this situation should be a priority action for the Council, particularly if Oxford experiences a further lockdown. It does not wish to over-define how the Council should address this problem, merely that it should recognise the urgency of it and develop as effective solutions as it can.

Recommendation 3: That the Council takes whatever measures it has at its disposal, including environmental health enforcement powers, to reduce the number of unsafe homes being let out to tenants before winter arrives.

Damage limitation through persuasion

13. In discussion, the Panel recognised that although the Council has a part to play in ensuring that residents in the private rented sector are not driven into more precarious living situations, its influence is relatively peripheral compared to the actions taken by landlords themselves. The Panel discussed at length how Covid has damaged the private rented sector market, which would be to the detriment of tenants and landlords, but also how, of the two groups, tenants would be likely to experience the more acute and immediate pain of any realignment.
14. Whilst the Panel recognises that Council has little direct influence over the choices taken by landlords when responding to situations arising from the pandemic, it also notes feedback from the Oxford Tenants Union on the overwhelming benefit to tenant mental health that good practice by landlords can have. It is the view of the Panel that steps taken to maintain tenancies, such as

conversations about rent reductions or payment plans, are likely also to be in the interests of landlords in preventing voids which risk being unfillable in the event of retightened lockdown measures. Consequently, the Panel recommends that the Council take what action it can to increase good practice amongst landlords. In the Panel's view the only way it realistically can is through convening, influence and communication. The Panel recommends seeking information from landlords and tenants to understand the pressures on both sides, and promoting in communications with landlords good practice and highlighting the risks of not engaging in good practice for both tenant welfare and landlord returns. One avenue to explore being to use the contact the Council has with HMO landlords and its HMO landlord accreditation scheme.

15. The limitations of this suggestion are recognised by the Panel. Persuasion may not change the minds of many landlords. At present the Council has very little (if any) contact with non-HMO landlords and often does not even know who they are. Even should the Council adopt a selective licensing scheme, its implementation is likely to arrive too late to be able to facilitate communications with non-HMO landlords. GDPR limits the uses for which personal data may be used, meaning the use of landlord contact details in this manner may not be appropriate. Nevertheless, if it is possible at relatively low cost to make a difference to some on the margins, the Panel recommends it be considered.

Recommendation 4: That the Council gathers information from landlords and tenants on the pressures and challenges arising from Covid, and in its existing communications with landlords promotes good practice in the Covid-environment, highlighting the risks of failing to follow good practice.

16. The Panel does recognise that the powers of the Council in addressing this problem are limited, and that the primary driver of major change must come from central government. The Panel considers it worthwhile that the Council makes representations to central government, but that the strengths of those representations would be increased by drafting its representations alongside other stakeholder groups. In particular, the Council should discuss whether adopting a positing in favour of ending section 21 evictions and a rent-freeze policy would be desirable.

Recommendation 5: That the Council works with local housing support and advice organisations to draft a letter on the need for government to introduce practical policy changes to increase protection for renters, to include consideration of ending section 21 evictions and the need for a rent-freeze policy, and for the Leader to send the agreed letter to the Secretary of State for Housing, Communities and Local Government

Further Consideration

17. Covid-19 and the economic repercussions arising from it will inevitably continue to show significant impact upon Oxford's private rented sector market. The Housing and Homelessness Panel continues to retain an interest in this area but it is not known whether or how it will seek further consideration of the subject.

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Cabinet response to recommendations of the Housing and Homelessness Panel made on 03/09/2020 concerning a presentation made by Oxford Tenants Union regarding the Impact of Covid-19 on the Private Rented Sector

Provided by the Cabinet Member for Planning and Housing Delivery, Councillor Alex Hollingsworth

Recommendation	Agree?	Comment
1) That the Council uses its existing channels of communication, particularly social media, to share information on tenants' rights and advice relevant to the pandemic and seeks to use its existing links with local community groups to improve access to that information amongst non-English speaking groups or those with English as a second language	Agree	Social media and press releases will continue to be used as a vehicle to promote the rights of tenants in the private rented sector in the pandemic. Community engagement is a key part of the consultation exercise underway for Additional and Selective Licensing and will be used to improve communication regarding
2) That the Council develops a plan for how it could increase homelessness prevention capacity at short notice in the event of an eviction spike, and reviews the effectiveness of its current provision in light of Covid-enforced changes to ways of working.	Agree	In early Summer a new Covid-19 Homelessness taskforce was put together made up of council staff from a range of departments, in order to plan for any future wave of homelessness brought on by the pandemic and rising unemployment. This group continues to consider the emerging evidence and make changes to services to maximise homelessness prevention.
3) That the Council takes whatever measures it has at its disposal, including environmental health enforcement powers, to reduce the number of unsafe homes being let out to tenants before winter arrives.	Agree	This work is underway with checks on suspected unlicensed HMOs, compliance inspections for licence conditions and visits to non-HMOs having recommenced. However, all visits requiring entry are now planned and booked in advance, which has restricted the ability to pursue enforcement action to secure improvements. The changes in working practices have been necessary to protect the health of officers and members of the public.
4) That the Council gathers information from landlords and tenants on the pressures and challenges arising from Covid, and in its existing communications with landlords promotes good	Agree	Officers are in regular dialogue with landlords, agents and tenants about the issues they are facing through Covid. This is through tenants and landlords contacting the enforcement teams and the tenancy relations officer. A

<p>practice in the Covid-environment, highlighting the risks of failing to follow good practice.</p>		<p>letter is being sent out to every HMO in Oxford in the week commencing 12th October regarding Covid. This will promote best practice and advice on legal compliance. It will also be promoted by emailing it to letting agents and landlords and asking them to circulate it to tenants in their properties.</p> <p>We will be continually keeping the situation under review, particularly in light of announcements from the government or the Director of Public Health.</p>
<p>5) That the Council works with local housing support and advice organisations to draft a letter on the need for government to introduce practical policy changes to increase protection for renters, to include consideration of ending section 21 evictions and the need for a rent-freeze policy, and for the Leader to send the agreed letter to the Secretary of State for Housing, Communities and Local Government</p>	<p>In part</p>	<p>We have already sent such a letter to Government regarding these issues, in particular when we responded to the consultation on Section 21 evictions. As such it is considered too soon to write to the Government again. We will however continue to look for ways to lobby the Government on our own and with partner organisations to make the maximum impact.</p>

To: Cabinet
Date: 11 November 2020
Report of: Housing and Homelessness Panel
Title of Report: Housing Performance Q1

Summary and recommendations	
Purpose of report:	To present Housing and Homelessness Panel recommendations concerning the Scrutiny-commissioned report on Housing Performance Q1
Key decision:	No
Scrutiny Lead Member:	Councillor Nadine Bely-Summers, Chair of the Housing and Homelessness Panel
Cabinet Member:	Councillor Mike Rowley, Cabinet Member for Affordable Housing
Corporate Priority:	More Affordable Housing
Policy Framework:	Housing and Homelessness Strategy
Recommendation: That the Cabinet states whether it agrees or disagrees with the recommendations in the body of this report.	

Appendices
None

Introduction and overview

1. At its meeting on 08 October 2020, the Housing and Homelessness Panel considered a report it had commissioned concerning the Council's performance against its Housing targets in 2020/21 Q1.
2. The Panel would like to thank Richard Wood, Strategy and Service Development Manager, for compiling and presenting the report, and responding to questions.

Summary and recommendation

3. Richard Wood, Strategy and Service Development Manager, presented the report, outlining the key activities of Housing Services in the first quarter of the financial year 2020/21. The Panel were informed of the increase in numbers of people presenting as homeless over lockdown, the successes in securing greater number of people move-on accommodation the diversion of business-as-usual to deliver the 'Everybody In' policy and the funding secured from central government for the Next Steps programme, and additional bids being worked on. The demands on the landlord services team had continued throughout the pandemic, with significant reconfigurations of services such as new lets and repairs needing to be undertaken in light of Covid. Across the Council's construction, the pandemic had hit heavily with work on the majority of housing sites paused either due to social distancing requirements or supply-chain disruption. Nevertheless, since the ending of lockdown work had been increased to catch up.
4. In response to the report presented, the Panel raised questions about the sufficiency of the number of affordable homes being delivered in relation to number of people waiting for affordable accommodation, the degree of the Council's responsibilities towards rough sleepers coming in from other districts, the size of those bids in train and the degree to which they would meet the anticipated challenges arising from Covid on housing services,
5. The Panel wishes to make three recommendations regarding the Council's provision during winter for rough sleepers at particular risk: those without recourse to public funds, and those with specific vulnerabilities, particularly those escaping domestic violence.

Rough Sleepers At-Risk

6. The Panel noted that at the commencement of lockdown, the 'Everyone In' policy from central government effectively meant a suspension of issues around eligibility and recourse to public funds, but that looking to the future funding from government for this to continue was less certain. The Panel understands that a protocol is in the process of being developed to manage the challenges of providing emergency accommodation in non-communal settings but is keen that those without recourse to public funds be included within that provision. The Panel considers the dual threats to life of rough sleepers arising from cold weather and exposure to Covid-19 if left sleeping rough means that the provision of suitable emergency accommodation should be a priority for the Council, and that the mortal threat faced should supersede issues around recourse to public funds. Consequently, it seeks a commitment that the Council will continue to provide emergency accommodation to *all* rough sleepers over the winter period, and not only those whose nationality provides recourse to public funds.

Recommendation 1: That the Council commits to continuing to provide emergency accommodation to rough sleepers over the winter period, including those with no recourse to public funds.

7. In discussion of rough sleeping, information was not available regarding the gender breakdown of those being housed under the 'Everyone In' scheme. With an estimated 86% of rough sleepers being male in previous national estimates, the issue is often approached as a predominantly male issue.¹ One cause of homelessness, however, where women are thought vastly to outweigh men is domestic abuse which has, since lockdown, seen a surge of numbers of people – primarily women – seeking help on this issue, with the charity Refuge reporting in May increases of 957% for visits to its website.² The Panel considers it vital that the genders of those being housed through 'Everybody In' are counted and monitored, so that it can react more quickly to changes in the demographics and needs of its emergency accommodation services.

Recommendation 2: That the Council carries out a gender breakdown regarding who has been housed through the 'Everybody In' scheme to enable a more detailed understanding of the gendered impact of homelessness during Covid-19.

8. Building on the above, the Panel recognises that different causes of rough sleeping and homelessness require different provision. Taking the example of domestic abuse, women escaping domestic abuse may require accommodation which the public is not aware of, or they may require women-only environments. The Panel is keen that the Council review the suitability of its provision, so that those with specific vulnerabilities or who face particular challenges in accessing emergency accommodation are still able to do so.

Recommendation 3: That the Council reviews the suitability of its emergency accommodation to those rough sleepers who have specific vulnerabilities and ensures the needs arising from those vulnerabilities are provided for

Further Consideration

9. The Housing and Homelessness Panel is due to consider an update on housing performance up to and including Q3 at its meeting on 01 February 2021.

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¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/781567/Rough_Sleeping_Statistics_2018_release.pdf

² <https://www.bbc.co.uk/news/uk-england-52755109> (It should be noted, however, that this was not replicated in police reports or reports to local domestic abuse services across the country.)

Cabinet response to recommendations of the Housing and Homelessness Panel made on 03/09/2020 concerning Selective Licensing

Provided by the Cabinet Member for Affordable Housing, Councillor Mike Rowley

<i>Recommendation</i>	<i>Agree?</i>	<i>Comment</i>
1) That the Council commits to continuing to provide emergency accommodation to rough sleepers over the winter period, including those with no recourse to public funds.	Yes	<p>Members have recently been circulated a briefing on the council's Severe Weather Emergency Protocol which ensures accommodation is available over winter to anyone who is rough sleeping when temperatures drop to zero or below. All rough sleepers are eligible for this, whether they have a local connection or not, or have recourse to public funds or not.</p> <p>The council and its partners will work to find longer term solutions for all people who are rough sleeping, although this is more challenging for people with no recourse to public funds as they are unable to claim Housing Benefit or Universal Credit.</p>
2) That the Council carries out a gender breakdown regarding who has been housed through the 'Everybody In' scheme to enable a more detailed understanding of the gendered impact of homelessness during Covid-19.	Yes	<p>This work has been undertaken and reported to panel members. The gender breakdown for people accommodated under "Everyone In" is 48 Female (18.4%) / 213 Male (81.6%).</p>
3) That the Council reviews the suitability of its emergency accommodation to those rough sleepers who have specific vulnerabilities and ensures the needs arising from those vulnerabilities are provided for	Yes	<p>Prior to accessing emergency accommodation a detailed assessment is undertaken of rough sleepers so that vulnerabilities can be identified, and catered for. St Mungo's manage our emergency accommodation and have experience of dealing with people with complex needs in Oxford and elsewhere, and do so sensitively taking both a psychologically informed, and trauma informed approach to this work. Some residents will need specialist support which St Mungo's can't provide (e.g.</p>

		Substance misuse, mental health) but in such cases they will work with other agencies and organisations to facilitate access to appropriate services.
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To: Cabinet
Date: 11 November 2020
Report of: Housing and Homelessness Panel
Title of Report: Rough Sleeping report

Summary and recommendations	
Purpose of report:	To present Housing and Homelessness Panel recommendations concerning the Scrutiny-commissioned Rough Sleeping report
Key decision:	No
Scrutiny Lead Member:	Councillor Nadine Bely-Summers, Chair of the Housing and Homelessness Panel
Cabinet Member:	Councillor Mike Rowley, Cabinet Member for Affordable Housing
Corporate Priority:	More Affordable Housing
Policy Framework:	Housing and Homelessness Strategy
Recommendation: That the Cabinet states whether it agrees or disagrees with the recommendation in the body of this report.	

Appendices
None

Introduction and overview

1. At its meeting on 05 November 2020, the Housing and Homelessness Panel considered a report it had commissioned concerning the Council's activity regarding rough sleeping during the Covid-19 pandemic. A further briefing on the issue of hidden homelessness was also provided, but was taken as a separate item and the recommendations from that briefing are presented in a separate report.
2. The Panel would like to thank Councillor Mike Rowley, Cabinet Member for Affordable Housing, for attending the meeting and answering questions, Paul Wilding, Rough Sleeping and Single Homelessness Manager, for authoring and

presenting the report and Paul Leo, Interim Director of Housing for supporting the meeting.

Summary and recommendation

3. Paul Wilding, Rough Sleeping and Single Homeless Manager, presented the report. Due to the fast-pace of developments in this area, a number of items in the report provided had significant updates. These included the announcement of a new national lockdown, where the government had provided no new duties on Councils regarding rough sleeping, confirmation from MHCLG that the planned November street count could proceed, the announcement by MHCLG of almost £1m in funding from the Long Term Accommodation Fund which, alongside other provision, would mean 45 bed spaces would be available for long term rough sleepers for move-on accommodation. Finally, the Council's Severe Weather Emergency Protocol (SWEP) had been updated and a briefing would be provided to Councillors on it.
4. In response to the report presented, the Panel raised questions about a number of issues:
 - Ensuring the concerns and feedback of rough sleepers were heard
 - Relations with neighbouring districts, where it was encouraged to hear of the progress in developing a county-wide approach and joint working
 - The current status of provision for those with no recourse to public funds
 - The impact of providing additional homes for former rough sleepers on the overall housing stock
 - The practicalities of delivering the SWEP in a socially distanced way
5. The Panel wishes to make one recommendation concerning awareness raising of the support available for those without recourse to public funds.

No Recourse to Public Funds

6. The Panel had raised questions previously on the issue of emergency accommodation for those sleeping rough with no recourse to public funds previously when discussing the Housing Performance Report Q1. However, with the presence of the lead officer this issue was able to be discussed in greater detail.
7. Under the 'everyone in' policy by central government issued at the start of the original lockdown all rough sleepers, including those without recourse to public funds, were to be found emergency accommodation to take them off the streets. The Council was currently housing approximately 20 such individuals. The advice from MHCLG regarding ongoing support for people in this category in the new lockdown had been ambiguous, but until such time as the ambiguity was clarified provision was being made. Indeed, in recognition of the fact that at

some point the Council would cease to be allowed to provide support for those without recourse to public funds, special efforts were being made to develop longer-term support. To ensure it achieved this without breaching its own legal obligations the Council was working with Oxfordshire Homeless Movement, and by extension, a whole series of charities, faith groups and individual benefactors, to organise longer-term accommodation without needing to make recourse to public funding. This approach was welcomed by the Panel.

8. Whilst welcomed, one issue of concern for the Panel is that the approach taken locally is not one which has been implemented nationally. Reports in the national media have indicated that those rough sleepers with no recourse to public funds who seek help with accommodation may ultimately have their details passed to immigration officials, potentially starting a process of deportation. For those hearing such news clearly this has a highly dissuasive impact on their willingness to access support. This is particularly acute for people enduring domestic abuse, for whom these concerns are often weaponised by their abusers in order to prevent the victims from being able to extricate themselves from their situation. To overcome this disconnect between national news and local policy the Panel suggests that the Council must make its position clear to allay the legitimate fears of those without recourse to public funds hold in seeking emergency accommodation. The Council has previously made press statements that any individuals coming forward for support in relation to homelessness will not be reported to immigration agencies. The Panel seeks that something similar is done again as a matter of urgency.

Recommendation 1: That the Council makes, as a matter of urgency, a public statement to clarify its position that it will provide emergency accommodation to all rough sleepers, including those without recourse to public funds, and that individuals receiving such support will not have their details passed to any immigration agency.

Further Consideration

9. The Housing and Homelessness Panel is not scheduled to hear further reports on this issue directly, but rough sleeping is a theme in a number of its forthcoming reports and further recommendations on specific issues may be made in light of those.

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Cabinet response to recommendations of the Housing and Homelessness Panel made on 05/11/2020 concerning the Rough Sleeping Update report

Provided by the Cabinet Member for Affordable Housing, Councillor Mike Rowley

<i>Recommendation</i>	<i>Agree?</i>	<i>Comment</i>
1) That the Council makes, as a matter of urgency, a public statement to clarify its position that it will provide emergency accommodation to all rough sleepers, including those without recourse to public funds, and that individuals receiving such support will not have their details passed to any immigration agency.	Yes	<p>Members have recently been circulated a briefing on the council's Severe Weather Emergency Protocol which ensures accommodation is available over winter to anyone who is rough sleeping when temperatures drop to zero or below. All rough sleepers are eligible for this, whether they have a local connection or not, or have recourse to public funds or not.</p> <p>The council and its partners will work to find longer term solutions for all people who are rough sleeping, although this is more challenging for people with no recourse to public funds as they are unable to claim Housing Benefit or Universal Credit.</p> <p>Whilst the council does not proactively pass details of individuals to immigration authorities, it will need to comply with any current or new statutory duties.</p>

To: Cabinet
Date: 11 November 2020
Report of: Finance and Performance Panel (Panel of the Scrutiny Committee)
Title of Report: Integrated Performance Report 2020/21 Q1

Summary and recommendations	
Purpose of report:	To present Finance and Performance Panel recommendations concerning the Integrated Performance Report 2020/21 Q1
Key decision:	No
Scrutiny Lead Member:	Councillor James Fry, Chair of the Finance and Performance Panel
Cabinet Member:	Councillor Ed Turner, Cabinet Member for Finance and Asset Management
Corporate Priority:	All
Policy Framework:	Council Strategy 2020 - 24
Recommendation: That Cabinet states whether it agrees or disagrees with the recommendations made in the body of this report.	

Appendices
None

Introduction and overview

1. At its meeting on 29 September 2020, the Finance and Performance Panel considered the Integrated Performance Report 2020/21 Q1, detailing the Council's results against its financial, performance and risk measures. This report had been considered by Cabinet on 12 August 2020, meaning that due to the timing of the Finance and Performance Panel the item was subjected to post-decision scrutiny, rather than the standard pre-decision scrutiny.
2. The Panel would like to thank Nigel Kennedy, Head of Financial Services, and Helen Bishop, Head of Business Improvement, for compiling the report and

supporting the meeting, and Anna Winship, Management Accountancy Manager, for presenting the report and answering questions.

Summary

3. The Panel was introduced to the Cabinet report by Anna Winship, Management Accountancy Manager. The main financial, risk and performance headlines were outlined to the Panel with explanations provided for the main causes. The main focus of discussion was in relation to the Council's finances, with attention given to the major areas of reduced income and increased expenditure.
4. The Panel makes two recommendations concerning the treatment and presentation of the Council's capital budget, particularly in relation to the application of an 'optimism bias'.

Treatment and Presentation of Capital Budget

5. The Panel discussed in detail paragraph 16, particularly the section on 'optimism bias', a mechanism to offset the optimism of project managers regarding the delivery of projects. The effect of the optimism bias as applied to the Council's budget was stated in the Cabinet report to reduce the forecast outturn of the capital programme from £96.27 million to £81.169 million.
6. The Panel expressed some scepticism about the inclusion of optimism bias into the capital programme especially as it was not allocated to specific capital projects (though it was noted that individual projects did have amounts included for slippage in addition to this). The Panel wondered whether the optimism bias could be allocated to individual projects and whether it was in fact a netted down amount for not only slippage but project overruns and sought further information on how the amount was calculated. It was also questioned whether the term was just another word for 'slippage' and simply a replacement for project manager accountability for the spend on and delivery of their projects. The Head of Financial Services advised that the amount included for optimism bias was generally a downward adjustment rather than allowing for increases in costs, this was an industry practice and was an attempt to overcome the tendency of project managers to be overly optimistic in how their projects were performing. In the past the Council had experienced significant slippage in the capital projects and the inclusion of an amount for optimism bias was simply a means of adjusting for the 'overly optimistic' views of project managers of how much they would spend and consequently how much of the whole capital programme would be spent by year end.
7. The suggestion of the Panel is that as currently presented, with the capital programme outturn incorporating a reduction on the basis of the optimism bias, the application of the optimism bias may provide a misleading picture. Instead, a clearer way of presenting it would be to present the Council's forecast outturn for the capital programme without reductions, and subsequently to highlight the proportion at risk of non-delivery due to over-optimism by project managers. The Panel suggests one way to draw out this level of risk is through the aggregation

of the risk levels assigned to each project in the budget. Doing so would mean that the Council's budgeted figure for capital spending was not interfered with in any way, but that there was also a way for the Council to be transparent regarding the extent of its uncertainty over delivery for the projects within its capital programme.

Recommendation 1: That the Council ceases to net off uncertainty over its capital programme through the use of an optimism bias, and instead uses an aggregation of the level of risks given to each project in the budget to present the proportion of that figure over which the Council is uncertain of delivery.

8. Whilst it is recognised by the Panel that optimism bias primarily focuses on over-optimism regarding delivery speed, resulting in reduced capital spend in any given year, cost increases in specific projects – such as the Seacourt Park and Ride – show a different form of project manager optimism.¹ Because the effect of the two pulls projected outturn figures in opposite directions, a project which is subject to both would see its variance netted off. The smaller variance resulting from this offsetting of one action against another would give a more positive impression than the real world experience of a project which has been subject to the dual problems of both delay and overspend. Indeed, if overspend and delay were to be equal, the forecast outturn would appear to be precisely on target. As a consequence, the Panel suggests that overspends and delays are delineated in the treatment of projected capital outturns so that the presence and effects of the two problems are clearer and do not offset one another.

Recommendation 2: That in its treatment of variance from budgeted capital spends the Council delineates the impact of increased costs and slippage.

Further Consideration

9. The Scrutiny Committee has agreed to consideration of quarterly Integrated Performance Reports for the remainder of the civic year.

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¹ Other presentations of variance may also be subject to this issue.

Cabinet response to recommendations of the Finance and Performance Panel made on 29/09/2020 concerning the Integrated Performance Report 2020/21 Q1 report

Provided by Cabinet Member for Finance and Asset Management, Councillor Ed Turner

Recommendation	Agree?	Comment
1) That the Council ceases to net off uncertainty over its capital programme through the use of an optimism bias, and instead uses an aggregation of the level of risks given to each project in the budget to present the proportion of that figure over which the Council is uncertain of delivery.	Yes	The Council will in future cease to make use of optimism bias calculations in its capital monitoring reporting and look to introduce a risk rating assessment of each project.
2) That in its treatment of variance from budgeted capital spends the Council delineates the impact of increased costs and slippage.	Yes	Generally slippage will be reported as a 'favourable variance' i.e reduced budget against the original budget in year because the budget is 'slipped' into the following year. On some occasions the budget is brought forward from future years if spend is in advance of the amount budgeted in year. This appears as increased budget or an 'adverse variance'. In some instances the in-year budget is increased due to overspends and in future these will be differentiated from budget that is simply brought forward.

To: Cabinet

Date: 11 November 2020

Report of: Finance and Performance Panel (Panel of the Scrutiny Committee)

Title of Report: Performance Monitoring 2020/21 Q1

Summary and recommendations	
Purpose of report:	To present Finance and Performance Panel recommendations concerning Performance Monitoring 2020/21 Q1
Key decision:	No
Scrutiny Lead Member:	Councillor James Fry, Chair of the Finance and Performance Panel
Cabinet Member:	Councillor Ed Turner, Cabinet Member for Finance and Asset Management. Response referred to Councillor Nigel Chapman, Cabinet member for Customer Focused Services
Corporate Priority:	All
Policy Framework:	Council Strategy 2020 - 24
Recommendation: That Cabinet states whether it agrees or disagrees with the recommendations made in the body of this report.	

Appendices
None

Introduction and overview

1. At its meeting on 29 September 2020, the Finance and Performance Panel considered a Performance Monitoring Report for 2020/21 Q1. This report details the Council's delivery against a number of Scrutiny-selected performance measures.
2. The Panel would like to thank Helen Bishop, Head of Business Improvement, and Liz Godin, Corporate Governance Manager, for compiling the report and

supporting the meeting, and Rachel Heap, Corporate Governance Officer for helping to compile the report also.

Summary

3. Owing to the effects of the pandemic, a number of changes have been made to the performance measures monitored by Scrutiny. For the current civic year, Scrutiny has not selected its normal suite of corporate and service-level measures. Instead, the measures from the previous year have been rolled over. Due to the uncertainty surrounding targets in light of Covid, no new targets have been set but rather previous years' targets have also been rolled over. Those measures completely undermined by Covid – the number of people using the Council's leisure centres, for example – have been removed.
4. Given the provisional nature of the targets themselves, discussion by the Panel over the various results against those targets was fairly general. However, with initial work to develop corporate and service-level measures and targets for next civic year due to start shortly, the Finance and Performance Panel suggests that measure CH001 (days lost to sickness) might be usefully amended and supplemented to provide clearer feedback on its two primary areas of relevance: the Council's support for the health and wellbeing of its staff, and also the Council's overall capacity.

Health and Wellbeing

5. Sickness figures are a useful barometer of staff health and wellbeing. Workplace accidents, back problems and repetitive strain injuries, and stress or other mental health conditions are common causes of absence from work due to sickness. Organisations with high rates of sickness are liable to have systemic issues around the environment in which their employees work or the way their jobs are done. Such issues lead to the higher incidences of sickness, which can lead to long periods of absence. High rates of short-term absence, however, are also problematic, being particularly disruptive for those staff having to provide cover, as well as possibly suggesting low rates of motivation or troubles with work by those absent.
6. Recognising its importance, the Panel is supportive of monitoring staff sickness. However, given that short and long term sickness are very different in nature, pointing to different problems and requiring very different management and types of intervention, the Panel considers that splitting out, setting and monitoring targets for short and long term sickness absence would enable the Council to pick up on changes more quickly and efficiently. This is particularly the case for short-term illness, where long term absences have the capacity to obscure or drown out significant changes in short-term absence levels.

Recommendation 1: That in the setting of its corporate performance measures for next year, the Council introduces targets for short and long-term sickness levels.

Measuring Productivity

7. In addition to what they say about staff health and wellbeing, sickness rates can also be used as an inverse proxy for productivity and overall organisational capacity. The more days staff are in the office, the more capacity there is to do the work the Council requires. With almost all staff working from home presently, and the possibility that numbers will remain elevated compared to pre-pandemic levels, the Panel questions whether in this new environment the link between being at work and output will remain as useful as it has in the past.
8. The office is designed to provide an environment conducive to productive working. On the other hand, not every home environment can be modified to reach that same level. Insufficient desk space, slow or intermittent internet connection, lack of printing facilities, or the presence of young children or other dependants are all examples of the sorts of issues that might impair a staff member's productivity, possibly significantly. With staff homeworking environments differing so markedly in the amount of support they provide to productivity, the Panel feels that the simple measurement of whether or not someone is working may be a rather blunt measure of whether there is sufficient capacity to cover the work required. It has no specific suggestion of an alternative, but simply wishes to raise the issue and recommend that alternative measures of productivity and sufficiency of staffing be considered when new targets are set.

Recommendation 2: That the Council investigates ways of measuring and monitoring productivity which take homeworking and the variable suitability of homeworking environments into account.

Further Consideration

9. The Panel is scheduled to hear quarterly updates on its suite of performance measures for the remainder of the civic year.

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Cabinet response to recommendations of the Finance and Performance Panel made on 29/09/2020 concerning the Performance Monitoring 2020/21 Q1 report

Provided by Cabinet Member for Customer Focused Services, Councillor Nigel Chapman

Recommendation	Agree?	Comment
1) <i>That in the setting of its corporate performance measures for next year, the Council introduces targets for short and long-term sickness levels.</i>	Partially	Whilst it is clearly important to monitor long and short term absence and manage it effectively and persistently, It is not considered that introducing individual <u>targets</u> for long and short term absence would be realistic or help to manage absence. Numbers of long term cases can vary and are unpredictable. It is however proposed that there is regular <u>reporting and monitoring</u> of absence, split by long and short term absence, which would help to identify patterns or trends. It would also be useful to report on COVID and non-COVID related absences to see if the former drives up overall sickness levels.
2) <i>That the Council investigates ways of measuring and monitoring productivity which take homeworking and the variable suitability of homeworking environments into account.</i>	Not agreed	This is already in hand. One of the first actions arising from the recently developed People Strategy is to ensure that managers are well equipped to manage staff in a remote environment. This involves ensuring staff health and wellbeing, guarding against feelings of isolation from colleagues, managing performance and supporting staff with relevant training and equipment. There is an existing management and appraisal process in operation, which in effect monitors how productive staff are and will capture evidence of any drop in / increase in productive work as a result of more home based working. All of this is to ensure effective service delivery and meeting of Council objectives.