

Supplement for

Cabinet

On **Wednesday 09 September 2020** at **6.00 pm**

Agenda Item 7: Scrutiny Committee Reports

Contents

7. Scrutiny Committee Reports	3 - 24
The Scrutiny Committee has made recommendations regarding the following Cabinet reports:	
- Air Quality Action Plan	
- Discretionary Housing Payments Policy	
- Selective Licensing	

The agenda, reports and any additional supplements can be found together with this supplement on the committee meeting webpage.

This page is intentionally left blank

To: Cabinet
Date: 09 September 2020
Report of: Scrutiny Committee
Title of Report: Air Quality Action Plan

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations concerning the Air Quality Action Plan report
Key decision:	Yes
Scrutiny Lead Member:	Councillor Joe McManners, vice-Chair of the Scrutiny Committee
Cabinet Member:	Councillor Tom Hayes, Deputy Leader and Cabinet Member for Green Transport and Zero Carbon Oxford
Corporate Priority:	Pursue a Zero Carbon Oxford
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 01 September 2020, the Scrutiny Committee considered a report to Cabinet concerning the Air Quality Action Plan.
2. The Panel would like to thank Councillor Tom Hayes, Deputy Leader and Cabinet Member for Green Transport and Zero Carbon Oxford, for presenting the report and answering questions. The Committee would also like to thank Mai Jarvis, Environmental Quality Team Manager for compiling the report and supporting the meeting.

Summary and recommendation

3. Tom Hayes, Deputy Leader and Cabinet Member for Zero Carbon Oxford, introduced the report. The Air Quality Action Plan (AQAP) fulfilled a statutory duty. It also provided the Council with an opportunity to demonstrate its desire for a more challenging approach to the importance of clean air than was expected by the Government. The need for a robust approach to air pollution was a matter of social justice given the profound impact of poor air quality on everyone and, in particular, on some members of the community. The Council already had a good track record of measures to tackle air pollution, working in close partnership with the County Council where necessary and was well placed to address the target for the reduction of air pollution set out in the report. The introduction of a Zero Emission Zone, and “Connecting Oxford” for example, would be critical factors in the achievement of the target.
4. Overall, the Committee expressed strong support for the draft AQAP and praise for those involved in its development.
5. The Committee’s discussion and questioning in response to the report were wide-ranging and thorough, considering the equalities aspect of air quality, textual clarifications and amendments, emitters outside the scope of the Clean Air Act (such as canal boats), the financial implications of the AQAP, issues on consultation and engagement, and suggestions on practical steps for the Plan on transport issues.
6. The Scrutiny Committee makes ten recommendations relating to
 - Textual amendments to the AQAP
 - Communication and engagement in consultation and around air-quality generally
 - Transport suggestions

Textual Amendments

7. In its scrutiny of the AQAP the Committee raised a number of areas within the plan itself where additional clarification would be of benefit.
8. Although the Cabinet report alongside the draft AQAP does specify (s. 38) that ‘Poor air quality affects people in different groups differently. Minority groups and low income households might be disproportionately impacted by poor air quality’ it is the suggestion of the Committee that the use of the term ‘minority groups’ obscures the particular experience black and other people of colour, whose specific concentration of negative outcomes is sufficiently severe to warrant its own reference. Further, the fact that those individuals who intersect multiple risk groupings, disabled black people, for example should also be recognised.

Recommendation 1: That the Council amends its action plan to make specific reference to the particular negative impacts experienced by BAME community members as well as other risk factors such as disability and low incomes, as well as the particular negative outcomes experienced by those intersecting multiple risk factors.

9. It is evident that in setting a target more ambitious than the legal target of 40 µg/m³ of NO₂, meeting that legal target is a milestone on the way to achieving the Council's own target of 30 µg/m³ of NO₂. However, as Oxford's NO₂ levels are currently above the legal target, reaching the level of legal compliance is in itself an important and symbolic milestone. The Committee encourages more clarity and attention to be given to achieving this on the way to the Council's more ambitious goals.

Recommendation 2: That the Council makes the achievement of the legal 40 µg/m³ of NO₂ as a milestone in its plan clearer.

10. The Committee understands that references to the measures of air pollution, particularly around NO and NO₂, are complex and that there is a not necessarily complete agreement on their usage. Within the AQAP there are references to both but without explanation as to how they are employed and the rationale behind their usage. The Committee considers that Oxford, as a trailblazer amongst local authorities in implementing its own air quality target, is liable to be looked to by authorities who wish to follow its example. That would bring with it closer external engagement and scrutiny, and therefore additional precision is deemed to be of benefit.

Recommendation 3: That the Council provides an explanatory note or glossary reference to explain the technical meanings within the Action Plan of references to NO and NO₂.

11. In a similar vein to the recommendation above, the Committee considers that Oxford's position as a trailblazer also means that a definition of its central KPI, the 'local annual mean' is also provided.

Recommendation 4: That the Council provides within its plan a definition of the term 'local annual mean'.

Communication and Engagement

12. With air quality being such an important issue, and the changes required to deliver the Council's targets requiring significant behavioural change and modal shift, the Committee were keen that consultation on the draft strategy should go beyond standard levels of engagement. It was recognised by the Committee that the Council has had particular success in engaging with young people on the topic, winning Initiative of the Year in the 2018 National Air Quality Awards. The Committee seeks that efforts to extend that track record of successful engagement is continued, both in relation to the draft AQAP and the issue of air quality in general.

Recommendation 5: That the Council will continue to think of new and imaginative ways of increasing engagement with the issue of air pollution, especially amongst children and young people, and to increase participation in the Council's consultation on the Air Quality Action Plan.

13. One issue around the Council's communication and engagement which drew comment was the perception that in its framing and portrayal of air pollution, the Council may provide an imbalanced picture, which is skewed towards the City Centre. The Committee recognises that the preponderance of emissions hotspots are indeed within the City Centre. However, a greater number residents - from all over the City – face lesser (though still elevated) levels of air pollution. The Committee is keen to underline that air quality is an issue which faces the whole city, and requires engagement from everybody. To quell the possibility of giving the misleading impression that the Council considers air quality to be primarily a City Centre issue, the Committee encourages the Council to be mindful of the benefits of a more diverse presentation in its communications on the subject, involving a wider variety of communities and geographical locations where possible.

Recommendation 6: That in its communications plan the Council broadens the story it tells about the impact of air pollution away from the City Centre, including people and locations from across Oxford.

Transport Suggestions

14. Throughout its discussion of the AQAP there was strong agreement by the Committee with the underpinning contention that 'air pollution is, at its heart, a social justice issue'. This view was explicitly manifested in points made in relation to the establishment of electric vehicle charging infrastructure around the City. The Committee recognises that whilst the cost of electric vehicles is reducing, their uptake still tends to be clustered in more affluent areas. It is the Committee's suggestion that the Council must be willing not to follow demand in its decisions of where to situate electric vehicle infrastructure, but to enable it. If it is passive and simply follows demand, it is likely that instead of confronting the inequalities of air pollution, they could be embedded. It is important, therefore, that the Council does not overlook the less affluent areas of the City in its decisions of where to situate charging infrastructure, even if the immediate business case for doing so is less compelling.

Recommendation 7: That the Council, in its efforts to increase the number of electric vehicle charging points around the city, does not overlook provision for lower-income areas of the City.

15. The Committee discussed with approval plans around the electrification of the bus fleet and explored a number of issues around this, including the policy towards tourist coaches in the City Centre. Amidst the approval, however, was a degree of disappointment that the Pick Me Up bus service had not proven viable. The Committee considers the flexibility of the Pick Me Up service to have been of great benefit to users, and seeks that the Council considers alternative means of providing a service with similar benefits. Its own suggestion is for electric taxis to be used instead of the Pick Me Up bus.

Recommendation 8: That the Council considers the feasibility of implementing an electric taxi service to replace the Pick Me Up service.

16. Through discussion the Committee were informed of the Council's intention as shareholder in Oxford Direct Services (ODS) for 25% of its fleet to be electrified by 2023. The Committee welcomed the extension of the Council's ambitions into its commercial activity, but questioned whether this target may be insufficiently stretching. The Committee does not suggest an alternative figure, but asks the Council to consider whether the electrification process could be expedited.

Recommendation 9: That the Council will work with ODS to bring forward the plans for the electrification of the ODS fleet.

17. Whilst the Committee recognises the Council's commitment to implementing the Zero Emissions Zone and Connecting Oxford, it notes the central importance of delivering these programmes to the overall success of achieving its ambitious emissions targets. Consequently, the Committee wishes to underline its support for them, and express its encouragement to the Council to continue ensuring they progress.

Recommendation 10: That the Council continues to employ its best endeavours in working with its partners to realise the plans for the Zero Emissions Zone and Connecting Oxford.

Further Consideration

18. Scrutiny is scheduled to consider an update report on the Annual Air Quality Status Report at its October meeting, a topic related to this item. It is not anticipated that Scrutiny will seek to consider this topic further in the current civic year.

Report author	Tom Hudson
Job title	Scrutiny Officer
Service area or department	Law and Governance
Telephone	01865 252191
e-mail	thudson@oxford.gov.uk

Cabinet response to recommendations of the Scrutiny Committee made on 01/09/2020 concerning the Air Quality Action Plan report

Response provided by Deputy Leader and Cabinet Member for Green Transport and Zero Carbon Oxford, Tom Hayes

<i>Recommendation</i>	<i>Agree?</i>	<i>Comment</i>
1) That the Council amends its action plan to make specific reference to the particular negative impacts experienced by BAME community members as well as other risk factors such as disability and low incomes, as well as the particular negative outcomes experienced by those intersecting multiple risk factors.	Yes	To be incorporated in AQAP prior to public consultation
2) That the Council makes the achievement of the legal 40 µg/m³ of NO₂ as a milestone in its plan clearer.	Yes	To be incorporated in AQAP prior to public consultation
3) That the Council provides an explanatory note or glossary reference to explain the technical meanings within the Action Plan of references to NO and NO₂.	Yes	To be incorporated in AQAP prior to public consultation
4) That the Council provides within its plan a definition of the term 'local annual mean'.	Yes	To be incorporated in AQAP prior to public consultation
5) That the Council will continue to think of new and imaginative ways of increasing engagement with the issue of air pollution, especially amongst children and young people, and to increase participation in the Council's consultation on the	Yes	The Council will continue to work with schools and community groups to reach as wide an audience as possible for the public consultation

∞

6

Air Quality Action Plan.		
6) That in its communications plan the Council broadens the story it tells about the impact of air pollution away from the City Centre, including people and locations from across Oxford.	Yes	The Council will continue to ensure stories from across the city is hold in relation to air pollution to ensure it is clear this is a city wide issue.
7) That the Council, in its efforts to increase the number of electric vehicle charging points around the city, does not overlook provision for lower-income areas of the City.	Yes	The Council will continue its work as part of Go Ultra Low Oxford to engage across the city.
8) That the Council considers the feasibility of implementing an electric taxi service to replace the Pick Me Up service.	Yes	The Council regularly meet with the taxi trade and will seek their views. We have strong ambitions to help electrify the fleet so recognise one ambition of the recommendation is to clean up our demand responsiveness in the city
9) That the Council will work with ODS to bring forward the plans for the electrification of the ODS fleet.	Yes	The Council will continue to work with ODS on their plans for electrification of their fleet.
10) That the Council continues to employ its best endeavours in working with its partners to realise the plans for the Zero Emissions Zone and Connecting Oxford.	Yes	The Council will continue to progress plans for the introduction of the Zero Emission Zone and Connecting Oxford.

This page is intentionally left blank

To: Cabinet
Date: 09 September 2020
Report of: Scrutiny Committee
Title of Report: Discretionary Housing Payment Policy

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations concerning the Discretionary Housing Payment Policy report
Key decision:	Yes
Scrutiny Lead Member:	Councillor Joe McManners, vice-Chair of the Scrutiny Committee
Cabinet Member:	Councillor Marie Tidball, Cabinet Member for Supporting Local Communities
Corporate Priority:	Support Flourishing Communities, Foster an Inclusive Economy
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 01 September 2020, the Scrutiny Committee considered a report to Cabinet concerning the renewal of the Discretionary Housing Payment Policy.
2. The Panel would like to thank Councillor Marie Tidball, Cabinet Member for Supporting Local Communities, for presenting the report and answering questions. The Committee would also like to thank Paul Wilding, Rough Sleeping

Manager for compiling the report and supporting the meeting, and Richard Wood, Interim Welfare Reform Team Manager, for his contribution to the meeting also.

Summary and recommendation

3. Councillor Marie Tidball, Cabinet Member for Supporting Local Communities, introduced the report. The current version of the policy had been introduced in 2013 against a backdrop of significant welfare reform and underpinned by a drive to prevent homelessness. In 2019/20, for example, 602 DHP applications had been made of which 85% had been successful however it had become apparent that the policy needed to be revisited in the light of the economic consequences of Covid-19. She paid tribute to the work of the Welfare Reform Team not just in relation to this report and the application of the DHP policy but also their wider work in supporting vulnerable members of the community.
4. Paul Wilding, Rough Sleeping & Single Homelessness Manager, reminded the Committee that the DHP policy was discretionary. It deliberately left some room for flexibility of implementation, neither absolutely ruling any particular set of circumstances in or out. This flexibility assisted in getting the help to those who most needed it. It was recognised that, in parallel with the flexibility, there was a need to ensure consistency of decision making. This was addressed by the way in which officers in the Welfare Reform Team cross-checked their decisions with one another (particularly in relation to more complex cases) and the regular review of a 10% case sample.
5. The Committee's discussion and questioning in response to the topic focused primarily on access, particularly in relation to the challenges of non-English speakers, and the impact of such challenges in take-up by those eligible.
6. The Scrutiny Committee makes three recommendations relating to
 - Access to advice and support
 - Promoting the Discretionary Housing Payment

Access to advice and support

7. Committee members raised reports that had been passed on to them about the challenges non-English speaking Asian women were having in accessing support for Housing Benefit and other types of benefit. The situation with Covid-19 was reported to have made the challenge worse, with the closure of some advice services, and the geographical limitations in support being applied by others. East Oxford residents, for example, were unable to access services at the Rose Hill advice centre. Whilst a broader issue than Discretionary Housing Payments, it is nevertheless felt to be of relevance owing to the fact that it touches on how those in need are signposted and access Discretionary Housing Payments and other forms of support.
8. In raising this issue, the Committee does not wish to disregard the efforts made by the Council already, particularly in making its translation services available to advice centres, which it welcomes. It simply wishes to raise that despite the steps that the Council has taken to date, barriers to access do remain. With the Council

due to start work towards the recommissioning of advice services in around two months, the Committee considers that a fuller understanding of these barriers would inform that process and result in a more accessible service being delivered.

9. One suggestion posed by the Committee as a suitable response to the challenges of accessing advice for non-English speakers in East Oxford was the provision of in-person translation services. The Committee identified two particular issues that were causing challenges to non-English speakers. The first was the challenge of requiring interpretative support throughout the application process, from awareness raising at its commencement, all the way through to making an application. Committee members highlighted the way that applications could often require communicating with multiple people at different stages of the process, which could stymie the application if translation services were not available, or at least make them more difficult because previously established information had to be communicated, with the higher chance of misunderstanding causing delay or refusal of an application. Concerns were also raised that in the absence of interpretation services being available, applicants could be reliant on partners to do their translation. For those in coercive or abusive relationships, the power imbalance caused by relying on an interpreter could be an encouragement to stay within such relationships, and the ability of an abuser to control the message meant the existence of an additional barrier to recognising those at risk. Owing to these factors, the Committee commends the idea to the Council for further consideration.

1. Recommendation 1: That the Council reviews how non-English speakers access advice services, including the suitability of current arrangements for advice services grant-funded by the Council, and the case for providing an in-person translation service in East Oxford, as part of the recommissioning of advice services.

10. Whilst addressing known barriers to access is laudable, solely doing so falls short of meeting the Council's equality aspirations for its residents. It is the wish of the Committee that rather than reacting to partial data which surfaces by informal sources, the Council is proactive in monitoring the protected characteristics of its applicants. By definition, excluded groups are liable to have their needs and challenges unregistered. Full-spectrum monitoring is a valuable counter to this, highlighting those areas where the Council should investigate further, and providing richer information by dint of the capacity to compare outcomes for those intersecting multiple risk factors. Investigating and responding to the insights afforded by such monitoring would provide a far more comprehensive and effective response to the Council's desire to ensure that all members have a fair and equal opportunity to access this important service.
11. It is the view of the Committee that the likely single biggest determinant on under-claiming is likely to be ethnicity, and suggests that this be prioritised. However, it also recognises that this is a view based on incomplete evidence, and that the Council's priorities should alter if emerging data does not support this thesis.

Recommendation 2: That the Council develops and implements a plan to monitor the ethnicity and other protected characteristics of DHP

applicants, with a view to identifying any particular communities where access to DHP or the number of successful awards from DHP claims are unexpectedly low so as to understand the barriers to access and to inform service development to ensure fair and equal access to DHP for excluded groups.

Promoting the Discretionary Housing Payment

12. To identify that there may be particular groups facing specific systemic challenges with access of Discretionary Housing Payment is not to imply that there are not challenges with ensuring support is provided to those outside such excluded groups. The Committee notes the difficulties faced by the Council in identifying those entitled to Discretionary Housing Payment due to the policy of the Department of Work and Pensions not to share information on those who are in receipt of Universal credit. Indeed, it commends the efforts being made to overcome these challenges, both in terms of working with the Job Centre to increase awareness of Discretionary Housing Payment, but also in lobbying government for a change in policy. Notwithstanding these efforts, however, the Committee notes the potential that residents at a time of particular stress may still not be accessing the support the Council is able to provide for lack of awareness. This is a situation the Committee encourages the Council to address.
13. The Committee recognises that as the administrator of Discretionary Housing Payments, as well as being in contact with a significant proportion of those eligible to apply on other Council-related business, the Council owns a significant and direct responsibility to remedy this through its own activities. Ensuring relevant staff members and teams are able to identify, communicate and raise application rates amongst eligible residents will be key and is encouraged by the Committee. In addition to these efforts, however, the Committee encourages the Council to recognise its reliance on other partners – Job Centre Plus, healthcare providers, third sector advice organisations, community and religious groups, and the general public – to raise awareness of the support that is available. It approves of the Council's intention to do this systematically via a communications plan and seeks that this intention is followed through on.

Recommendation 3: That the Council makes further effort to increase access to DHP for those most in need, including raising awareness with stakeholders and residents through a clear communications plan, and by carrying out targeted outreach to residents most at risk of homelessness informed by business intelligence.

Further Consideration

14. It is not anticipated that Scrutiny will wish to revisit this topic until it is next reviewed by the Council.

Report author	Tom Hudson
Job title	Scrutiny Officer
Service area or department	Law and Governance
Telephone	01865 252191
e-mail	thudson@oxford.gov.uk

Cabinet response to recommendations of the Scrutiny Committee made on 01/09/2020 concerning the Renewing Discretionary Housing Payment Policy report

Response provided by Cabinet Member for Supporting Local Communities, Marie Tidball

Recommendation	Agree?	Comment
1) That the Council reviews how non-English speakers access advice services, including the suitability of current arrangements for advice services grant-funded by the Council, and the case for providing an in-person translation service in East Oxford, as part of the recommissioning of advice services.	Yes	The council wants to ensure fair access to its commissioned advice services, in particular for groups and communities who may currently struggle to access advice and support, including non-English speakers. The current 3 year funding agreement with the advice organisations in the city runs until the 31 st March 2021 and therefore the council will soon begin the process of reviewing and recommissioning services. The committee's recommendations will be used to inform the review.
2) That the Council develops and implements a plan to monitor the ethnicity and other protected characteristics of DHP applicants, with a view to identifying any particular communities where access to DHP or the number of successful awards from DHP claims are unexpectedly low so as to understand the barriers to access and to inform service development to ensure fair and equal access to DHP for excluded groups.	Yes	We share the view that collecting detailed data on protected characteristics should be priority, and that it will provide valuable insight in the future to shape service development, helping ensure fair access to support. The team will make the necessary procedural changes to fully monitor equality data, so this information will be available in the future.
3) That the Council makes further effort to increase access to DHP for those most in need, including raising awareness with stakeholders and residents through a clear communications plan, and by carrying out targeted outreach to residents most at risk of homelessness informed by business intelligence.	Yes	The Welfare Reform Team have a strong track record of promoting DHP, and carrying out targeted outreach to engage residents in greatest need, ensuring the DHP fund is used effectively. However we acknowledge this needs to be continually renewed and reinforced, so accept the recommendation. The team will review its plan, ensuring there are clear communications reaching residents and stakeholders over the next year, as well as key internal stakeholders, alongside continuing to develop and rolling

		out new targeted outreach schemes to reach those most in need.
--	--	--

This page is intentionally left blank

To: Cabinet
Date: 09 September 2020
Report of: Housing and Homelessness Panel
Title of Report: Selective Licensing

Summary and recommendations	
Purpose of report:	To present Housing and Homelessness Panel recommendations concerning the Selective Licensing report
Key decision:	Yes
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:	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 03 August 2020, the Housing and Homelessness Panel considered the report to Cabinet regarding the review of the housing conditions undertaken to inform a decision for the implementation of a selective licensing scheme.
2. The Panel would like to thank Councillor Alex Hollingsworth for attending the meeting and presenting the report, Ian Wright, Head of Regulatory Services and Community Safety, for supporting the meeting, and Gail Siddal, HMO Enforcement Team Manager, for authoring the report.

Summary and recommendation

3. In light of the importance of the issue under consideration and the wish to understand the reactions of stakeholders from outside the Council to the proposals, the Housing Panel invited a number of representatives from local organisations to give their reactions to the report. The organisations represented were the Oxford Citizens' Advice Bureau, the letting and estate agency College and County, and the Oxford branch of the ACORN union.
4. Speaking prior to the presentation of the report, the Panel's external attendees presented their views. All were in agreement with the proposals, but raised a number of issues and questions. The most clear-running theme was the importance of enforcement of all properties, particularly given that those in the least secure housing should not be expected to whistleblow on their landlords. Without across the board enforcement, licensing would become a burden on those seeking to comply, leaving those willing not to do so, those operating within the shadow lettings market, with an advantage. It would be important to avoid the perception of 'entrepreneurial bureaucracy', the taking of license fees from compliant landlords to pay to tell them that they were compliant, rather than identifying and cracking down on those providing homes with category 1 and 2 health risks.
5. Whilst broad-spectrum enforcement was recognised to be a challenge, it was also recognised to be extremely valuable. Having minimum standards for the right to let would be a useful tool for advice agencies and unions in supporting tenants, and if done effectively would be of greatest benefit to the most vulnerable. Given the most vulnerable were identified by the CAB as those with English as a second language, on low pay and or those with mental health conditions there was seen to be a clear equalities justification. Extending licensing across the entire private rental sector, rather than simply on HMOs would also have the benefit of closing loopholes which allowed landlords and agents deemed unfit to provide HMO accommodation still able to let within the wider private rented market instead.
6. Other important messages were raised in relation to the importance of transparency, and the value for tenants of being able to look up on a database whether their property was licensed.
7. From the landlord side, an important point to note was that there was a recognition within the professional sector that licensing had been successful in raising standards in the HMO sector. Support was given to the proposals for discounts, though it was requested that there be greater clarity on the unit cost of providing the licensing service. An area of potential collaboration between letting agents and the Council was in regards to compliance, and whether there may be a role for lettings agents to be responsible for checking and guaranteeing compliance for the properties on their books, with the Council needing only to spot check a proportion of such properties.

8. Following these presentations, Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery, introduced the report. It was underlined that plans for small geographical exemptions were not the Council's preferred choice, but were included in the proposals because central government had not clarified whether it did or did not support a whole-City scheme. The need for wide-reaching publicity was also recognised, both to landlords so as to ensure compliance, but also to tenants and those in the shadow rental market in order to provide awareness of their rights as a tenant. Good landlords would have nothing to fear and indeed would be protected under the new scheme from bad landlords undercutting them on the back of poor rental standards. The danger of entrepreneurial bureaucracy was recognised, but assurance was provided that the scheme had been designed precisely so as to raise standards amongst non-compliant properties or prevent such properties from being rented.
9. Ian Wright, Head of Regulatory Services and Community Safety, introduced the technical aspects of the report. Having previously intervened to raise standards in the private rented sector through HMO licensing the Council was in a strong position to extend licensing further, having learnt a lot of lessons. Licensing had proven the most effective way of raising rental standards compared to the other options available to the Council. Selective licensing would close regulatory gaps and loopholes owing to the fact all privately rented properties would require a license, and the Council's experience in identifying unlicensed HMO properties (an area in which Oxford is notably strong) would be of significant benefit in enforcing compliance against unwilling landlords.
10. Being a regulatory intervention requiring government approval the proposals for selective licensing had to be designed in order to ensure government requirements were met. The Council had commissioned external consultants to assess the need. Their report showed every ward in the City had over 20% of privately rented homes, and that one in four privately rented homes were estimated to have a serious hazard, demonstrating by reference to the government's criteria a need for the proposed selective licensing scheme.
11. A key strength of the proposals was the addition of conditions to the license, which would give the Council greater powers. HMO landlords, for example, who failed the fit and proper person test, or who lost their license, would no longer be able to default into the private rented sector as they would be unable to meet the new licensing conditions. Licensing conditions would also extend to lettings agents, giving the Council greater power over problem-agencies. Other benefits would include giving the Council power to pressure landlords over their management of anti-social or criminal behaviour at their properties, and the management of waste which, hitherto, had been an area where the Council had struggled.
12. The standard fee of £480 was deemed to be reasonable in itself. However, the Council was also providing a series of discounts which would reduce the cost further. The early-bird discount, for example, would reduce the cost of the license to £400 for a five year license, working out to £6.67 a month – a far from

onerous sum. The discount scheme was a clear effort to place the costs of the scheme where they primarily arose, chasing and taking enforcement action against non-compliant landlords, rather than penalising those who were compliant.

13. Inspections of properties would, due to the scale of the scheme, not be undertaken prior to the granting of a license but would be undertaken at least once within the five year license period. Complaints from tenants would increase that number.
14. On advice from other councils which had implemented similar schemes the consultation was being undertaken by an external company, which would provide greater assurance to participants of its impartiality. The consultation is legally mandated to run for at least ten weeks. Covid evidently presented challenges, and indeed had delayed the Council's initial plans for consultation in April, but officers were working with the consultants to deliver a consultation that effectively reached out to all stakeholder groups. Criticisms of previous consultations elsewhere had been that they had focused too heavily on hearing the views of landlords, and that tenants and the wider community's views were marginalised. Responses to consultation would inform next steps.
15. Ultimately, the decision whether to give permission for the scheme lay with central government. There is no statutory timescale for decision-making, but typically a response is given within three to six months. Assuming permission was given and the Council proceeded with the scheme, there would be a requirement to run a three month awareness raising and publicity exercise.
16. In response to the report presented, the Committee sought clarification over issues including:
 - the responsibilities on landlords of the antisocial behaviour of their tenants
 - whether licenses were of the landlord or of the property and the financial implications arising from that
 - the efforts being made by the Council to engage in consultation those groups impacted by low housing standards but unlikely to come forward, in particular those in insecure accommodation and non-English speakers
 - Council staff's interaction with non-English speaking landlords
 - the potential to outlaw 'no DSS' policies through licensing conditions
17. The Panel wishes strongly to commend the overall proposals. It does make one recommendation relating to the Council's consultation and engagement and the Council's plans to ensure the voices of vulnerable stakeholders are heard.

Engaging Vulnerable Stakeholders

18. Feedback from both Panel members and invited guests was very clear that there is a systemic power imbalance between the situations of landlords and tenants when discussing housing related issues. Those tenants least well served by landlords are at the same time the most in need of the changes selective licensing proposals seek to induce, and the least likely to be heard. Feedback from the CAB highlighted the possibility not only of formal revenge-evictions, but lower-level harassment and intimidation of tenants for crossing their landlords. Owing to this, without corrective action the response to the Council's consultation is likely to have an under-representation of tenant voices, particularly amongst vulnerable tenants in the shadow rental market and those with the lowest housing standards. As referenced above in this report, many of the most precariously housed tenants are non-English speakers, which creates a further barrier to their experiences being formally expressed, and therefore acted upon. It is the Panel's concern that the Council proactively take necessary action to correct this imbalance to ensure that the views of the City's most vulnerable tenants are not overlooked.

Recommendation 1: That the Council is mindful of the challenges to hearing the views of vulnerable tenants – those in dangerous accommodation, pseudo-tenancies and non-English speakers in particular – and that it adapts its approach to consultation to ensure their views are not overlooked.

Further Consideration

19. This is a topic with a high degree of interest for Scrutiny. It is anticipated that timing-dependent, the Housing and Homelessness Panel or main Scrutiny Committee will wish to hear the results of the consultation and any proposed changes made.

Report author	Tom Hudson
Job title	Scrutiny Officer
Service area or department	Law and Governance
Telephone	01865 252191
e-mail	thudson@oxford.gov.uk

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

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

<i>Recommendation</i>	<i>Agree?</i>	<i>Comment</i>
<p>1) That the Council is mindful of the challenges to hearing the views of vulnerable tenants – those in dangerous accommodation and non-English speakers in particular – and that it adapts its approach to consultation to ensure their views are not overlooked.</p>	<p>Yes</p>	<p>As identified at the panel it is important that the Council hears the views of those tenants living in the private rented sector. Officers in Regulatory Services have been in contact with colleagues across the council to obtain contact details from the voluntary sector and other organisations in the city who provide support for private tenants either directly or indirectly. The list of contacts who will be contacted to advise them about the consultation, is far reaching and includes organisations such as Asylum Welcome, Open Door, the CAB, Connection Floating Support and Oxford Food Bank. We will also engage with the Oxford Tenants Union and Acorn who represent private rented sector tenants. Private sector tenants who contact our Tenancy Relations service for help and advice will be advised of the consultation and given details of how to take part. The consultation will be advertised via social media and other press communications and respondents will be encouraged to complete a questionnaire via the Council’s website which has a translation facility. Members also have a key role to play in forwarding details of the consultation to their constituents and networks in the City to have their say and encouraging them to advise their friends and communities to contribute.</p>