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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Executive

Date: Monday 5 July 2021

Time: 6.30 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership:

**Councillor Barry Wood
(Chairman)**

Councillor Phil Chapman

Councillor Tony Illott

Councillor Richard Mould

Councillor Dan Sames

Councillor Ian Corkin (Vice-Chairman)

Councillor Colin Clarke

Councillor Andrew McHugh

Councillor Lynn Pratt

Councillor Lucinda Wing

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

3. Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

4. Minutes (Pages 7 - 18)

To confirm as a correct record the Minutes of the meeting held on 7 June 2021.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. Changes to the Waste Collection Service (Pages 19 - 36)

Report of Assistant Director Environmental Services

Purpose of report

The purpose of this report is to update the Executive on the proposed changes to the Waste Collection Service commencing from autumn 2021

Recommendations

The meeting is recommended:

- 1.1 To approve the policies relating to separate food waste collection & chargeable garden waste (Appendix 1).
- 1.2 To approve the proposed rollout plan for the introduction of separate food waste collection and chargeable garden waste (Appendix 2).
- 1.3 To approve the proposed charges for the garden waste collection service (Appendix 3).

8. Revised Housing Standards Enforcement Policy (Pages 37 - 88)

Report of Assistant Director Housing and Social Care Commissioning

Purpose of report

The report sets out an updated and extended policy to be adopted in relation to the regulation and enforcement of housing standards.

Recommendations

The meeting is recommended to :

- 1.1 Approve the Housing Standards Enforcement Policy 2021 for adoption by the Council.

9. Oxfordshire's Homelessness and Rough Sleeping Strategy 2021-26 (Pages 89 - 114)

Report of Assistant Director Housing and Social Care Commissioning

Purpose of Report

To set out the Oxfordshire Wide Homelessness and Rough Sleeping Strategy 2021-26 and Action Plan for approval by the Executive, recognising that Cherwell District

Council is a key partner in preventing and resolving homelessness and in supporting systems change county wide. In approving the Strategy, Cherwell District Council agrees to play a key role in delivering the vision, priorities and actions identified.

Recommendations

The meeting is recommended:

- 1.1 To approve Oxfordshire's Homelessness and Rough Sleeping Strategy 2021-26 and the supporting Action Plan.

10. Public Sector Decarbonisation Scheme (PSDS) (Pages 115 - 122)

Report of Assistant Director Property, Investment and Contract Management

Purpose of report

To update the Executive on the outcome of the bid that Cherwell District Council (CDC) has submitted for energy efficiency capital works (non-repayable government grants) and, as a result, to seek approval for CDC to proceed with its proposed programme of capital works. The funding body (Salix) has confirmed that CDC's funding application has been rewarded to the amount of £5.986m out of the £6m bid.

Recommendations

The meeting is recommended:

- 1.1 To note the outcome of the bids that Cherwell District Council has submitted for energy efficient capital works (non-repayable Government Grants).
- 1.2 To approve Cherwell District Council (CDC) progressing its own Public Sector Decarbonisation Scheme capital works programme in line with the grant award to CDC.

11. Revised Statement of Community Involvement (Planning) (Pages 123 - 172)

Report of Assistant Director – Planning and Development

Purpose of report

To seek approval of a consultation draft of a Statement of Community Involvement (SCI) for the Council's planning services.

Recommendations

The meeting is recommended:

- 1.1 To approve the draft Statement of Community Involvement (SCI) at Appendix 1 for public consultation.

- 1.2 To authorise the Assistant Director - Planning and Development to make any changes he considers to be minor and/or presentational to the draft Statement of Community Involvement prior to the consultation and to determine the format of publication.

12. **COVID-19: Progress and Planning Update** (Pages 173 - 208)

Report of Chief Executive

Purpose of report

To summarise the current state of the pandemic in Cherwell and Oxfordshire, describe the management and operational response arrangements in place, give an update on the status of Council services and the resource impact of COVID-19, and set out the approach for further recovery and renewal planning.

Recommendations

The meeting is recommended to:

- 1.1 Note the latest public health situation with regard to COVID-19, the management arrangements in place and the resource impact of the pandemic as set out in this report.
- 1.2 Note the joint Oxfordshire County Council and Cherwell District Council programme of activity underway that continues to respond and adapt to the pandemic as set out in Appendix 1.
- 1.3 Note the summary of COVID-19 service impact set out in Appendix 2.
- 1.4 Note the plans set out from paragraph 3.26 for recovery planning and for further understanding the lessons learnt for the organisation from the pandemic and agree that a programme of engagement with the Overview and Scrutiny Committee, all council members and key partners should be developed in consultation with the Leader and Chair of the Overview and Scrutiny Committee.

13. **Monthly Performance, Risk and Finance Monitoring Report - April and May 2021**

** Please note this report will follow as it is currently being reviewed and finalised **

Report of Director of Finance and Head of Insight and Corporate Programmes

Purpose of report

This report summarises the Council's Performance, Risk and Finance monitoring positions as at the end of May 2021, covering the first two months of the financial year.

14. Graven Hill Village Development Company (Dev Co) - Creation of Additional Companies

** Please note this report will follow as it is currently being reviewed and finalised **

Report of Shareholder Representative

15. Graven Hill Village Development Company (Dev Co) - Request for s278 works bond relating to land at A41 Pioneer Roundabout

** Please note that this report will follow as it is currently being reviewed and finalised **

Report of the Shareholder Representative

16. Exclusion of the Press and Public

The following item contains exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members are reminded that whilst the following item has been marked as exempt, it is for the meeting to decide whether or not to consider it in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

No representations have been received from the public requesting that this item be considered in public.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provision of Schedule 12A, Part 1, Paragraph 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

17. Graven Hill Village Development Company (Dev Co) - Request for s278 works bond relating to land at A41 Pioneer Roundabout - Exempt Schedule

** Please note that this will follow as the report is being reviewed and finalised **

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221589 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

This agenda constitutes the 5 day notice required by Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in terms of the intention to consider an item of business in private.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Watching Meetings

Please note that Council meetings are currently taking place in person (not virtually) with social distancing at the meeting. Meetings will continue to be webcast and individuals who wish to view meetings are strongly encouraged to watch the webcast to minimise the risk of COVID-19 infection.

Places to watch meetings in person are very limited due to social distancing requirements. If you wish to attend the meeting in person, you must contact the Democratic and Elections Team democracy@cherwell-dc.gov.uk who will advise if your request can be accommodated and of the detailed COVID-19 safety requirements for all attendees.

Please note that in line with Government guidance, all meeting attendees are strongly encouraged to take a lateral flow test in advance of the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Natasha Clark, Democratic and Elections democracy@cherwell-dc.gov.uk,
01295 221589

Yvonne Rees
Chief Executive

Published on Friday 25 June 2021

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Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 7 June 2021 at 6.30 pm

Present:

Councillor Barry Wood (Chairman), Leader of the Council
Councillor Ian Corkin (Vice-Chairman), Deputy Leader of the Council and Lead Member for Customers and Transformation
Councillor Phil Chapman, Lead Member for Leisure and Sport
Councillor Colin Clarke, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Financial Management and Governance
Councillor Andrew McHugh, Lead Member for Health and Wellbeing
Councillor Richard Mould, Lead Member for Performance
Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property
Councillor Dan Sames, Lead Member for Clean and Green
Councillor Lucinda Wing, Lead Member for Housing

Also Present:

Councillor Sean Woodcock, Leader of the Labour Group
Councillor John Broad, for agenda item 6

Officers:

Yvonne Rees, Chief Executive
Bill Cotton, Corporate Director Environment and Place
Steve Jorden, Corporate Director Commercial Development, Assets & Investment
Claire Taylor, Corporate Director Customers and Organisational Development
Lorna Baxter, Director of Finance & Section 151 Officer
Anita Bradley, Director Law and Governance & Monitoring Officer
Robert Jolley, Assistant Director: Growth & Economy
Ed Potter, Assistant Director: Environmental Services
Louise Tustian, Head of Insight and Corporate Programmes
Natasha Clark, Governance and Elections Manager

1 **Declarations of Interest**

10. Appointment of Shareholder Committee for the municipal year 2021/2022. Councillor Dan Sames, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

16. Graven Hill Update.

Councillor Dan Sames, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a CDC appointed non-Executive Director on Graven Hill Management Company and Graven Hill Development Company and would leave the meeting for the duration of the item.

2 Petitions and Requests to Address the Meeting

There were no petitions.

The Chairman advised the meeting that he had agreed to Councillor Broad addressing the meeting at item 6, Car Parking.

3 Minutes

The minutes of the meeting held on 6 April 2021 were agreed as a correct record and signed by the Chairman.

4 Chairman's Announcements

There were no Chairman's announcements.

5 Car Parking

The Assistant Director Environmental Services submitted a report which updated the Executive on the Car Parking Strategy & Action Plan and proposed new car parking charges to be implemented by August 2021.

At the discretion of the Chairman, Councillor Broad addressed Executive, in relation to motorcycle parking and requested that proper secure parking be provided for motorcycles in the future.

In response to Councillor Broad's address, the Chairman and Lead Member for Clean and Green confirmed that this was an area that could be looked at going forward.

Resolved

- (1) That the progress on delivery of the car parking strategy and action plan be noted.
- (2) That changing Bolton Road car park to a short stay car park once Cherwell Drive long stay car park is completed be approved.
- (3) That the change of Chapel Brook car park to a long stay car park be approved.
- (4) That it be approved to increase car park charges by August 2021 (Annex to the Minutes as set out in the Minute Book).
- (5) That the progress on the move to Civil Parking Enforcement be noted.

Reasons

The Car Parking Strategy and the associated action plan has been developed with the input of elected members and other key stakeholders. The strategy was approved last autumn and the action plan is regularly reviewed & updated

The number of pay on exit car parks are gradually increasing, Civil Parking Enforcement will be implemented in late 2021 and electric charging facilities are starting to be installed. The charges in car parks have been reviewed and are below comparable nearby towns

The recommended changes in charges brings the charges in line with towns in the neighbouring areas. This change if it had been implemented from April 2021 would have raised £400k during 2021/22. The proposed change during July will generate around £260k in 2021/22 and £400k in 2022/23 subject to car parking numbers recovering after the pandemic. To achieve higher levels of increased income in 2021/22 would require steeper rises in charges which would move parking charges above some neighbouring towns and even some other existing providers in the district.

Alternative options

Option 1: To adopt the recommendations.

Option 2: To reject the recommendations and to ask officers to review matters including the revised parking charging levels

6 Oxfordshire Economic Recovery Plan

The Assistant Director - Growth and Economy submitted a report for the Executive to formally support and endorse the Oxfordshire Economic Recovery Plan (ERP).

In considering the report, Members requested that an All Member workshop be arranged at the appropriate time to enable Members to have input into the emerging Recovery and Prosperity Strategy for Cherwell.

Resolved

- (1) That the Oxfordshire Economic Recovery Plan be supported and endorsed.
- (2) That officers be requested to ensure that key elements of the Economic Recovery Plan are incorporated into the emerging Recovery and Prosperity Strategy for Cherwell (formerly the Cherwell Industrial Strategy) and it be noted it will incorporate key projects such as job fairs as part of a comprehensive response to the District's economic recovery from the pandemic.

Reasons

The publication of the Economic Recovery Plan (ERP) is welcomed as a positive response to tackling the serious detrimental impact of COVID-19 on the Oxfordshire economy.

The request to HM Government for £437m is a positive and ambitious one; realistically, the chances of achieving this level of funding are unlikely but even a fraction of this will be a good achievement. The critical thing is how the funding which is attracted is invested. The ERP Action Plan and the Recovery and Prosperity Strategy for Cherwell will set out the various projects and activities required to help deliver economic recovery.

Alternative options

Option 1: To do nothing and not participate in the development of the ERP. This was rejected because the economic impact of COVID-19 was so great that positive action was needed. It was not realistic.

Option 2: To go it alone – this was rejected because HM Government had asked LEPs to lead on developing Economic Recovery Plans not tier 2 local authorities.

7 Monthly Performance, Risk and Finance Monitoring Report

The Director of Finance and Head of Insight and Corporate Programmes submitted a report which summarised the Council's performance, risk and finance monitoring positions as at the end of March 2021.

Resolved

- (1) That the monthly Performance, Risk and Finance Monitoring report be noted.

- (2) That the Annual Performance Report 2020/21 (annex to the Minutes as set out in the Minute Book) be noted.

Reasons

The Council is committed to performance, risk and budget management and reviews progress against its corporate priorities on a monthly basis.

This report provides an update on progress made during March 2021 and also reflects on the past 12 months in delivering the Council's priorities through reporting on Performance, the Leadership Risk Register and providing an update on the financial position.

Alternative options

Option 1: This report illustrates the Council's performance against the 2020-21 business plan. As this is a monitoring report, no further options have been considered. However, Members may wish to request that officers provide additional information.

8 Appointments to Outside Bodies and Member Champions 2021/2022

The Director of Law and Governance submitted a report to appoint representatives to Partnerships and Outside Bodies and Member Champions where these are executive functions, for the municipal year 2021/2022.

Resolved

- (1) That appointments to partnerships, outside bodies, Member Champions and advisory groups for 2021/2022 be made and ceased as set out in the annex to the Minutes (as set out in the Minute Book).
- (2) That authority be delegated to the Director of Law and Governance, in consultation with the Leader of the Council, to appoint Members to any outstanding vacancies and make changes to appointments as may be required for the 2021/2022 Municipal Year.
- (3) That the Director of Law and Governance be requested to undertake a review of the Member Champion terms of reference and areas appointed to.

Reasons

It is proposed that representatives are appointed to Partnerships, Outside Bodies and as Member Champions to ensure that the Council is represented and maintains links with partnerships and outside bodies.

Delegation to the Director of Law and Governance in consultation with the Leader provides flexibility for the remainder of the Municipal Year to appoint to

any outstanding vacancies, or if amendments are required to any appointments, and ensures they are made in a timely manner.

A review of the Member Champions roles and appointments will ensure that the function remains fit for purpose.

Alternative options

Option 1: Not to appoint representatives to outside bodies, partnerships and as Member Champions. This is not recommended as the internal working groups would be ineffective and the Council would not be represented on these outside bodies and could miss valuable information and opportunities.

9 Appointment of Shareholder Committee for the municipal year 2021/2022

Executive considered appointments to the Shareholder Committee, a sub-committee of Executive, for 2021/2022.

Resolved

- (1) That Councillors Ilott, Wing and Wood be appointed to the Shareholder Committee for 2021/2022.

Reasons

The Shareholder Committee is a sub-committee of Executive comprising three Executive members. The membership of the Shareholder Committee in 2020/21 was Councillors Wood, Ilott, Donaldson. As Councillor Donaldson is no longer on Executive, it is necessary for Executive to confirm the membership of the Shareholder Committee for 2021/2022.

Alternative options

Option 1: Not to appoint to the Shareholder Committee. This is not recommended as the Committee would not be able to fulfil its functions.

10 Notification of Decision taken by the Corporate Director - Environment & Place under Urgency Powers: Weston-on-the Green Neighbourhood Plan

The Assistant Director – Planning & Development submitted a report which informed the Executive of a decision taken under urgency powers by the Corporate Director – Environment & Place regarding the Weston-on-the-Green Neighbourhood Plan.

Resolved

- (1) That the urgent decision taken by the Corporate Director – Environment and Place regarding the Weston-on-the-Green Neighbourhood Plan be noted.

Reasons

In line with the Constitution this report is informing Executive of a decision that was taken by the Corporate Director – Environment & Place under urgency powers.

Alternative options

There are no alternative options as this report is submitted in line with the Constitution to inform Executive of a decision that was taken by the Corporate Director – Environment & Place under urgency powers.

11 Notification of Decision taken by the Corporate Director - Environment and Place under Urgency Powers - Garden Town Government Grant Programme

The Corporate Director - Environment and Place submitted a report which informed the Executive of a decision taken under urgency powers by the Corporate Director - Environment and Place regarding the Garden Town Government grant programme.

Resolved

- (1) That the urgent decision taken by the Corporate Director - Environment and Place regarding the Garden Town Government grant programme be noted.

Reasons

Due to the urgency of the Government wanting the funding to be provided and spent in 2020/21 it was not possible to wait for the next Executive meeting for a decision to progress these proposals. The schemes already had tacit approval as phase 1 is included in the 2020/21 capital programme. Including the schemes in the 2020/21 capital programme provided the necessary authority to spend the funding by 31 March 2021.

Alternative options

There are no alternative options as this report is submitted in line with the Constitution to inform Executive of a decision that was taken by the Corporate Director – Environment & Place under urgency powers.

12 Urgent Business

There were no items of urgent business.

13 **Exclusion of the Press and Public**

Resolved

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 1 and 3 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14 **Summary of Bad Debt Write Offs**

The Director of Finance submitted an exempt report which provided a summary of the accounts proposed for write-offs and requested approval for the write-offs.

Resolved

- (1) That, having given due consideration, the proposed bad debt write offs recommended for write-off relating to Business Rates be approved.
- (2) That, having given due consideration, the proposed bad debt write offs recommended for write-off relating to other sundry debts be approved.
- (3) That, having due consideration, the proposed bad debt write offs recommended for write-off relating to Housing Benefit Overpayments be approved.

Reasons

There are certain circumstances where it is practically or legally impossible to collect outstanding debts due to the Council. The Council's financial procedure rules require that recommended write offs with an outstanding balance of £5,000 and above for Council Tax, Overpayment of Housing Benefit or Sundry Debtors, and £10,000 and above for Non- Domestic Rates must be approved by the Executive.

Alternative options

Option One: Not to agree the recommendations. This is not recommended as it is good practice to write off any irrecoverable debts on a regular basis.

15 **Graven Hill Update**

The Corporate Director – Commercial Development, Asset and Investment submitted an exempt report which updated Executive in relation to the

decision, in relation to Graven Hill, taken under urgency powers by the Corporate Director – Commercial Development, Asset and Investment on 16 February 2021 and reported to the Executive on 1 March 2021.

Resolved

- (1) That an update to the urgent exempt decision taken on 16 February by the Corporate Director – Commercial Development, Assets and Investment as detailed in the exempt Minutes be noted.

Reasons

In accordance with the Constitution, this report is being submitted to the Executive advising of the change to the previously reported arrangements, as detailed in the exempt Minutes.

Alternative options

Option 1: Not to note the report. This is not recommended as the action has been taken and it is a constitutional requirement for it to be reported to the Executive

The meeting ended at 7.25 pm

Chairman:

Date:

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Cherwell District Council

Executive

5 July 2021

Changes to the Waste Collection Service

Report of Assistant Director Environmental Services

This report is public

Purpose of report

The purpose of this report is to update the Executive on the proposed changes to the Waste Collection Service commencing from autumn 2021

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the policies relating to separate food waste collection & chargeable garden waste (Appendix 1).
- 1.2 To approve the proposed rollout plan for the introduction of separate food waste collection and chargeable garden waste (Appendix 2).
- 1.3 To approve the proposed charges for the garden waste collection service (Appendix 3).

2.0 Introduction

- 2.1 In the budget for 2021/22, which was approved in February 2021, the introduction of separate food waste and the move to chargeable garden waste was set out.
- 2.2 This is a major change to the waste collection service which moved to its current format in 2010. The aim of the changes will bring many benefits including increases in the amount of food waste being recycled, reduction in the amount of waste going to the Energy from Waste plant at Ardley and bringing customer benefits including food waste being taken away on a weekly basis.
- 2.3 Food waste is an expensive material to collect so moving to a weekly collection of food waste will require nine additional vehicles, extra staff and will increase operating costs by around £850k/year.

- 2.4 Around 2500- 3000 tonnes of additional food waste which is currently in the green bins will be collected. This along with food waste which is currently in the brown bin will mean around 6000 tonnes of food waste will be composted and be used to generate 'green' electricity. This change should increase the recycling rate to around 60% in 2022/23.
- 2.5 The brown bin was initially for the collection of garden waste but since 2010 the brown bin has contained a mixture of food waste & garden waste. This is treated at an in vessel composting (IVC) plant near Ardley, no electricity is produced in this aerobic process but the output is a soil improver for surrounding fields.
- 2.6 The removal of food waste from the brown bin following the introduction of separate food waste collections will mean the brown bin will only contain garden waste. Increasingly councils charge for this service. Currently over two thirds of councils across the country charge. In Oxfordshire, all other councils make a charge for the garden waste service. The charges for 2021/ 22 are as follows
- Oxford City £57/year
 - South Oxfordshire £51.50/year
 - Vale of White Horse £51.50/year
 - West Oxfordshire £35/year
- 2.7 The aim is to introduce a reasonable charge for those wanting to use a garden waste collection. This will mean that those properties which want to use the service will be pay a good value and competitive charge. This new charging service will be introduced late in 2021/22 so that residents can make full use of the service from the early spring in 2022.

3.0 Report Details

- 3.1 Cherwell District Council provides a high quality waste collection service to all 70,000 properties. The service has a green bin for residual waste which is collected one week and on the other week a blue bin for comingled dry recyclables and a brown bin for garden waste & food waste is collected. The service has remained largely unchanged apart from the introduction of battery collections (residents put them in a clear bag on top of their bins) and small electrical appliances such as kettles, toasters & irons (in a carrier bin also on top of their bin) since 2010. Over the last few years, the recycling rate has fluctuated between 55% -57%
- 3.2 Of the waste remaining in the residual waste the largest proportion is food waste. By moving to a weekly collection of food waste the amount of food waste recycled will increase and the overall waste in the residual waste bin will be reduced. Many other authorities operate a weekly separate food waste collection service. Changes in legislation due to be implemented in the Environment Bill will mean the Council would have to move to introducing separate food waste by 2023. Hence the Council is introducing a new service ahead of legislative change. Food waste is expensive to collect but since food waste can be treated to produce gas and then electricity the disposal cost is much lower than the costs of using the Energy from Waste facility at Ardley. The increase in costs from launching separate food waste fall to this Council but the reduction in disposal costs benefit the County Council.

- 3.3 To launch separate food waste collections households will receive a new 23 litre food waste container which should be stored outside the house. The householder should store food waste indoors in their existing smaller 7 litre caddy and empty that into the external 23 litre caddy. The 23 litre caddy should be placed outside for collection each week along with other bins. The caddy will be silver in colour and a handle which has a locking position, so animals cannot access the caddy.
- 3.4 To collect food waste requires eight additional rounds each with a specialist vehicle. The vehicles should start to be delivered during late September and into the autumn. Some preparation work has been required at each depot due to new space requirements to ensure these vehicles can safely be accommodated.
- 3.5 The roll out of food waste collection will commence in October in eight tranches. By early January the whole district will have a weekly food waste collection. For each area moving over to food waste collections a new 23 caddy will be delivered with the relevant information to operate the new system. The first collections will then commence the following week. The proposed rollout plan is set out in Appendix 2
- 3.6 The introduction of separate food waste collections should take the recycling rate in 2022/23 to around 60%. It will mean that food waste will be collected from the customer on a weekly basis for recycling. Once separate food waste has commenced householders must not put food waste in the brown bin, the brown bin will be for garden waste only.
- 3.7 The three months to rollout food waste will mean the change in service will be gradual and any customer concerns or queries can quickly be addressed. It is important that householders minimise food waste but for any the food waste produced it is recycled to produce the lowest impact on the environment.
- 3.8 The brown bin service will change to a chargeable service. Residents will have to pay an annual charge for each brown bin. Currently around 65-70% of council's charge for the garden waste service with all other councils in Oxfordshire charging. The charge will be at £40/year (Average across councils nationally is £51/year) during 2022/23 but if householders decide to purchase the service before 01 February 2022 the charge will be £36/year. The service will be for 12 months from the date residents signed up to the service. Hence anyone signing up on 31 January 2022 will have a service until 31 January 2023 Plans are also being developed so that households may possibly be able to set up a direct debit.
- 3.9 For households which want more than one brown bin, more bins can be supplied at a small discount. The proposed prices for the service are set out in Appendix 3. Households will receive a licence to fit on their bin once they have paid and the collection staff will only empty brown bins with a licence attached from 01 February 2022.
- 3.10 Households will be expected to use their existing brown bin for the new revised garden waste service. If households do not want to use the new service, they can ask for their brown bin to be removed but only after June 2022. Customers can retain their brown bin even if they do not wish to use the new service, however the bin will not be emptied unless a garden waste licence is attached.

- 3.11 The current brown bin service will continue until the first two weeks in January. At that point all properties will be receiving the new separate food waste collection service and the Christmas trees left out will have been collected. The service will recommence as a paid for service from 01 February 2022.
- 3.12 The proposed changes to the overall waste collection will be significant and customer interest in these changes is likely to be high. The new food waste collection service will take away any food waste on a weekly basis. The renewed garden waste service will still be on a frequency of a two weekly service but it will charge those who want the service a competitive charge which is much lower than many councils both in Oxfordshire & beyond. The proposed policies for the two schemes are set out in Appendix 1
- 3.13 These changes are likely to be the first in a number of potential changes which will result from the government's new Waste Strategy. Changes will result from new requirement which will include Deposit Return Scheme (DRS), Extended Producer Responsibility (EPR) & Consistency of Collection. These changes have been out for consultation and the government's decisions will become clearer later in the year. The possible implications are set out below:
- Deposit Return Scheme (DRS) – a deposit scheme where a 20p deposit is placed on drinks containers including cans, plastic & glass bottles. The 20p is refunded when the drinks containers are returned.
 - Extended Producer Responsibility (EPR) – a scheme which puts the costs of collecting & recycling or disposing of packaging onto the producers of the packaging. Currently packaging companies pick up 15% of the costs with the rest falling on local authorities. The new arrangements aim to put 100% onto the producers to encourage minimisation and innovation to ensure less packaging is used and that which is used is easy to recycle
 - Consistency of collection – all local authorities will collect in a similar manner with the same materials being collected. It is unlikely to include changing the colours of wheeled bins but wherever in the country people visit, very similar schemes will exist.
- 3.14 The earliest date of any of the changes brought about from the government's waste strategy is October 2023. However, the proposed changes regarding introducing separate food waste & chargeable garden waste are not at odds with future possible changes. Any new costs from introducing changes resulting from the new waste strategy are classed as new burdens and the government has indicated a willingness to fund them.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The changes to the Waste & Recycling will be significant and should increase the recycling rate to around 60% in 2022/23. The costs for this new scheme are significant.
- 4.2 Charging for garden waste will cover the costs of garden waste collection and will generate sufficient income to pay back the capital costs needed for this change. Those households who use the garden waste service will pay for the use of the

service. There may be some initial resistance to the charges however, all other Oxfordshire authorities have been paying for garden waste service for several years.

5.0 Consultation

Public Consultation to the Business proposal to review charges in 2021
Oxfordshire County Council
Oxfordshire Resources & Waste Partnership

6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To adopt the recommendations which will lead to a higher recycling rate with the introduction of separate food waste and a revised garden waste service.

Option 2: To ask officers to reconsider the proposed charges and/or amend the proposed policies but any significant delays are likely to increase the cost of the service changes

7.0 Implications

7.1 Financial and Resource Implications

The waste collection budget is in excess of £3.5 million/year and there has been a net increase in the waste revenue budget of £115k in 21/22 to recognise the increased costs associated with implementation. In addition to purchase the vehicles & the caddies a £1.2 million capital budget was added to the capital programme in 21/22. In 22/23 there will be a net financial benefit to waste collections costs from the income from chargeable garden waste which will make a contribution to cover the costs of delivering the garden waste collection service and help repaying the significant capital investment.

Comments checked by
Karen Dickson, Strategic Business Partner 01295 221900
karen.dickson@cherwell-dc.gov.uk

Legal Implications

7.2 The Council is legally able to charge for collection of garden waste. The policies and terms associated with the chargeable garden waste have been considered by the legal team.

Comments checked by:
Richard Hawtin, Team Leader: Non-contentious, Email: richard.hawtin@cherwell-dc.gov.uk, Telephone: 01295 221695

Risk Implications

- 7.3 Waste Collection is a service used by all residential properties and is a high profile service. Changes to the existing service need to be carefully managed to ensure customer satisfaction levels remain at high levels. There are risks associated with the delivery of the scheme including staff recruitment, IT systems and communication of the change of service to the community. These risks are actively monitored and the mitigations implemented are managed as part of the services operational risk register and escalated to the leadership risk register when necessary.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786, Louise.Tustian@cherwell-dc.gov.uk

Equalities & Climate Implications

- 7.4 An equalities and climate impact assessment has been carried out on the proposed changes. The changes have no negative impacts with support available for those with mobility issues that have difficulty moving waste containers.

Collecting food waste and diverting food waste from the residual waste bin to produce compost and renewable electricity is beneficial to the environment. The new separate food waste service should further enhance the overall recycling rate

Comments checked by:

Emily Schofield, Acting Head of Strategy, Emily.schofield@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: Yes

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Leading in Environmental Sustainability

Lead Councillor

Councillor Dan Sames Lead Member for Clean & Green

Document Information

Appendix number and title

- Appendix 1 - Garden waste & Food waste Policies
- Appendix 2 - Proposed rollout plan
- Appendix 3 - Garden waste scheme charges

Background papers

None

Report Author and contact details

Ed Potter, Assistant Director Environmental Services, 0300 003 0105
ed.potter@cherwell-dc.gov.uk

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Appendix 1

Introduction

1. In this document “we”, “us” and “our” mean Cherwell District Council and “you” means the person who has asked or agreed to receive the garden waste subscription service.
2. These are the terms and conditions of the agreement between us and you for the provision of the garden waste subscription service.
3. The headings in this document are for ease of reading only and have no legal effect

What the service covers

1. The garden waste subscription service is a service provided by us to households. Non-domestic waste, such as that from businesses, cannot be part of the service.
2. We will collect garden waste from you normally once every two weeks.
3. The garden waste subscription service can only be provided in regard to properties located within the Cherwell District Council boundaries.

Subscribing

1. Each subscription will start on the 1st of the month you subscribe for 12 months and run until the day before this the following year. This is called the subscription period, which is for our financial year.
2. By subscribing to the service, you are complying with your duty of care for the removal of garden waste in accordance with Section 34 of the Environmental Protection Act 1990.
3. The charge for each subscription period will be published on our website. There are no discounts or concessions.
4. The subscription charge is for each wheeled bin/sacks and collected every two weeks. This service operates from Tuesday to Friday across 52 weeks of the year.
5. We reserve the right to postpone service over the Christmas, New Year and Bank Holiday periods and we will publicise all of the relevant rescheduled collection details on our website.
6. We reserve the right to change collection days. In this event, we will publicise all of the relevant rescheduled collection details on our website.
7. Payment for each subscription period must be made before the service will be provided.
8. Payments can be made online or through contacting customer services with a debit and credit card or via six monthly/annually direct debits.
9. If payment is not received on or prior to the expiration of the current subscription, we will assume that you no longer require the Service and the service will be withdrawn.

10. The annual subscription fee will be reviewed annually in accordance with our fees and charges policy.
11. On the expiry of each 12 month Service period your subscription will automatically be renewed and the appropriate payment will be taken for a further 12 month period unless you have given notice to us to terminate the subscription no less than a month prior to the renewal date.
12. Once you have subscribed the service will start from your next scheduled collection (after the subscription period has begun). We will not collect your waste if you subscribe on your scheduled collection day.
13. If you wish to leave the service at any time please contact us online or call 01295 227003. No refunds will be given for leaving the service.
14. Where we have ceased provision of the Service to you as a result of any non-payment of a relevant Service subscription, you may apply to restart the Service (subject always to our discretion) but the subscription will be treated as a new customer.
15. If you move to an address within Cherwell District area you may transfer your subscription to the new address. You are responsible for taking your wheeled bin/sacks to the new subscription address. Please contact us to transfer your subscription to your new subscription address. We need a minimum of one months' notice.
16. If you move to an address out of the Cherwell District Council area, you cannot take your subscription with you. You can leave your bin and remaining subscription for those moving into your property. No refunds will be given for leaving the service. You must also contact us to cancel the service.
17. Any other changes to your circumstances including name, bank account, and email address should be reported to us as soon as possible.
18. More than one wheeled bin may be requested for a reduced charge if a property has already purchased a license for their address. Please refer to our website for recent prices. The provision of multiple license's will be subject to checks to establish that the customer isn't using the service for commercial purposes.

Garden waste wheeled bins

1. Upon subscription if you do not have a wheeled bin at your property, we will provide one for you to use free of charge. The wheeled bin will continue to belong to us at all times.
2. Renewing your subscription will not entitle you to a new wheeled bin.
3. Wheeled bins can be repaired or replaced free of charge and will only be replaced if we deem it necessary to do so. If we replace the wheeled bin we will remove the damaged wheeled bin from your property.
4. The standard wheeled bin will be 240 litres in size. Wheeled bins may not be new but will be supplied in serviceable condition. We aim to deliver within 10 working days from the day of subscription.

5. If you cease to subscribe to the garden waste service or ask to stop receiving it, we will withdraw the service. You will need to dispose of your garden waste yourself at your local Household Recycling centre.
6. For each year that you subscribe to the service, we will provide you with a sticker that shows that you have paid to receive the service. You must apply this sticker to the wheeled bin following the instructions that come with the sticker. If your wheeled bin does not clearly show the sticker so that the collection crews can see it, we have no obligation to collect garden waste from it, and you will not be entitled to any money back if the wheeled bin has not been emptied.
7. The stickers may only be applied to garden waste wheeled bins provided by us. Even if they are attached to something else, we will not collect garden waste from it.
8. Garden waste will be collected from valid subscriptions and our onboard technology will assist us in determining properties that have subscribed.
9. You shall be responsible for maintaining the cleanliness of your wheeled bin.

Garden waste sacks

1. In exceptional circumstances you will be provided with compostable garden waste sacks instead of a wheeled bin.
2. For properties that use sacks for their refuse and recycling collections, garden waste will still be collected from sacks. This is a chargeable service.
3. We provide up to 50 sacks per subscription period, to be delivered in two batches of 25 sacks.
4. If you require more than 50 sacks you will need to purchase another subscription.
5. Sack properties won't receive stickers for the subscription period. Please note that only properties that subscribed to the service will receive a collection.
6. Sacks will be collected from valid subscriptions and our onboard technology will assist us in determining properties that have subscribed.

Using the service

1. Only garden waste should be put in our wheeled bins or our sacks. Garden waste is plant material you would expect to find in a domestic garden; for example, grass cuttings, hedge trimmings, weeds, prunings, dead plants, twigs, straw and small branches.
2. The following items are not included in the service and must not be placed in the garden waste wheeled bin or sack: food waste, cardboard or paper, wood planks, wood products, mud, rubble or soil, plastic, plant pots, sawdust or pet waste.

3. If the wheeled bin/sack is classed as 'contaminated', residents will be notified by means of a sticker or hanger placed on the relevant wheeled bin/sacks requiring them to remove the inappropriate material and dispose of it in a responsible manner. Once the inappropriate material has been removed from the wheeled bin/sacks it will be emptied on the next scheduled collection date but not before.
4. We will not return to collect any waste deemed as contaminated as above.
5. If your wheeled bin/sack is regularly contaminated, we will contact you to offer you advice.
6. If the contamination continues garden waste collections will be suspended. If you have a wheeled bin, it may be removed and no further garden waste sacks will be provided. No subscription money will be refunded.
7. Garden waste should only be put in the wheeled bin/sacks loose. Garden waste should only be put in wheeled bin/sacks that you have subscribed to.
8. Garden waste wheeled bins/sacks should be presented by 7am on the day of collection. If they are not presented by this time, not clearly visible and/or not accessible, the crew will not enter onto private property unless previously agreed (see point 10) and they will not return until the next scheduled collection day. Wheeled bins/sacks must be placed in a safe position without causing an obstruction.
9. Garden waste wheeled bins/sacks should be placed at the agreed collection point for your home. This is normally on the kerbside (the "highway maintainable at the public expense") near your home.
10. If you are entitled to an assisted collection service for your other waste collections (for example, if you have a disability which prevents you from moving wheeled bins/sacks) then you will also be entitled to an assisted collection for the garden waste service.
11. Wheeled bins which are overflowing so the lid cannot be fully closed or are too heavy for the crew to handle will not be emptied. You will need to remove some of the contents ready for the next scheduled collection day. The lid of the wheeled bin needs to be closed for the collection.
12. Garden waste will only be collected from subscribed wheeled bin/sacks. No additional garden waste placed out in non-subscribed wheeled bins/sacks will be collected.
13. In the event of a missed collection when the wheeled bin/sacks were presented correctly you should report this to us the same day or at the latest on the following day. We will then endeavour to make the collection as soon as reasonably practicable. No refunds will be made to you for missed or delayed collections.
14. For the avoidance of doubt, in the event that you independently arrange for collection of garden waste, we will not be responsible for any third-party costs or any costs incurred by you.
15. We accept no liability for any damages or loss whatsoever incurred by you resulting from the use or misuse of the wheeled bin/sacks.
16. We accept no liability for the wheeled bin(s) used for any other purpose other than for the collection of household garden waste. Misused wheeled bin(s) will be removed by us.

Events Outside of Our Control

1. This means any act or event beyond our reasonable control, including without limitation strikes or other industrial action, riot, terrorist attack, war, fire, explosion, storm, flood, earthquake, subsidence, epidemic, extreme weather or other natural disaster, power failure, internet Service provider failure, technological failure, breakdown in machinery /collection vehicles.
2. We do not guarantee that the garden waste subscription service will operate during times of particularly bad weather, such as snow or icy conditions; however, your garden waste should be left at the kerbside and we will try and collect again once the weather improves.
3. We will not give refunds for collections missed or delayed due to these circumstances.
4. If it is so cold that garden waste has frozen in your wheeled bin, it may not all come out when collected. If this happens, it will be collected on the next scheduled collection day.
5. If we cannot empty or collect your wheeled bin/sacks due to not being able to gain access to your road - we will try again the next working day. If we still cannot gain access, we will not attempt another collection until the next scheduled collection day.

Personal data

1. In order to provide the service to you we will hold and use personal information about you (your "personal data").
2. By applying for the service, you give us permission to hold your personal data, to share it with other people for the purpose of providing you with the service and dealing with any problems.
3. We will hold and use your personal data in accordance with legal requirements, in particular the Data Protection Act 1998 and the General Data Protection Regulations.

Changes in terms and conditions

1. We may make minor changes in these terms and conditions by publishing updated information on our website.
2. We cannot make other changes to these terms and conditions during the subscription period to which they relate without your agreement unless the law requires us to; however, we may publish new terms and conditions for new subscription periods.

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07-Feb				Chargeable garden starts North				
31-Jan				Chargeable garden starts South				
24-Jan								
17-Jan								
10-Jan							Garden with food waste stops - North	
03-Jan							Garden with food waste stops - South	
27-Dec						Deliver to FW 8 South on collection day	First collection - FW4 North	
20-Dec						Deliver to FW 4 North on collection day		
13-Dec					Bin hangers on Green Bins FW 8			
06-Dec	Bin hangers on Green Bins FW 4		First collection - FW7 South					
29-Nov		Deliver to FW 7 South on collection day	First collection - FW3 North					
22-Nov		Deliver to FW 3 North on collection day						
15-Nov	Bin hangers on Green Bins FW 7							
08-Nov	Bin hangers on Green Bins FW 3		First collection - FW6 South					
01-Nov		Deliver to FW 6 South on collection day	First collection - FW2 North					
25-Oct		Deliver to FW 2 North on collection day						
18-Oct	Bin hangers on Green Bins FW 6							
11-Oct	Bin hangers on Green Bins FW 2		First collection - FW5 South					
04-Oct		Deliver to FW 5 South on collection day	First collection - FW1 North					
27-Sep		Deliver to FW 1 North on Collection day						
20-Sep	Bin hangers on Green Bins FW 5							
13-Sep	Bin hangers on Green Bins FW 1							
W/C	Bin Hanger	Caddy / info delivery	Page 35 Round start date	Chargeable Garden waste				

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Appendix 3 Garden Waste Proposed Charges

Start Date	End Date	Amount for first 12 month subscription	Amount for additional 12 month subscriptions (additional bins)	Effective cost per month
01/12/2021	31/01/2022	£36	£30	£3
01/02/2022	31/03/2023	£40	£30	£3.33

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Cherwell District Council

Executive

5 July 2021

Revised Housing Standards Enforcement Policy

Report of Assistant Director Housing and Social Care Commissioning

This report is public

Purpose of report

The report sets out an updated and extended policy to be adopted in relation to the regulation and enforcement of housing standards.

1.0 Recommendations

The meeting is recommended to :

- 1.1 Approve the *Housing Standards Enforcement Policy 2021* for adoption by the Council.

2.0 Introduction

- 2.1 This policy has been produced following a review of several existing policies, which it will replace, but also covers a number of recent legislative provisions which are not yet covered by policy and are included for the first time.
- 2.2 Drawing several separate policies together will simplify what has become a growing number of related policies. The new policy will improve clarity and ensure that information about the Council's approach to the enforcement of housing standards is easier for the public and officers to access and interpret. It will also assist with future policy reviews.

3.0 Report Details

- 3.1 The *Housing Standards Enforcement Policy 2021* is a significant document. It sets out the powers the Council has at its disposal to regulate and improve housing in the district, the Council's approach to enforcement, and how it intends to use the

available powers. It will supersede and replace most, but not all, existing policies in relation to the enforcement of housing standards¹.

3.2 The new policy has been developed following a detailed review of the 3 existing policies below, which it will replace.

- *Housing (Private Sector) Policy 2012*
- *House Condition Enforcement Policy 2012*
- *Housing Health and Safety Rating System (HHSRS) Policy 2012*

The legislation underpinning those policies has remained substantially unchanged; so although content has been reviewed and refreshed, much is reproduced in the new policy without significant change.

3.3 We have also taken the opportunity to incorporate the substance of the following existing policies into the new policy and they too will be replaced by it.

- *Recovery of Costs Policy 2019*
- *Civil Penalties Policy 2018*
- *Smoke & Carbon Monoxide Alarms Regulations Policy 2015*

Minor revisions to the matrices (established in the *Civil Penalties Policy* and in the *Smoke & Carbon Monoxide Alarms Regulations Policy*) used to calculate the appropriate level of penalties have been included in the new policy to reflect experience gained in the use and application of the penalty powers. It is intended that the revised matrices will be used as the Council's models for penalty setting and, as well as providing for current penalty setting requirements, can be applied (wherever appropriate) in relation to any future legislation for which the Council is required to set its own penalty levels.

3.4 The new policy also includes policy provisions covering the following legislation for the first time. These provisions are further explained below:

- *Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020*
- *The Tenant Fees Act 2019*
- *Redress Schemes for Letting Agency and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014*

3.5 **Electrical Safety Standards (ESS) in the Private Rented Sector**

3.5.1 The ESS Regulations were introduced under the *Housing and Planning Act 2016* and came into force on 1 June 2020. Since 1 April 2021 they have applied to all specified tenancies. The Regulations introduce new duties for landlords of non-HMO² properties in relation to electrical safety standards and certification. For landlords of HMO properties, the ESS Regulations replace the existing duties under

¹ The *HMO Standards Policy 2018* and the *HMO Licensing Policy 2018* are the 2 most significant exceptions, both of which will continue as separate policies because of their size and specific content. The *Minimum Energy Efficiency Standards (MEES) Policy 2020* will also remain a separate policy.

² House in multiple occupation.

the *Management of Houses in Multiple Occupation (England) Regulations 2006*, and introduce an additional mandatory condition for inclusion in HMO licences.

- 3.5.2 The Regulations require that electrical installations in the private rented sector must meet BS 7671: 2018 (*the electrical safety standards*) whilst properties are occupied, and a new Electrical Installation Condition Report (EICR) must be provided by a qualified person³ at least every 5 years.
- 3.5.3 The Council, as local housing authority, must serve a remedial notice if it has *reasonable grounds* to believe a landlord has failed to obtain an EICR or carry out remedial or investigative work necessary to achieve a satisfactory EICR. The Council may, with the consent of the tenant(s), arrange for that work to be carried out and then recover the costs incurred.
- 3.5.4 Where the Council is satisfied, *beyond reasonable doubt*, that a landlord has breached a duty under the regulations it may impose a financial penalty of up to £30,000. The new policy proposes use of the penalty matrix previously adopted in relation to Housing Act offences (and included in a revised form in this policy) to determine appropriate penalties for offences under these Regulations (see section 4.4 and Appendix 2A of the new policy). It also proposes that this matrix may be updated to reflect changes in guidance, best practice and tribunal decisions with approval from the Assistant Director, Housing and Social Care Commissioning.
- 3.5.5 There is a right of appeal to the First Tier Tribunal against the imposition and amount of any penalty.
- 3.5.6 Income received by the Council from financial penalties under this legislation must be used to fund further enforcement of the private rented sector.
- 3.5.7 The specific policy provisions relevant to this legislation are included at section 4.4 of the new policy (attached as Appendix 1).

3.6 The Tenant Fees Act

- 3.6.1 The Tenant Fees Act 2019 (TFA 2019) has applied to all private rented sector tenancies since 1 June 2020 and prohibits the charging of fees, except where expressly permitted, by landlords and letting agents.
- 3.6.2 The duty to enforce the TFA 2019 falls to Oxfordshire Trading Standards as the local weights and measures authority, but Cherwell has a discretionary power to enforce certain provisions⁴.
- 3.6.3 Discussions at Service level between Oxfordshire Trading Standards and Cherwell District Council's Housing Service led to the conclusion that effective enforcement will be enhanced if the Council determines that it will use the discretionary powers available to it and if both organisations adopt a coordinated approach. That approach is set out and confirmed in the new policy and, like that adopted by OCC (and approved by its Cabinet on 16/3/21), it takes account of the model Policy and

³ "qualified person" means a person competent to undertake the required inspection and testing and any further investigative or remedial work in accordance with BS 7671:2018 (the electrical safety standards).

⁴ Specifically : *Section 1* (prohibitions applying to landlords), *Section 2* (Prohibitions applying to letting agents) and *Schedule 2* (treatment of holding deposits).

Guidance documents produced by Bristol City Council⁵ and of the Government's Statutory Guidance for Enforcement Authorities.

- 3.6.4 In terms of enforcement, a first breach of the legislation is dealt with as a civil breach with a financial penalty of up to £5,000. Any further breach within 5 years can result in a penalty of up to £30,000 or prosecution as a criminal offence. The new policy again proposes use of the penalty matrix previously adopted in relation to Housing Act offences (and included in a revised form in this policy) to determine appropriate penalties for offences under these Regulations.
- 3.6.5 There is a right of appeal to the First Tier Tribunal against the imposition and amount of any penalty.
- 3.6.6 Income received by the Council from financial penalties under this legislation has to be used to fund further enforcement of the private rented sector.
- 3.6.7 The specific policy provisions relevant to this legislation are included at section 5.2 of the new policy (attached as Appendix 1).

3.7 Redress Schemes for Letting Agency and Property Management Work

- 3.7.1 *The Redress Schemes for Letting Agency and Property Management Order 2014* makes it a legal requirement for anyone engaging in lettings agency work or property management work (subject to certain exclusions) to be a member of a Government approved Redress Scheme.
- 3.7.2 The Order makes the Council responsible for enforcing this legislation within its district⁶ and, where the Council is satisfied *on the balance of probabilities*, that a person has failed to comply with the requirement to belong to a redress scheme, it may impose a monetary penalty up to a maximum of £5,000. Further penalties can be issued if subsequent or continued non-compliance is found.
- 3.7.3 The matrix at section 5.3 and Appendix 2B of the new policy will be used to determine the penalty level, and it is proposed that this matrix may be updated to reflect changes in guidance, best practice and tribunal decisions with approval from the Assistant Director, Housing and Social Care Commissioning.
- 3.7.4 The imposition of a financial penalty can be appealed to the First Tier Tribunal on grounds of an error of fact, law or that the amount of the penalty is unreasonable.
- 3.7.5 Income received by the Council from financial penalties under this legislation may be used by the authority for any of its functions.
- 3.7.6 The specific policy provisions relevant to this legislation are included at section 5.3 of the new policy (attached as Appendix 1).

⁵ Bristol City Council was appointed by the Government to be the designated Lead Enforcement Authority for the purposes of the TFA 2019.

⁶ For offences involving failure to publish prices on a website, the enforcement authority is the local authority in whose area the head office of the non-compliant lettings agent or property manager is located.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The new policy replaces a number of existing policies and refreshes and updates their content without introducing any significant changes, but it also takes account of 3 pieces of legislation for which specific policy provisions were not previously in place. By grouping previously separate policies together, the new policy will make information easier to find and use for both officers and the public. It will also assist with future policy reviews.

5.0 Consultation

- 5.1 Since the new policy is principally concerned with refreshing and consolidating existing policies, no consultation has been undertaken.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: As an alternative to adopting the new policy the existing policies could remain in place. This is not recommended because the 3 existing policies dating from 2012 require review and the Council would also still have to approve separate policies for the legislation (set out in section 3.4 of this report) which is not currently covered by policy.

7.0 Implications

Financial and Resource Implications

- 7.1 The adoption of the new policy presents no financial risk to the Council. The extension of the policy to include provisions relating to three additional pieces of legislation, which all provide for the imposition of civil penalties, will potentially result in additional income for the Council. The amount of any such income will however depend on relevant offences being committed, the level of penalty determined appropriate in each case and the outcome of any appeals raised.

Comments checked by:

Kelly Wheeler, Finance Business Partner; 01295 221570,
Kelly.wheeler@cherwell-dc.gov.uk

Legal Implications

- 7.2 The adoption of the new policy presents no legal issues for the Council. It confirms which legislative powers the Council must enforce, which discretionary powers it will apply and the basis for making associated decisions about enforcement options. In large part it reproduces existing policy provisions but is extended to cover three additional pieces of legislation, two of which impose mandatory duties on the council and the third of which it is proposed the Council will enforce in parallel with OCC (which has mandatory enforcement duties). All three of the pieces of

legislation which are to be covered by policy for the first time provide for the charging of financial penalties. The approach applied to the setting of those penalties is legally compliant. It is also in keeping with the approach already established by the Council for other penalties associated with breaches of housing legislation and therefore raises no issues.

Comments checked by:

Colin Evans, Solicitor; 01295 753701, Colin.evans@cherwell-dc.gov.uk

Risk Implications

- 7.3 No risks have been identified in connection with the adoption of the new policy.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes

Louise.tustian@cherwell-dc.gov.uk 01295 221786

Equalities Implications (Equality, Diversity and Community)

- 7.4 An Equality and Climate Impact assessment has been undertaken and is provided with this report at Appendix 2.

Comments checked by:

Emily Schofield, Acting Head of Strategy, Emily.Schofield@Cherwell-DC.gov.uk

8.0 Decision Information

Key Decision (Executive reports only; state N/A if not Executive report)

Financial Threshold Met: No

Community Impact Threshold Met: Yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

- CDC Business Plan 2021-22: Housing that meets your needs; specifically, *Support vulnerable people* and *Raise standards in rented housing*.
- Housing Strategy 2019-2024, Cherwell - A Place to Prosper: specifically, Priority 2, Improve the quality and sustainability of our homes

Lead Councillor

Councillor Lucinda Wing – Lead Member for Housing

Document Information

Appendix number and title

- Appendix 1: Housing Standards Enforcement Policy 2021
- Appendix 2: Equality and Climate Impact Assessment

Background papers

None

Report Author and contact details

Tim Mills, Housing Development and Standards Manager

Telephone: 01295 221655

Email: Tim.Mills@Cherwell-dc.gov.uk

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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Housing Standards Enforcement Policy

2021

Version 1

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1. INTRODUCTION

Cherwell District Council has a responsibility to deal with unsatisfactory housing in its area. Our aim is to raise housing standards and contribute to the Council's strategic priorities, in particular to *'Improve the quality and sustainability of our homes and build thriving, healthy communities.'*¹ This policy sets out the powers we have at our disposal to regulate and improve housing in the district, the Council's approach to enforcement and how we intend to use the available powers.

Conditions in privately rented homes tend to be less satisfactory than other tenures², so this is where our work is predominantly focussed. However, there are circumstances where we will act to address issues relating to owner-occupied dwellings and properties managed by Registered Providers and other bodies.

Whenever possible we will provide advice and guidance to assist landlords and other parties in complying with their legal requirements; however, it is recognised that if the law is broken, then robust enforcement action can be essential to protect the public and the environment. Throughout our housing interventions we will be seeking to:

- **Protect** and improve the health, safety, and welfare of occupants, members of the public and the environment;
- **Change** non-compliant behaviours and remove benefits of non-compliance; and
- **Promote** best practice in the private rented sector.

Cherwell District Council recognises and affirms the Regulators' Code³ and the importance of achieving and maintaining consistency and transparency of regulatory enforcement action. This policy aims to provide:

- **Guidance** for Council officers to ensure **consistency** and **fairness** when the Council is investigating, considering options and deciding to take enforcement action relating to the housing within its district; and
- **Clarity** to help businesses and members of the public know what to expect from the service when the Council takes legal proceedings.

In deciding upon enforcement options, the Council will have due regard to its overarching Enforcement Policy⁴ as well as statutory guidance, approved codes of practice and relevant industry or good practice guides. Appropriate enforcement actions that can be taken include, but are not limited to, those outlined below.

¹ Cherwell District Council Housing Strategy 2019-2024 'Cherwell - A Place to Prosper' - <https://www.cherwell.gov.uk/download/downloads/id/8860/housing-strategy-2019-2024.pdf>

² English Housing Survey 2019-20 - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945013/2019-20_EHS_Headline_Report.pdf

³ Regulators' Code - <https://www.gov.uk/government/publications/regulators-code>

⁴ Cherwell overarching enforcement policy - <https://www.cherwell.gov.uk/download/downloads/id/138/enforcement-policy-december-2016.pdf>

2. GENERAL APPROACH TO HOUSING ENFORCEMENT

Whilst we shall endeavour to develop a professional and constructive relationship with responsible landlords, the need to ensure that all properties meet minimum standards is paramount. We expect landlords and managing agents to comply with the law and to proactively manage their properties to ensure the health, safety and welfare of tenants is protected. Where individuals or companies are failing in their responsibilities and duties, the Council will take firm but fair enforcement action.

2.1 Identifying the need for action

The Council has a duty to keep the housing conditions in its area under review and we believe enforcement should be targeted at those individuals and organisations who fail to uphold the required standards. Our officers will establish the need to take enforcement action through:

- proactive investigations, audits and inspections of dwellings – including reviews of an individual landlord or agent’s portfolio of properties, area-based modelling, and data analysis; and
- reactive responses to complaints, referrals, or requests for assistance.

2.2 Shared enforcement responsibilities

In circumstances where enforcement responsibility is shared between or rests fully with external organisations, officers will have regard to protocols agreed with other enforcement agencies. Where appropriate, officers will ensure that referrals are passed to the appropriate enforcing authority promptly and in accordance with any agreed procedure.

2.3 Selecting appropriate enforcement options

Enforcement action decisions will principally be based on risk, but the exact type of enforcement taken will vary according to the legislation being applied. In many instances it will be appropriate for officers to use informal action such as offering advice, information and assistance to landlords and residents to aid compliance with housing related legislation.

However, when housing law contraventions are established, robust formal actions should be considered, and in some cases, taking a certain enforcement action is a statutory duty. Where failure to comply is of a serious nature, officers will use the full range of enforcement options available to them under the relevant legislation to achieve compliance and to protect those at risk. In the most serious contraventions possible action will include prosecution.

The type of enforcement action pursued is always considered on a case by case basis, based on its own merits and taking account of the assessed risk in each case. Officers will be suitably trained to make assessments and informed judgements; in particular in the application and use of the Housing Health and Safety Rating System (HHSRS) as the statutory method of assessing risks in housing.

Following consideration of the specific circumstances of the case, the most appropriate enforcement option will be applied and properly recorded. In every case enforcement seeks to:

- Promote and achieve sustained compliance with the law
- Ensure that risks to health, safety or the environment are appropriately addressed
- Minimise the negative impacts of wrongdoing and see that those who breach legislative requirements are held to account

In all cases, enforcement decisions, whether they are decisions to take action or to not take action, will be recorded, and the outcome communicated appropriately to the parties concerned.

2.4 Powers of entry and investigative powers

The Council has various powers to enter domestic premises and to require information and documents to be supplied in connection with the exercise of its various functions and the investigation of suspected offences. In most cases, entry will be sought under section 239 of the Housing Act 2004, and generally, officers will give at least 24 hours' notice prior to exercising a power of entry. However, no such notice is required where entry is to ascertain whether an offence has been committed in relation to licensing of HMOs, selective licensing of houses, breach of the HMO Management Regulations or Overcrowding Notices. If admission is refused, premises are unoccupied, or giving notice of entry is likely to defeat the purpose of the entry, then a warrant to enter by force may be sought, if judged necessary. Other Acts have their own enforcement powers including powers of entry which will be used accordingly when the Council exercises these specific pieces of legislation.

We will use all available powers to meet the enforcement objectives within this policy, having regard to any relevant Government guidance and other legal requirements that might apply to our actions; for example, the Data Protection Act 2018, Regulation of Investigatory Powers Act 2000 and the codes of practice under the Police and Criminal Evidence Act 1984. We will ensure that our officers are duly authorised, trained and supported to effectively exercise the Council's functions.

3. HOUSING ENFORCEMENT ACTIONS

This section summarises the types of action and legislation most commonly applied in the enforcement of housing standards. It is not an exhaustive list nor is it intended to be a definitive interpretation of the legislation or provide a full statement of the law. The Council may take any number of these courses of action, either simultaneously or consecutively, depending on the circumstances of the case.

In all cases we will seek to ensure that the information we provide is in clear, concise and accessible language, and that legal requirements are clearly distinguished from recommendations above the minimum standards. Decisions to take enforcement action will be properly recorded and justified.

3.1 Advice and guidance

We recognise that prevention is better than cure and we actively work with businesses, landlords and residents to educate and promote compliance with the law. In some cases, a fee may be payable for our advice. Where this is the case you will be informed and provided with details of the charge and how to pay the fee.

3.2 Informal enforcement action

The Council will allow an opportunity for informal compliance where this is considered appropriate. This judgement will be based on risk and compliance history. Where an informal opportunity does not achieve sufficient progress, or there is increased risk, the Council will proceed with formal action.

3.3 Statutory (Legal) Notices and Orders

In respect of breaches under the Housing, Public Health and related legislation Cherwell District Council has powers to issue certain statutory notices. Such notices are legally binding and may require the recipient to carry out work, cease doing specified things, provide information or take other actions depending on the statute or circumstances. As the Council relies upon statutory notices to effectively carry out its regulatory functions, breach of a notice is viewed as a serious matter. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/or other sanctions where appropriate. Where legislation permits the recovery of costs for serving statutory notices, the Council will normally charge.

3.4 Works in default

Where someone fails to comply with a notice which requires work to be completed, the Council may, depending on the specific legislation, carry out those works instead and recover the costs incurred in so doing. This is known as works-in-default. The Council will decide in each case whether to undertake works-in-default, and may also impose other available sanctions, for example prosecution. Some legislation also permits the Council to undertake emergency works where an imminent risk of harm exists. In all cases, the Council will follow the procedures specified in the particular legislation being exercised.

3.5 Prosecution

We apply the Code for Crown Prosecutors⁵ two-stage test when deciding whether a prosecution, civil penalty or simple caution is viable and appropriate, and only proceed when the case has passed both the evidential test and the public interest test. The principles in these tests form the basis of much of our formal enforcement decision-making.

The Evidential Test: We must first be satisfied that for each charge there is sufficient evidence to provide a 'realistic prospect of conviction' against each defendant. This means that before taking formal action, the Council must satisfy itself that if the case were to be prosecuted in a magistrates' court, the Council would be able to demonstrate beyond reasonable doubt that the offence has been committed.

The Public Interest Test: The Council must then decide whether it is in the public interest to prosecute. In deciding on the public interest, the Council will make an overall assessment based on the circumstances of each case and will consider all relevant circumstances carefully, including local and corporate priorities. Some factors may increase the need to prosecute whilst others may suggest that another course of action would be more appropriate.

Cherwell District Council will generally save prosecution for the most serious offences unless there is no alternative sanction, for example non-compliance with certain notices. The Council will also consider prosecution for banning order offences where the circumstances of the case dictate a Banning Order will be appropriate.

3.6 Simple Caution

Cherwell District Council may offer a simple caution as an alternative to prosecution in cases where there is insufficient public interest to prosecute, and:

- a. there is sufficient evidence to give a realistic prospect of conviction; and
- b. the offender admits his or her guilt; and
- c. the person being cautioned agrees to it, having been made aware that the caution may be cited in Court if the person is found guilty of other offences in the future.

The reasons for issuing a simple caution instead of prosecution in the courts would commonly be, for example, that the offender has no previous history in relation to the offence and has done everything in their power to make amends. Depending on the circumstances, this would usually entail remedial work to premises and/or taking proper steps to ensure that the offence cannot recur.

3.7 Civil (Financial) Penalties

The Council has powers to issue civil (financial) penalties for breaches under a wide range of housing legislation. The following general policy provisions will be applied in all cases, unless a specific policy has been published by the Council.

⁵ The Code for Crown Prosecutors - <https://www.cps.gov.uk/publication/code-crown-prosecutors>

The justification for the decision to issue a civil penalty (rather than to prosecute or take any other course of action), and for the level of penalty set will be fully recorded at each stage. This approach will ensure transparency and aid consistency in the enforcement process and will assist in defending appeals against decisions to impose civil penalties and/or the penalty amount. The Council will set penalties it believes reasonable, proportionate, and which can be successfully defended in the event of an appeal.

In the event that the Council receives properly made representations in response to a penalty notice, those representations will be considered and any decisions reviewed by a senior officer and/or the team manager within Housing Standards before responding. Especially complex or contentious cases will be escalated to the Assistant Director for Housing who will determine whether to impose a penalty and, if so, the amount of the penalty.

The income received from civil penalties will be retained by the Council to further its statutory functions, as the Local Housing Authority, in relation to its enforcement activities covering the private rented sector.

The Council will seek to recover all debts owed from financial penalties.

Changes to the appended civil penalties protocols to reflect changes in guidance, best practice and tribunal decisions will be delegated to, and approved by, the Assistant Director, Housing and Social Care Commissioning.

3.7.1 Civil penalties under the Housing and Planning Act 2016 and Housing Act 2004

The Housing and Planning Act 2016 introduced the power for Local Authorities to impose civil penalties of up to £30,000 as an alternative to prosecution for certain housing offences. The same criminal standard of proof is required for a civil penalty as for prosecution, and therefore, the Council will apply the Code for Crown Prosecutors evidential and public interest tests before proceeding.

Only one penalty can be imposed in respect of each offence, but where the Council is satisfied that more than one offence has been committed it may issue multiple civil penalty notices. However, where the Council considers that issuing multiple penalties concurrently in respect of a single property would result in an excessive cumulative penalty, the Council may issue a combined penalty in accordance with the totality principle.

The amount of penalty will be determined in each case by applying the Civil Penalties Protocol contained in [Appendix 2A](#) of this policy and having regard to the Ministry of Housing Communities and Local Government's statutory guidance⁶.

⁶ Civil penalties guidance for Local Housing Authorities - <https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016>

3.7.2 Civil Penalties under other legislation

Where the Council has the option to issue Civil Penalties in respect of other legislative breaches, Cherwell District Council will issue such penalties as the legislation permits. Where a specific policy has been published this will be applied, otherwise the amount of any civil penalty will be determined by applying the Civil Penalties Protocol contained in [Appendix 2B](#) of this policy.

3.8 Rent Repayment Orders

Local Authorities and tenants can apply to the First-tier Tribunal (Property Chamber) (“the Tribunal”) for a Rent Repayment Order (RRO)⁷. An RRO requires a landlord who has committed certain offences to repay rent (and/or Housing Benefit/Universal Credit payments) received for a period of up to twelve months.

Cherwell District Council must consider applying for a RRO where a landlord has been convicted of a relevant offence in their area, and may also apply for a RRO where an offence has been committed, but the landlord has not been convicted (e.g. where a civil penalty has been issued in lieu of prosecution). Additionally, the Council may support tenants to make RRO claims. In all cases, the Council will apply its RRO Policy⁸ in determining when to apply for a rent repayment order.

3.9 Database of Rogue Landlords and Property Agents

The national database of rogue landlords and property agents allows local authority officers to add, search and keep track of known rogue landlords. The aim is to help authorities target their enforcement activities and to tackle those landlords and agents operating across Council boundaries.

The Council must make an entry on the database where a landlord or property agent has received a Banning Order; and may also make entries where a landlord or property agent has been convicted of a banning order offence, or has received two or more civil penalties within a twelve month period.

The Council will have regard to the government guidance⁹ when deciding whether to include a person on the database, and the duration of any entry.

3.10 Banning Orders

After a landlord or agent has been convicted of a Banning Order Offence¹⁰, the Council can apply to the First Tier Tribunal for a Banning Order¹¹. A Banning Order forbids a landlord or property agent from letting and/or managing property in England. Banning Orders last a minimum of twelve months with no statutory maximum. Breaching a Banning Order is a criminal offence which is liable on

⁷ Rent Repayment Orders guidance - <https://www.gov.uk/government/publications/rent-repayment-orders-under-the-housing-and-planning-act-2016>

⁸ Rent Repayment Order Policy - <https://www.cherwell.gov.uk/download/downloads/id/8160/rent-repayment-order-policy.pdf>

⁹ Rogue Landlord Database guidance - <https://www.gov.uk/government/publications/database-of-rogue-landlords-and-property-agents-under-the-housing-and-planning-act-2016>

¹⁰ Banning Order Offences - <http://www.legislation.gov.uk/ukxi/2018/216/contents/made>

¹¹ Banning Orders guidance - <https://www.gov.uk/government/publications/banning-orders-for-landlords-and-property-agents-under-the-housing-and-planning-act-2016>

summary conviction to imprisonment for a period not exceeding 51 weeks, or to a fine, or to both; or as an alternative to prosecution, a civil penalty of up to £30,000.

Cherwell District Council will reserve banning for the most serious offenders who have repeatedly breached their legal obligations and continue to rent out accommodation, which is substandard, in accordance with the Council's Banning Order policy¹².

3.11 Interim and Final Management Orders

Interim Management Orders (IMOs) and Final Management Orders (FMOs) transfer management control of a residential property to the Council for a period of between 12 months (for IMOs) and up to five years (for FMOs). The purpose of an IMO is to take immediate steps to protect the health, safety, or welfare of persons occupying the house, or persons occupying or having an estate or interest in any premises in the vicinity. FMOs aim to secure the proper management of the house on a long-term basis in accordance with a management scheme contained in the order.

The Council will make IMOs and FMOs where necessary, in accordance with the relevant legislation and government guidance.

3.12 Community Protection Notices

Housing Standards officers may use community protection notices and fixed penalty notices under the Antisocial, Crime and Policing Act 2014 in cases relating to residential premises where there is judged to be unreasonable conduct of a persistent or continuing nature arising which is having a detrimental effect on the quality of life of those in the locality.

3.13 Other enforcement powers

Other enforcement tools and legislative powers will be applied as new legislation is introduced, and/or where the Council considers those other powers to be the most appropriate remedy under the circumstances. Cherwell District Council will ensure that the relevant officers are duly authorised and trained to use such powers, and consultation with Legal Services and approval from the Assistant Director is sought where necessary.

¹² Banning Orders Policy - <https://www.cherwell.gov.uk/download/downloads/id/8161/banning-order-policy.pdf>

4. ENFORCEMENT OF HOUSING STANDARDS

Although housing issues will principally be dealt with under the Housing Act 2004, there are circumstances where other pieces of legislation are more appropriate to use, or where specific duties exist, or breaches are created and enforced under another Act. The following section provides an overview of the different areas of legislation and duties subject to enforcement by the Housing Standards Team.

4.1 Housing Act 2004 Part 1 enforcement of housing standards

Part 1 of Housing Act 2004 provides that, amongst other things, the statutory minimum standard for all homes in England and Wales be assessed by means of the Housing Health and Safety Rating System (HHSRS). The HHSRS is a calculation of the effect of 29 possible hazards on the health of occupiers and visitors to dwellings, and the legislation provides a range of actions for addressing identified hazards. The HHSRS is tenure-neutral and can be applied to owner-occupied properties and empty dwellings, as well as rented accommodation. The forms of enforcement action that can be taken under Part 1 of the Housing Act 2004 are summarised in **Appendix 1**.

The Council has a duty to take action to address Category 1 (the most serious) hazards and discretionary power to take action to address Category 2 (less serious) hazards. A Statement of Reasons will accompany each Part 1 notice or order served explaining why the chosen action was most appropriate.

In the case of Category 2 hazards identified under HHSRS, the Council will generally seek to address higher Category 2 hazards when these are identified; but will exercise its discretion and consider individual cases and circumstances when deciding whether or not to take action in response to any Category 2 hazards found within its district. For example, lower-scoring Category 2 hazards may need to be addressed when found in conjunction with Category 1 or high Category 2 hazards on the same premises. Conversely, it may not be possible to reduce a higher-scoring Category 2 hazard without undertaking significant or costly works to an otherwise satisfactory property. In such cases appropriate advice will be given and the decision recorded.

4.2 Licensing and enforcement of Houses in Multiple Occupation

A house in multiple occupation (HMO) is a property occupied by three or more unrelated tenants. HMOs include shared houses and poorly or partially converted buildings. All HMOs must be kept in good safe repair in accordance with the HMO Management Regulations^{13 14} and failure to comply with a regulation is an offence.

Enforcement of fire safety in HMOs is carried out in partnership with Oxfordshire Fire and Rescue Service in accordance with a Memorandum of Understanding incorporating all five district Councils in Oxfordshire.

¹³ The 2006 HMO Management Regulations (apply to all Section 254 HMOs)
<http://www.legislation.gov.uk/ukxi/2006/372/contents/made>

¹⁴ The 2007 HMO Management Regulations (apply only to Section 257 HMOs)
<http://www.legislation.gov.uk/ukxi/2007/1903/contents/made>

HMOs with five or more occupants sharing facilities must be licensed (unless exempt). Failing to apply for an HMO licence and not complying with HMO licence conditions are offences. The Council will administer HMO licence applications in accordance with its HMO Licensing policy¹⁵.

Licensed HMOs must comply with minimum standards for bedroom sizes and certain other amenities and facilities, as prescribed by Regulation. The Council also has discretion to produce its own HMO standards¹⁶ which are applied to all types of HMO, whether licensable or not. These standards are used by the Council to help in determining whether an HMO is reasonably suitable for occupation by a given number of occupants or households. Having a reference guide also helps achieve consistency and informs landlords and tenants of the expected standards.

Where a property is found to be overcrowded, the Council has a range of options depending on the specific circumstances:

- Licensed HMOs – the Council can impose and enforce licence conditions, or enforce Section 72(2) if landlord knowingly over-occupied the HMO
- Non-licensable HMOs – the Council can serve an overcrowding notice under Section 139 of the Housing Act 2004
- Any properties including single family homes – the Council can use HHSRS and Part 1 of the Housing Act 2004; and/or Part X of the Housing Act 1985

4.4 Electrical Safety Standards in the Private Rented Sector Regulations

Private landlords must ensure that the electrical installations in their rented properties are safe and meet the electrical safety standards at all times while let under specified tenancies. An electrical installation inspection and testing report must be obtained from a qualified person at least every five years, and copies supplied to specified parties.

Where the Council finds a landlord has breached their duties, we have a duty to serve a Remedial Notice. If this is not complied with, and/or there are urgent remedial works required the Council can undertake the remedial action and recover any costs incurred.

If the Council is satisfied beyond reasonable doubt that a private landlord has breached their duties, the Council may impose financial penalties of up to £30,000. Financial penalties under these regulations will be calculated using the Civil Penalties Protocol contained in [Appendix 2A](#) of this policy.

4.5 Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Private landlords must ensure that their rented properties have smoke alarms on every storey, carbon monoxide alarms installed in any room containing a solid fuel

¹⁵ HMO Licensing Policy - <https://www.cherwell.gov.uk/download/downloads/id/9121/hmo-licensing-policy-2018.pdf>

¹⁶ Cherwell District Council's HMO Standards Policy - <https://www.cherwell.gov.uk/download/downloads/id/8196/hmo-standards-2018.pdf>

burning appliance, and that these alarms must be working at the start of any new tenancy.

Where the Council has reasonable grounds to believe that there is insufficient provision of smoke alarms or carbon monoxide alarms in the property as required by the regulations; or the smoke alarms or carbon monoxide alarms were not working at the start of a tenancy or licence the Council must serve a remedial notice detailing the actions the landlord must take to comply with the regulations. If after 28 days, the landlord has not complied with the remedial notice, the Council must arrange for an authorised person to take the remedial action specified in the remedial notice.

Where the Council is satisfied on the balance of probabilities that a landlord has failed to comply with a remedial notice, the Council may issue a financial penalty of up to £5,000. Financial penalties under these regulations will be calculated using the Civil Penalties Protocol contained in [Appendix 2B](#) of this policy.

4.6 Minimum Energy Efficiency Standards (MEES)

Landlords are prohibited from letting any properties with an Energy Performance Certificate (EPC) rating below E unless they have lodged a valid exemption on the Government's PRS Exemption Register. The Council may issue landlords who are found to have breached these regulations with financial penalties of up to £5,000 and may, either additionally or alternatively, publish details of any breaches on the PRS Exemption Register for 12 months or longer as it sees fit. Enforcement of these standards will be carried out in accordance with the Council's Minimum Energy Efficiency Standards policy¹⁷.

4.7 Drainage defects

A range of notices can be used to require repairs to defective drains including clearing of blockages, CCTV surveys, and structural work relating to both owner occupied and rented properties where necessary.

4.8 Filthy and verminous premises

The Council can use the Public Health Act 1936 (as amended) and the Prevention of Damage by Pests Act 1949 to tackle premises which are filthy or infested with vermin. Notices under these Acts can specify cleaning and treatment, including proofing work and clearance to prevent rodent infestations, and permit the Council to enter and undertake 3.4 Works in default if necessary.

4.9 Hoarding and Dilapidated Properties

These properties are often occupied by vulnerable persons, such as individuals with mental health issues or elderly people who are struggling to cope. The Council will primarily seek to provide signposting to assistance and engage with the relevant agencies to help them deal with any underlying issues. However, we will take enforcement action where there is significant disrepair, lack of hygiene or

¹⁷ Minimum Energy Efficiency Standards Policy - <https://www.cherwell.gov.uk/download/downloads/id/10097/minimum-energy-efficiencies-standards-policy-2020.pdf>

accumulations within properties which are likely to cause harm or ill health to the occupier or where there is a wider health issue or where statutory nuisance may exist. We shall engage with other agencies and refer such cases to them as necessary, particularly when there are safeguarding issues.

4.10 Statutory Nuisance Provisions

If a property or defect is prejudicial to health or is causing (or likely to cause) a nuisance to the locality, it may constitute a statutory nuisance under the Environmental Protection Act 1990. For an issue to constitute a statutory nuisance it must either:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises; or
- injure health or be likely to injure health.

Where the Council finds a statutory nuisance, it must serve an abatement notice requiring whoever is responsible to stop the nuisance or to take specific actions to prevent the occurrence or recurrence of the nuisance.

4.11 Antisocial behaviour

Where antisocial behaviour is associated with a residential property, we will work with other enforcement teams and agencies to address the underlying issues, and where appropriate serve Community Protection Notices¹⁸ on landlords, managing agents and/or occupiers to achieve cessation of the conduct. The Council may also seek injunctions and post-conviction orders where it is judged appropriate.

¹⁸ Under Part 4, Chapter 1 of the [Anti-social Behaviour, Crime and Policing Act 2014](#)

5. ENFORCEMENT OF LANDLORD AND TENANT LAW

The Council is committed to promoting and upholding tenants' rights under housing and landlord and tenant law. Our Tenancy Relations Officer works proactively with landlords and tenants to increase knowledge and awareness of everyone's rights and responsibilities within the private rented sector; thereby helping to improve the quality of tenant experience in the sector, reduce homelessness and promote sustainable tenancies. However, when things go wrong, we will step in to investigate alleged offences and will take robust enforcement action.

5.1 Unlawful eviction and harassment of tenants

Depending on their tenant's security of tenure, most landlords are normally required to give notice and then obtain a court order for possession after the notice has expired. Illegal eviction occurs when the tenant is unlawfully prevented from entering all or part of their accommodation. Examples include:

- The use of violence (or threats of violence) to force the tenant to leave;
- Preventing the tenant from entering accommodation they have the right to occupy;
- Changing the locks while the tenant is out; and
- Evicting a tenant before the proper legal procedures have been followed.

Harassment occurs when a landlord (or someone acting on their behalf) does something that is likely to interfere with the tenant's peace and enjoyment or persistently withdraws or withholds services that the tenant reasonably requires for the occupation of the premises in the knowledge that this is likely to cause them to leave the property or refrain from exercising their tenancy rights. Examples include:

- Forcing the tenant to sign agreements which take away their legal rights;
- Removing or restricting essential services such as hot water or heating, or failing to pay bills in order that these services are cut off;
- Constant visits to the property (especially if late at night or without warning);
- Entering the accommodation when the tenant is not there, or without the tenant's permission; and
- The use of violence or threats of violence.

The Tenancy Relations Officer will work closely with the Police and the Council's Housing Options and Allocations Teams to prevent homelessness, reinstate tenants who have been evicted illegally, and investigate and prosecute offences of illegal eviction and harassment. If conviction is secured the Council will also seek rent repayment orders where housing benefit or Universal Credit has been paid, and will advise tenants in applying for injunctions, compensation and rent repayment orders.

5.2 Tenant Fees Act 2019

The Tenant Fees Act 2019 (“the TFA 2019”) prohibits landlords and letting agents from charging any fees in respect of private rented sector tenancies which are not “permitted payments.” If a payment is not of a type specifically listed in Schedule 1 of the TFA 2019, it is prohibited by default.

The Government has published statutory guidance¹⁹ to which enforcement authorities must have regard in relation to enforcing the TFA 2019. Bristol City Council in its capacity as Lead Enforcement Authority for the TFA 2019 has also produced guidance. This policy has been developed with due regard to these statutory and non-statutory guidance documents.

The duty to enforce the TFA 2019 falls to Oxfordshire Trading Standards as the local weights and measures authority. As a district Council that is not a local weights and measures authority, Cherwell has the power to enforce section 1 (prohibitions applying to landlords), section 2 (Prohibitions applying to letting agents) and schedule 2 (treatment of holding deposits).

A first breach of the legislation will be a civil breach with a financial penalty of up to £5,000. However, if a further breach is committed within five years, enforcement authorities may impose financial penalties of up to £30,000 or prosecute as a criminal offence depending on the breach, as follows:

Breach of TFA 2019	First breach	Further breaches within 5 years
Charging unlawful fees Section 1 or 2	Civil breach Maximum financial penalty up to £5,000	Criminal offence Summary conviction with unlimited fine AND banning order offence under section 14 of the Housing and Planning Act 2016 OR financial penalty up to £30,000
Unlawfully retaining holding deposit Schedule 2	Civil breach Maximum financial penalty up to £5,000	Civil breach Maximum financial penalty up to £5,000

Since a second or subsequent breach, within five years, is a criminal offence, Cherwell District Council will apply the criminal burden of proof (i.e. satisfied beyond reasonable doubt) when imposing sanctions for all initial and subsequent breaches.

The Council will investigate and determine the most appropriate and effective sanction in each case, having due regard to the relevant sections of this Housing Standards Enforcement Policy, the Council’s Banning Order Policy, and any other relevant policies and guidance.

¹⁹ Tenant Fees Act 2019: Statutory Guidance for enforcement authorities - <https://www.gov.uk/government/publications/tenant-fees-act-2019-guidance>

5.2.1 Determining the level of the financial penalty

In accordance with the provisions of the TFA 2019, the level of financial penalties is to be determined by the Council, which is expected to develop and document its own policies on determining the appropriate level of financial penalty in any given case.

Although the statutory guidance recommends factors which may be taken into account it does not go into any significant level of detail in this regard. Each of those factors will be considered as a part of the Council's decision-making process and they are:

- a. The history of compliance/non-compliance
- b. The severity of the breach
- c. Deliberate concealment of the activity and/or evidence
- d. Knowingly or recklessly supplying false or misleading evidence
- e. The intent of the landlord/agent, individual and/or corporate body
- f. The attitude of the landlord/agent
- g. The deterrent effect of a prosecution on the landlord/agent and others
- h. The extent of financial gain as a result of the breach

[Appendix 2](#) of this policy sets out the processes that the Council will use in order to determine the level of financial penalties under the TFA 2019. [Appendix 2B](#) will be used for determining penalties up to £5,000, and [Appendix 2A](#) for penalties up to £30,000. When applying these protocols, officers will have particular regard to the statutory guidance and ensure that the above factors are properly incorporated into the assessment. These appendices may be updated to reflect changes in guidance, best practice and tribunal decisions with approval from the Assistant Director, Housing and Social Care Commissioning.

5.2.2 Recovery of payments

An unpaid financial penalty can be recovered as a civil debt through the County Court. The money from financial penalties must be used to fund further enforcement of the private rented sector.

Prohibited payments can be recovered by tenants through the County Court, and the Council may assist tenants and conduct litigation on their behalf.

5.2.3 Notification of enforcement action

The Council will, wherever appropriate, seek to work with Oxfordshire Trading Standards and the other Oxfordshire district Councils to share information and best practice to maximise enforcement outcomes. The Council may also seek the guidance of the Lead Enforcement Authority if required.

There are certain circumstances in which an enforcement authority must notify another body when relevant enforcement actions are taken or cease. These circumstances are set out in section 14 of the Act. This prevents duplication of work and allows an accurate record of previous enforcement action to be maintained so authorities to check if a breach is a first breach or further offence. The Council will notify Oxfordshire Trading Standards whenever it (Cherwell District Council)

proposes to take enforcement action or decides not to continue with enforcement action relating to breaches of the TFA 2019.

The Council will notify the Lead Enforcement Authority as soon as reasonably practicable if a financial penalty is imposed, withdrawn, quashed; or proceedings for an offence result in conviction.

If the Council takes action relating to breaches occurring outside its district, it will notify the relevant Local Housing Authority whenever relevant action is taken.

5.3 Lettings Agent and Property Management Redress Schemes

It is a legal requirement that all lettings agents and property managers in England join one of two Government-approved redress schemes (The Property Ombudsman - www.tpos.co.uk and The Property Redress Scheme - www.theprs.co.uk).²⁰ The Council can impose financial penalties of up to £5,000 when it is satisfied on the balance of probabilities that a lettings agent or property manager has failed to comply with the requirement to belong to an approved redress scheme. Since letting agents and property managers are professionals running businesses, they are expected to be aware of their legal requirements, and furthermore by failing to join a scheme they are denying landlords and tenants access to fair and independent redress. Consequently, the Council will generally seek to impose penalties when breaches are found, rather than taking informal action.

Where the Council is satisfied on the balance of probabilities that a letting agent has failed to comply with the requirement to belong to a redress scheme, the Council may issue a financial penalty of up to £5,000 per breach. Further penalties can be issued if subsequent or continued non-compliance is found. Financial penalties under these regulations will be calculated using the Civil Penalties Protocol contained in [Appendix 2B](#) of this policy.

²⁰ The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 - <https://www.legislation.gov.uk/ukxi/2014/2359/contents/made>

6. EMPTY HOMES

6.1 General approach to tackling empty homes

Our approach will be based on the following principles:

- We want empty homes to be used
- We will encourage and facilitate their re-use (e.g. by providing advice, grants and loans)
- We will take action to resolve specific issues caused by empty homes (where powers permit)
- We will take action to secure re-use of empty homes where a business case exists.

We will seek to work alongside owners of empty homes with a solution-based approach to support and encourage voluntary action. However, we are also committed to using appropriate enforcement action where owners fail to take responsibility for their properties, reasonable negotiations fail or there is little prospect of the property being bought back into use voluntarily.

A number of factors will be considered in deciding the best course of action for an empty home. The Council will provide advice, assistance and has the discretion to provide financial assistance to the owners of empty properties to help bring the home back into use under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002²¹, subject to appropriate funding being available.

We will however also consider using any of the following enforcement options:

6.2 Empty Dwelling Management Orders

Where a property has been left empty for over two years and is attracting anti-social behaviour, the Council may seek an EDMO, the provisions for which are contained in the Housing Act 2004. An EDMO allows the Council to take over full management of the property for up to seven years, reclaiming any management and refurbishment costs from the rental income.

6.3 Compulsory Purchase Orders

CPOs can be made under s17 of the Housing Act 1985 where it can be shown that there is housing need, rather than proving the property was causing blight or other problems. In cases such as this Cherwell District Council will take account of up-to-date housing statistics, local policies and such other information it judges relevant, the outcome of any voluntary negotiations and the prospect of the property being brought back into use.

Section 226 of the Town & Country Planning Act 1990 permits a local authority, when authorised by the Secretary of State, to compulsorily acquire any land in their administrative area which will facilitate the carrying out of development, re-development or improvement of the area (provided this will contribute to economic,

²¹ Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
<https://www.legislation.gov.uk/ukxi/2002/1860/contents/made>

social or environmental well-being), or which is necessary to achieve in the interests of the proper planning of an area in which the land to be acquired is situated. This power can be used for the acquisition of individual 'problem properties' that can be regenerated to provide much needed affordable housing, improve the appearance of the surrounding area and reduce anti-social behaviour. Cherwell District Council will consider Compulsory purchase orders ("CPOs") under these powers where there is the opportunity to bring individual problematic properties back into use.

Both powers allow the Council to purchase properties in specific circumstances without the owner's consent.

6.4 Enforced Sale Procedure

The Law of Property Act 1925 allows the recovery of debt secured by a registered charge by forcing the sale of a property. In situations where the Council has served notices requiring the owner to ensure that their property is not unsafe or having a negative impact, but they have failed to act, the Council may be forced to carry out the works in default. If the costs incurred are not paid, the Council will register a charge against the property and should the owner still not pay this debt, the Council can commence legal proceedings to sell the property to recover the costs.

7. ADDITIONAL INFORMATION

7.1 Recovery of Enforcement Costs

The Council will generally seek to recover the full costs of its enforcement interventions, in accordance with its policies and guidance provided by Government, with the aim of minimising the cost of non-compliance on the Council and the community. Where a charge has been levied and not paid, the Council will seek to recover any debt owed in accordance with its policies and the relevant debt recovery mechanisms as specified in statute.

The Council will seek to recover all costs incurred from successful prosecutions. Financial penalties will generally be set at a level which is not less than the cost of compliance or the costs incurred by the Council in investigating the contravention, whichever is greater.

7.1.1 Recovery of costs associated with service of notices etc. under Part 1 of the Housing Act 2004

The Housing Act 2004 allows the Council to recover certain costs incurred in the assessment, preparation and service of certain notices and orders dealing with house-condition issues.

The aspects which can be charged for are set out in the Act, and although the government may set a limit on the maximum amount that can be charged it has not done so. However, local authorities are expected only to charge the reasonable costs of enforcement and should take into account the personal circumstances of the person(s) against whom the enforcement action is being taken. Unless the Assistant Director, Housing and Social Care Commissioning considers that there is a legitimate reason for departing from the stated policy, the Council will recover the costs associated with taking all relevant enforcement actions.

The Assistant Director, Housing and Social Care Commissioning will be responsible for periodically determining the average minimum cost of taking the relevant enforcement actions and for approving the specified charge for each notice type accordingly. When determining charges, the following will be taken into account:

- travelling costs (which may be standardised or averaged)
- employment costs of relevant officers (which may be standardised or averaged)
- Corporate overheads (which may be applied as a percentage addition to employment costs)
- estimates of the time typically taken on the various relevant activities (which may be standardised or averaged)

The Assistant Director, Housing and Social Care Commissioning will also specify periodically how, and in what circumstances, costs over and above the specified minimum charge will be determined.

7.1.2 Recovery of costs associated with work-in-default

A number of the statutory notices used by the Council allow it to undertake work-in-default in the event that notice recipient(s) fail to carry out works required by those notices. The Council can then recover the costs it has incurred.

The Council will seek to recover all the costs associated with undertaking work-in-default (including for example, time spent by its officers, administrative costs, contractor's costs, the cost of any specialist reports, supervisory costs etc.)

The Council will calculate the cost of officer time (for activities other than travel) on the basis of the actual time spent by officers on the chargeable activities and will charge that time at an appropriate hourly rate.

The Head of Service will be responsible for determining (periodically) what hourly rate or rates should be applied and in doing so, will take into account:

- employment costs of relevant officers (which may be standardised or averaged)
- Corporate overheads (which may be applied as a percentage addition to employment costs)

The Head of Service will also be responsible for determining (periodically) how travelling cost will be calculated and may determine that a standardised / average travelling cost should be used.

The Council will normally invoice the responsible person(s) for the cost of work but will in addition make the cost of work-in-default a charge on the relevant premises in all cases where the applicable legislation provides for that to be done. Accrued interest will be added to charges at an appropriate rate determined by the Council.

Any exceptions to this approach will be determined by the relevant Head of Service.

7.1.3 Recovery of other costs

The Council may make reasonable charges to cover the costs of providing discretionary services, for example the provision of detailed advice.

7.1.4 Publication of fees and charges

All fees and charges (except for works-in-default which by its nature is ad hoc) will be reviewed periodically and published on the Council's website.

7.2 Proceeds of Crime

The Proceeds of Crime Act 2002 (POCA) allows Local Authorities to recover assets that have been accrued through criminal activity. Where appropriate the Council will consider the use of POCA, however it is expected that in most housing cases this same outcome will be achieved via Rent Repayment Orders.

7.3 Grants and financial assistance

The Council offers a range of grants, loans and other forms of assistance to landlords, homeowners and tenants for a wide range of circumstances, principally

relating to the improvement of housing stock. These are provided in accordance with the Council's grants and assistance policies. Grants are generally not available to landlords who are subject to recent or ongoing enforcement action.

7.4 Monitoring and Review

The Council will keep its regulatory activities and interventions under review, with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose, where the Council has direct control of these matters.

Changes will be introduced into this document where necessary to accommodate new legislation, guidance and local needs.

7.5 Application of the Policy

All officers must have regard to this policy when making enforcement decisions.

7.6 Publicity

Enforcement cases will be publicised in the media in accordance with the Council's media policies.

7.7 Complaints, Representations and Appeals

Where legislation includes a right to make representations these will be considered in accordance with the relevant statute and where appropriate reviewed by a senior officer. Appeals against formal enforcement actions such as civil penalties, notices or prosecutions, must be made to the relevant court or tribunal for determination. Any such appeal does not preclude any aggrieved person from making a formal complaint about the service or any officers. Any such complaint will be dealt with in accordance with the Council's complaints procedures and guidance.

Appendix 1 – Housing Act 2004 Part 1 enforcement options

The forms of enforcement action that can be taken under Part 1 of the Housing Act 2004 are as follows:

Improvement Notices require the recipient to carry out certain works within a specified time period. If works are not carried out to the appropriate standard within that time frame, the Council may issue a financial penalty, prosecute and/or carry out works in default.

An Improvement Notice may be **suspended** depending on the circumstances of the case, e.g. there is a need to obtain planning permission before works can be undertaken, or the personal circumstances of the occupants suggests that works ought to be deferred.

Suspended Improvement Notices will be reviewed on an ongoing basis, at least every 6 months.

Prohibition Orders prevent the use of all or part of a property until such time as works are carried out to remove the hazards identified. They are likely to be used if repair and/or improvement appear inappropriate on grounds of practicality or excessive cost (i.e. the cost is unrealistic in terms of the benefit to be derived). Prohibition Orders can also be used to prevent occupation by particular groups of persons, e.g. those that are particularly vulnerable to the hazard(s) identified.

Prohibition Orders may be **suspended** depending on the circumstances of the case.

Hazard Awareness Notices are advisory notices that inform the owner/landlord that a hazard requires attention, but further formal action is unlikely unless conditions worsen or circumstances change. Hazard Awareness Notices will be reviewed on an ongoing basis to ensure they remain the most appropriate course of action.

Emergency Remedial Action and Emergency Prohibition Orders may be used specifically where the Council is satisfied that:

- A Category 1 hazard exists, and that
- the hazard poses an imminent risk of serious harm to health or safety, and that
- immediate action is necessary.

Demolition Orders and Clearance Areas

The Council has powers to order the demolition of dwellings as a possible response to Category 1 hazard(s); however, these powers are rarely used and unlikely to be a proportionate response to address the majority of hazards identified in the district.

Tenure

The HHSRS is tenure neutral; that is, it applies as much to owner-occupied dwellings as to rented dwellings, so all enforcement options are available to the Council regardless of whether the premises in question are owner-occupied, privately rented or belong to a social landlord (now called Registered Providers or RPs).

Occupiers views will be taken into consideration when considering what action is appropriate. Owner-occupiers are generally considered to be in a position to take informed decisions concerning maintenance and improvement issues which might affect their welfare. Tenants, and particularly non-RP tenants, are not usually able to do so in the same way and the Council judges that it is appropriate for tenure to help inform its decisions about appropriate action; for example, an Improvement Notice may be served where the property is tenanted because the tenant has little control over remedying the defect (and the responsibility to do so is generally the landlord's) but a Hazard Awareness Notice may be served where the occupier is also the owner who may not choose to take remedial action.

The Council will consider other relevant factors when considering the most appropriate course of action, including the vulnerability of occupants, the views of any welfare authority (or other support agency) involved as well as the severity of the hazards identified and potential risks to other people.

Appendix 2 – Civil Penalties Protocols

Appendix 2A: Protocol for determining the level of financial penalty where the maximum fine is £30,000

Guidance for officers when setting financial penalties under the Housing and Planning Act 2016, Housing Act 2004, or in cases where no specific financial penalty policy has been published

Introduction

The statutory guidance²² makes it clear that officers should have regard to the following factors when determining the level of financial penalty:

- Severity of the offence
- Culpability and track record
- Harm caused to the tenant
- Punishment of the offender
- Deter offender from repeating the offence
- Deter others from committing similar offences
- Remove financial benefit the offender may have obtained by committing the offence

These factors have been incorporated into the Council's Financial Penalty Matrix which officers use when determining the level of penalty. The starting point for setting the fine is to establish the level of culpability and level of harm in the case and then to combine these factors to determine the severity. This gives an assumed starting point for the penalty, which is then fine-tuned by considering aggravating, mitigating, and other relevant factors.

1. Culpability

The Authority will have regard to three levels of culpability – high, medium and low. Examples of what constitutes high, medium or low culpability are given below.

High culpability	Deliberate or reckless act. Intentional breach, actively and knowingly evading legal duties and responsibilities. Multiple / relevant / recent convictions or formal interventions Knew of problems but took little or no action to correct. Professional landlord or agent, accredited, national company
Medium culpability	Negligent act. Failure to take reasonable care to avoid committing offence. Should have known better. 'Took their eye off the ball' Attempts to comply, but works are reactive / incomplete / undertaken to poor standard Prior formal or informal interventions. Experienced or established landlord Failed to make themselves aware of legal duties

²² MHCLG guidance on civil penalties under the Housing and Planning Act 2016 for local housing authorities - <https://www.gov.uk/government/publications/civil-penalties-under-the-housing-and-planning-act-2016>

Low culpability	<p>Little fault of offender</p> <p>Damage caused by tenant</p> <p>Let down by 3rd party e.g. builders/agent</p> <p>No prior / recent formal/informal interventions</p> <p>Active attempts made to avoid committing offence e.g. had attempted to fix disrepair previously but recurred; had some management processes in place</p> <p>Property was otherwise in good order, other properties in portfolio are generally in good order, more likely to be an isolated blip</p>
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2. Harm

The Authority will have regard to the harm caused to the individual, to the community (e.g. economic loss) and other types of harm (e.g. public concern over the impact of poor housing on the neighbourhood). The nature of the harm will depend on the circumstances of the victim (tenant).

Where there is no actual harm, the Authority will consider the relative danger the person was exposed to as a result of the offence (i.e. the likelihood of harm occurring and the seriousness that could have resulted).

High harm	<p>Defects likely to give rise to extreme (class I) or severe (class II) harm outcomes to occupants or visitors, e.g. electrocution or serious fire safety risks.</p> <p>Especially serious physical or psychological effects on victim</p> <p>Vulnerable victims e.g. minors, or members of HHSRS vulnerable groups present/affected</p> <p>Multiple victims exposed to potential harm e.g. large HMO / public at risk</p> <p>High number of serious health and safety HMO Management breaches, and/or breaches have persisted for significant period</p> <p>Multiple or imminent risk Category 1 hazards</p>
Medium harm	<p>Defects likely to give rise primarily to serious (class III) harm outcomes to occupants or visitors, e.g. serious burns, sprains, or gastroenteritis.</p> <p>Fewer number of victims exposed to potential harm e.g. mid-size HMO</p> <p>Lesser health and safety HMO Management breaches, and/or larger number of other breaches which have persisted for significant period</p> <p>Lesser/few Category 1 hazards plus multiple Category 2 hazards</p>
Low harm	<p>Defects likely to give rise primarily to moderate (class IV) harm outcomes to occupants or visitors, e.g. moderate cuts, bruising or discomfort.</p> <p>Minimal victims exposed to potential harm e.g. small HMO or family only</p> <p>Property is structurally compliant, but penalty relates to another non-compliance e.g. failure to have HMO licence, failure to display manager's details etc.</p> <p>Category 2 hazards only</p>

3. Severity

Severity of the offence is established by combining culpability and harm. This will give the Band level and assumed starting point (ASP) of the fine. The mid-point of the band is selected so that when aggravating and mitigating factors are applied, these are given equal weighting and opportunity to affect the overall penalty level.

Band 1 = £0 to £4,999 Assumed Starting Point £2,500	Low Culpability/Low Harm
Band 2 = £5,000 to £9,999 ASP £7,500	Medium Culpability/Low Harm OR Low Culpability/Medium Harm
Band 3 = £10,000 to £14,999 ASP £12,500	High Culpability/Low Harm OR Medium Culpability/Medium Harm OR Low Culpability/High Harm
Band 4 = £15,000 to £19,999 ASP £17,500	High Culpability/Medium Harm OR Medium Culpability/High Harm
Band 5 = £20,000 to £30,000 ASP £25,000	High Culpability/High Harm

4. Aggravating and mitigating factors

Aggravating factors will increase the fine while mitigating factors will decrease it. Examples of each factor are given below (but regard will be given to the full list of such factors given in the Sentencing Council Guidance).

Aggravating Factors	<p>Previous formal or informal action, relevant convictions and other cases taken into consideration</p> <p>Motivated by or made financial gain, no attempts made to resolve problems, no remorse or personal responsibility</p> <p>Deliberate, Negligent, ought to have known</p> <p>Poor communication, obstruction, concealing evidence, uncooperative</p> <p>Other – e.g. Vulnerable tenants, actual harm occurred</p>
Mitigating Factors	<p>No prior action / relevant convictions</p> <p>Remorse, takes personal responsibility, little/no financial gains</p> <p>Voluntary action taken promptly to resolve problems</p> <p>Cooperation, exemplary conduct, good communication, actively assisted enquiries</p> <p>Other – e.g. Medical conditions, disability, immaturity, carer etc.</p>

5. Punishment and deterrence of offender - financial assessment

An assessment of the offender's incomes and assets will be made to ensure a commensurate level of fine that will act as a punishment, deter the offender and ensure the offender did not profit from the offence. An assessment may look at the following:

- Value of the property in question and whether this is above or below the average for that type of property and location
- Value of other properties the offender owns
- Rental income

- Other monthly income
- Whether the property is mortgaged or owned outright
- Evidence of debts, savings or other assets

6. Deterrence of other offenders

Unlike a successful prosecution, the fact that someone has received a financial penalty is not in the public domain (unless they choose to appeal); however, it is likely that other landlords in the local area will become aware through informal channels. Setting penalties at a level appropriate to the severity, harm and culpability and taking the circumstances of each case into account, will act as a deterrent to other landlords. The Council is likely to publish the number and value of any civil penalties imposed.

7. Other reductions and adjustments

Officers may make further adjustments and reductions to the overall penalty level if justified. Reductions following representations may be applied to the penalty subtotal, for instance to reflect works subsequently completed or other new information and mitigating factors. If the subject enters a guilty plea prior to an appeal hearing, a reduction can be made to the overall penalty. The level of reduction decreases on a sliding scale in accordance with the Sentencing Council Guidelines.

Appendix 2B: Protocol for determining the level of financial penalty where the maximum fine is £5,000 or less

Guidance to assist officers to determine appropriate penalties in cases where no specific financial penalty policy has been published.

Setting the penalty level:

In cases where the maximum financial penalty does not exceed £5000, officers will use the table below to set the penalty level. The culpability and harm assessment will take into account the factors listed below, plus and any other factors relevant to the case and specific regulations in question.

	Low culpability	High culpability	Notes
Low harm	25%	50%	% = Proportion of maximum penalty available.
High harm	50%	100%	

Factors affecting culpability:

High: Landlord has a previous history of housing related statutory non-compliance and/or has failed to comply with requests to comply with these regulations. Knowingly or recklessly breached regulations, obstructive conduct, extended period of non-compliance

Low: No prior history of non-compliance with housing related regulatory requirements. Complex issues partially out of control of the landlord have led to non-compliance. Short period of non-compliance. Promptly took steps to remedy deficiencies.

Factors affecting harm:

High: Significant level of non-compliance. Vulnerable tenants occupying property. Potential for severe or serious harm. Evidence of actual harm.

Low: Low degree of non-compliance (e.g. only slightly below minimum standard). No vulnerable tenants. Potential for slight or moderate harm. No evidence of actual harm.

Further adjustments and representations:

Officers may adjust the penalty level up or down from the level determined in the matrix if there are additional aggravating or mitigating factors (up to the maximum/minimum penalty for each offence). The penalty level may also be adjusted in response to representations and new information received after a Penalty Notice has been served.

General principles for determining the level of financial penalty

- The fine should reflect the seriousness of the offence and the financial circumstances of the offender.
- The fine should reflect the level at which the offender fell below the required standard.
- It should not be cheaper to offend than to take the appropriate precautions.
- Landlords will be provided with an explanation of any penalty issued and, in the event of any revisions made in response to representations, with an explanation of any adjustment made.

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE



**OXFORDSHIRE
COUNTY COUNCIL**

Appendix 2

Equality and Climate Change Impact Assessment

Cherwell District Council

Housing Standards Enforcement Policy

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Section 1: Summary details

Directorate and Service Area	Housing Services – Cherwell District Council Directorate: Adults and Housing Services
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Cherwell District Council – Housing Standards Enforcement Policy
Is this a new or existing function or policy?	New policy (replacing six current policies with refreshed content but also including new provisions).
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	The Housing Standards Enforcement Policy is an updated and extended policy in relation to the regulation and enforcement of housing standards. Effective enforcement of applicable housing standards will generally have a positive impact on residents' health and wellbeing but is likely to deliver particular benefits for those who are likely to be most adversely affected by poor home conditions, including elderly and young residents and those who spend a greater proportion of their time at home.
Completed By	Tim Mills
Authorised By	Gillian Douglas (Assistant Director Housing and Social Care Commissioning)
Date of Assessment	08/06/21

Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>The Housing Standards Enforcement Policy sets out the powers the Council has at its disposal to regulate and improve housing in the district, its approach to enforcement, and how it intends to use the available powers. It will supersede and replace most, but not all, existing policies in relation to the enforcement of housing standards.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>The policy has been produced following a review of six existing policies, which it will replace, but also covers three recent pieces of legislation which are not yet covered by policy and are included for the first time.</p> <p>The legislation underpinning the existing policies has remained substantially unchanged; as a consequence, although content has been reviewed and refreshed, much is reproduced in the new policy without significant change.</p> <p>Drawing several separate policies together is intended to simplify a growing number of related policies, to improve clarity and to ensure that information about the Council’s approach to the enforcement of housing-standards is easier to find and use for both officers and the public. It will also assist future policy review.</p>

<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>Since the new policy is principally concerned with refreshing and consolidating existing policies, no consultation has been undertaken.</p>
<p>Alternatives considered / rejected</p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.</p>	<p>The alternative approach of continuing with six current policies whilst also introducing new policies to address recent legislative provisions was rejected as inappropriate. Failing to refresh existing policies would run the risk of them being perceived as potentially out-of-date and would fail to take advantage of the opportunity to simplify the range of policies and their future administration.</p>

Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The enforcement of housing standards is, in many cases, a statutory duty predicated upon reducing hazards and potential risks to health. Older and younger occupants of unsatisfactory homes are often at increased risk of ill health. Enforcement will therefore benefit them in particular.	N/A	CDC Housing Standards Team	Performance is reported monthly through the Unity system
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Disabled residents often spend more time in their homes and are therefore potentially more at risk from unsatisfactory conditions. Enforcement will therefore deliver particular benefit for disabled residents.	N/A	CDC Housing Standards Team	Performance is reported monthly through the Unity system.
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gender reassignment has no bearing on housing enforcement.	N/A	N/A	N/A

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Marital status should have no bearing on housing enforcement.	N/A	N/A	N/A
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pregnancy and maternity should have no bearing on housing enforcement.	N/A	N/A	N/A
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Race should have no bearing on housing enforcement.	N/A	N/A	N/A
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sex should have no bearing on housing enforcement.	N/A	N/A	N/A
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sexual orientation should have no bearing on housing enforcement.	N/A	N/A	N/A
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Religion and belief should have no bearing on housing enforcement.	N/A	N/A	N/A

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The enforcement of applicable housing standards is not dependent upon location.	N/A	N/A	N/A
Armed Forces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The enforcement of applicable housing standards is determined by the condition of accommodation.	N/A	N/A	N/A
Carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The enforcement of applicable housing standards is determined by the condition of residents' accommodation.	N/A	N/A	N/A.
Areas of deprivation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The enforcement of applicable housing standards is determined by the condition of residents' accommodation rather than location.	N/A	N/A	N/A

Section 3: Impact Assessment - Additional Wider Impacts

Additional Wider Impacts	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The availability of the new policy confirming approach and decision making will have a beneficial impact on staff delivering the service.	N/A	N/A	N/A
Other Council Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The availability of the new policy confirming approach and decision making will have a beneficial impact on staff delivering the service.	N/A	N/A	N/A
Providers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Social Value ¹	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

¹ If the Public Services (Social Value) Act 2012 applies to this proposal, please summarise here how you have considered how the contract might improve the economic, social, and environmental well-being of the relevant area

Section 3: Impact Assessment - Climate Change Impacts

OCC and CDC aim to be carbon neutral by 2030. How will your proposal affect our ability to reduce carbon emissions related to:

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (* Job Title, Organisation)	Timescale and monitoring arrangements
Energy use in our buildings or highways	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Our fleet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Staff travel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Purchased services and products (including construction)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Maintained schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	NA	N/A	N/A

We are also committed to enable Cherwell to become carbon neutral by 2030 and Oxfordshire by 2050. How will your proposal affect our ability to:

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Enable carbon emissions reduction at district/county level?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Enforcement of appropriate standards will, in some cases, result in improvements in the energy efficiency of the existing housing in the district.	N/A	CDC Housing Standards Team	Performance is reported monthly through the Unity system.

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	Policy review after 3 years.
Person Responsible for Review	Housing Development and Standards Manager (Cherwell DC)
Authorised By	Assistant Director, Housing and Social Care Commissioning. (Oxfordshire County Council and Cherwell District Council).

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Cherwell District Council

Executive

5 July 2021

Oxfordshire's Homelessness and Rough Sleeping Strategy 2021-26

Report of Assistant Director Housing and Social Care Commissioning

This report is public

Purpose of Report

To set out the Oxfordshire Wide Homelessness and Rough Sleeping Strategy 2021-26 and Action Plan for approval by the Executive, recognising that Cherwell District Council is a key partner in preventing and resolving homelessness and in supporting systems change county wide. In approving the Strategy, Cherwell District Council agrees to play a key role in delivering the vision, priorities and actions identified.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve Oxfordshire's Homelessness and Rough Sleeping Strategy 2021-26 and the supporting Action Plan.

2.0 Report Details

- 2.1 The County Wide Homelessness Steering Group has now completed consultation on a Draft Homelessness and Rough Sleeping Strategy for Oxfordshire. This report sets out the final Strategy and supporting action plan for adoption by all Oxfordshire councils. Cherwell District Council is represented on the Steering Group and has played a key role in strategy development.
- 2.2 The Strategy does not replace councils' own homelessness strategies, which are a statutory requirement of housing authorities, but sits above those to set out a common vision and set of priorities for Oxfordshire. Cherwell's Homelessness and Rough Sleeping Strategy 2021-26 was adopted by the Executive in March 2021 and the county wide strategy complements Cherwell's strategy.
- 2.3 The Strategy is set out at appendix 1 and the action plan at appendix 2.

3.0 Conclusion and Reasons for Recommendations

- 3.1 A county wide strategy is important in delivering a coordinated approach and is the result of ongoing partnership working to arrive at a common vision, set of principles

and agreed actions for preventing homelessness and ending rough sleeping in the county.

- 3.2 The strategy builds on the learning from the Crisis feasibility study carried out in Oxfordshire in 2019/20 and is being used to inform the recommissioning of homelessness services currently being led by Oxfordshire County Council and Oxford City Council with a pooled budget including Cherwell's contribution.

4.0 Consultation

- 4.1 Public consultation on the Strategy was carried out over 8 weeks between January and March 2021 and resulted in 49 responses, 33% of which were from people with lived experience of homelessness. This feedback was supported through focus groups.
- 4.2 The key points from the consultation that resulted in changes to the Strategy are set out below.

Context and key issues

- 4.3 The Strategy was largely well received as noted in the consultation team's summary report : 'The survey responses highlighted that there is strong overall support for the draft strategy's vision, principles, priorities and action plan'. The most significant issues raised were:
- achievability with the available budget;
 - whether the approach included young people and families;
 - whether a common allocations policy across the housing authorities was the best way forward;
 - the gatekeeping approach perceived by homeless people;
 - whether the action plan would deliver and whether it would develop over time.

Achievability with the available budget

- 4.4 The concern about budget is reflected in the addition to the Strategy that: Senior leaders across the system will seek to influence and lobby national policy and longer-term funding developments across MHCLG, Dept of Health and the MoJ.

Whether the approach included young people

- 4.5 The Strategy has been clarified to note that: The focus of this strategy is on rough sleeping and single homelessness including couples without dependents. There will be close working and connection across to the work on families, young people, people with mental health issues and people experiencing domestic abuse.

Whether a common allocations policy across the housing authorities was the best way forward

- 4.6 While there is a strong will across all the Oxfordshire housing authorities to ensure that this Strategy works and strong co-working on a range of initiatives, it is not

considered that a common allocations policy is essential to the delivery of this Strategy.

The gatekeeping approach perceived by homeless people

- 4.7 The Strategy now explicitly states:
We avoid 'gatekeeping' in the delivery of services.

Whether the action plan would deliver and whether it will develop over time

- 4.8 It is now made explicit in the Strategy that the action plan will develop over time and be kept under review. The final action plan attached to the Strategy has been developed in line with comments made in the consultation and the ongoing progress made in the Steering Group's workstreams.

5.0 Alternative Options and Reasons for Rejection

- 5.1 The following alternative option has been identified and rejected for the reason set out below.

Option 1: not to have a county wide strategy. This would not do justice to the collaborative working that exists between the 6 local authorities and wider partners to prevent homelessness and end rough sleeping. It would also limit the outcomes that can be delivered for people affected by homelessness. By working cross-county and across the professional boundaries of housing, health, social care and the voluntary and community sector we can make the greatest impact in terms of tackling homelessness.

6.0 Implications

Financial and Resource Implications

- 6.1 Delivery of the commitments within the Strategy will be delivered within existing Housing budgets.

Comments checked by: Kelly Wheeler, Finance Business Partner; 01295 221570
Kelly.wheeler@cherwell-dc.gov.uk

Legal Implications

- 6.2 The county wide strategy is not required by law but is in line with Cherwell District Council's commitments to preventing and tackling homelessness. It complements Cherwell District Council's Homelessness and Rough Sleeping Strategy 2021-26 which is a statutory document.

Comments checked by: Richard Hawtin, Team Leader, Law and Governance
Richard.hawtin@cherwell-dc.gov.uk 01295 221695

Risk Implications

6.3 No risks have been identified in connection with the adoption of the new policy.

Comments checked by: Louise Tustian, Head of Insight and Corporate Programmes

Louise.tustian@cherwell-dc.gov.uk 01295 221786

Equalities Implications (Equality, Diversity and Community)

6.4 An Equality and Climate Impact assessment has been undertaken and has informed strategy development.

6.5 The strategy aims to enhance support across the county, and seeks to focus on the person, not the problem, providing an equal approach to delivery of preventative and holistic services for all residents across the county.

Comments checked by: Emily Schofield, Acting Head of Strategy,
Emily.Schofield@Cherwell-dc.gov.uk

7.0 Decision Information

Key Decision

Financial Threshold Met:

Community Impact Threshold Met: Yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan 2021/22 : Housing That Meets Your Needs
CDC Homelessness and Rough Sleeping Strategy 2021-26

Lead Councillor

Councillor Lucinda Wing, Lead Member for Housing

Document Information

- Appendix 1 - Oxfordshire's Homelessness and Rough Sleeping Strategy 2021-26
- Appendix 2 – Action Plan

Background papers

None

Report Author and contact details

Gillian Douglas, Assistant Director Housing and Social Care Commissioning,
gillian.douglas@cherwell-dc.gov.uk

Appendix 1

Oxfordshire's Homelessness and Rough Sleeping Strategy 2021-26

Introduction

This is the first county wide Oxfordshire Homelessness and Rough Sleeping Strategy and marks a commitment to an inter-agency cross sector partnership approach. Significant innovations include a Housing Led / Housing First approach, so that people are supported in tenancies rather than proving they are tenancy ready, and use of a By Name List to ensure real time data informs decisions and developments.

The Covid-19 response has shown things can be done differently when normal rules no longer apply. Councils, under the government's 'Everyone In' scheme were required to provide self-contained emergency accommodation to people sleeping rough during the lockdown. This took a public health approach, overriding existing legal tests of who might qualify for assistance. Services in 2020 are working to ensure those accommodated do not return to rough sleeping, in part funded by the Next Steps Accommodation Programme (NSAP), which has now become the Rough Sleeper Accommodation Programme (RSAP).

However, we collectively face challenges in coming months and years. The ongoing health threats of the Covid-19 pandemic put those who are homeless, or who live or work in shared housing and support services at increased risk and make the provision of services more challenging. The economic impacts have the potential to significantly increase financial hardship and put more people at risk of homelessness. Voluntary and community sector organisations that provide an important safety net are also experiencing financial and operational impacts.

This strategy draws on the year-long Housing-led Feasibility Study, undertaken by Crisis during 2019-2020, which engaged with people with lived experience of homelessness and rough sleeping in Oxford and countywide. A housing-led, or 'rapid rehousing', approach seeks to end a person's homelessness by moving them into their own home as soon as possible, before addressing any other issues they may need support with. This would be a significant change from the current provision which is heavily focussed on placements within supported accommodation, including hostel provision. Prevention of homelessness by working upstream is also fundamental to the strategy.

The strategy is informed by the recommendations of the Oxfordshire Safeguarding Adults Boards' Thematic Review (SAR) of Homelessness 2019, which explored the circumstances surrounding the deaths of 9 individuals who had all experienced what the report terms multiple exclusion homelessness leading up to, and at the time of, their deaths in 2018/19.

The strategy is also informed by the recommendations from the Homelessness Health Needs Assessment published in 2019.

The Oxfordshire councils, Oxfordshire County Council; Oxford City Council; Cherwell, South Oxfordshire, Vale of White Horse and West Oxfordshire District Councils; the Oxfordshire Clinical Commissioning Group (CCG) and Oxford Health NHFT currently resource around £12.5 million worth of supported housing¹, targeted at people in housing need and those who sleep rough. In addition, Oxfordshire benefits from a great deal of community-based support. However, this strategy is needed because:

- Over the course of a year around 600-700 people sleep rough in Oxfordshire
- 64 people were sleeping rough in Oxfordshire on a 'typical' night in November 2019
- Life expectancy for people who sleep rough, is on average 30 years less than the rest of the population. People who sleep rough die, on average, between the ages of 43 and 47 years
- People who sleep rough are 17 times more likely¹ to be victims of violence than those who do not
- Nationally, 14% of those who sleep rough are women. A quarter of women sleeping rough have been sexually assaulted while on the streets
- Three quarters of people who are street homeless experience mental ill health.
- Two thirds of people who are street homeless report using drugs and/or alcohol to cope
- In Oxfordshire, our housing, social care and health systems are fragmented. Access to housing is linked to location and can be dependent on district or city connection
- Those currently using housing and support services have very little choice over or input to these.

The Ministry of Housing, Communities and Local Government (MHCLG) is supporting Oxfordshire councils to work in a more coordinated and consistent way to tackle rough sleeping and homelessness by resourcing the partnership to deliver a 'one system' approach in Oxfordshire.

This multi-agency strategy will underpin a transformation in the way housing, social care and health services work together and work with people in need of housing and support. It will inform future commissioning of services within Oxfordshire. It will be subject to annual review with partners.

The focus of this strategy is on rough sleeping and single homelessness including couples without dependants. There will be close working and connection across to the work on families, young people, people with mental health issues and people experiencing domestic abuse.

There is a separate Action Plan setting out 1) actions, 2) by whom and 3) Outcomes/measures for each of the "We will" bullet points within the 5 priorities set out below. This plan will be kept under review.

¹ This figure includes Mental Health supported accommodation

Vision

To prevent and resolve homelessness, so that no one sleeps rough in Oxfordshire and that sustainable housing solutions are found so that the impact of homelessness on people's lives is reduced.

Principles

- We treat people in need of our services with respect
- We acknowledge people as individuals and work with their strengths
- We work in a 'psychologically informed way', understanding how past trauma and adverse childhood experiences affect people who experience homelessness
- We actively involve people affected by homelessness in identifying solutions and offer choice wherever possible
- We avoid 'gatekeeping' in the delivery of services
- There is a human face to our services so that the person who is homeless has a named person they can contact
- We focus on the health, wellbeing and quality of life of people who experience homelessness, addressing the whole person, not just housing needs
- We co-operate to deliver a co-ordinated and consistent service across the county
- Take action to maximise the resources available to deliver the vision
- We will engage positively with the voluntary sector and faith-based groups
- Senior leaders across the system will seek to influence and lobby national policy and longer-term funding developments across MHCLG, Dept of Health, MOJ etc

Purpose/ Mission: transform the way we respond

Developing a whole system approach is at the heart of this strategy. We need to coordinate the way services work together to prevent people from being passed between agencies without clarity as to who retains responsibility or who to contact; or from becoming lost in the gaps between services. We need to ensure we respond to the wider needs of individuals, not just their presenting or urgent issue. We will:

- Hold relevant organisations and system leaders to account for delivering strategic objectives and service improvement, through clearer countywide governance, in relation to the prevention of and effective response to 'multiple exclusion' homelessness.
- Ensure greater choice and flexibility in provision of housing and support and greater collaboration to deliver better outcomes.
- Prevent people in need of housing and support from being passed between agencies Establish system-wide performance indicators, focusing on

performance at the 'joins' between services and overall outcomes of the individual, not just the project

We need to transform the way our services understand and respond to the hopes, needs and experiences of individuals. We will:

- Ensure our services understand and adjust for the impact of past trauma and adverse childhood experiences, particularly on those experiencing 'multiple exclusion homelessness'. This means workforce transformation across the statutory and voluntary sectors.
- Ensure that our services are culturally competent and able to respond to the diversity and individuality of the people we work with, including the importance of informal networks to people's lives.

Priorities:

1. Proactively prevent homelessness

The Homelessness Prevention Act 2017 extended the period in which a household is defined as 'threatened with homelessness' from 28 to 56 days. It also placed a new 'prevention' duty on local authorities to 'take reasonable steps' to prevent the threatened homelessness of anyone who is eligible.

The City and district councils have implemented the new legislation and practices. However, research shows that the prevention rate can be further improved where intervention occurs before the 56 day timescale in the Act. Good practice initiatives need to be developed further, to ensure a coherent countywide prevention approach, informed by direct evaluation from those with lived experience. Crisis's research found Oxfordshire councils are more than five times more likely to give financial assistance to someone owed a prevention duty to secure alternative accommodation than to help them to secure the accommodation they were already occupying.

A significant focus on prevention will be essential over the coming months and years, as we recover from the impact of the COVID-19 pandemic. Between March - May 2020, the number of claimants of unemployment benefits in Oxfordshire increased from 6,655 to 17,500, an increase of 10,845 or 163%. This was above the increases across England (+114%) and the South East as a whole (+150%)². The government put a hold on eviction processes following lockdown, but these recommenced in October 2020. Local authorities need to overcome any concerns that engaging with people at an early stage of housing need will increase caseloads. The Homelessness Code of Guidance for Local Authorities states that advice and information should aim to assist people as early as possible to maximise the chance

² <https://oxfordshire.org/covid-19-economic-impact-showing-in-data-new-reports-added-to-ocf-insight-website/>

of preventing homelessness, as well as encouraging them to contact the Authority as soon as possible rather than waiting until crisis point.

Statutory service cannot do this alone and will need to support a wide range of partners to ensure availability of accurate, accessible and timely help and advice.

We will:

- Implement effective, evidence-based prevention services with strong links to specialist services e.g. mental health, drug and alcohol misuse.
- Improve access to timely, accurate information and advice on all elements of homelessness prevention
- Ensure there are effective links and “wrap around care” between services, so an individual is supported to access all the services they require.
- Go beyond the homelessness legislation to intervene early and prevent homelessness whether there is a statutory duty or not
- Deliver consistent tenancy sustainment support across the whole county and all housing providers and tenures including in the Private Rented Sector (PRS), and supported housing including pre-eviction protocols where appropriate
- Use a data-led approach to proactively identify those who may be at risk of losing accommodation or of being discharged without accommodation
- Ensure housing options services are accessible and responsive to all who need them, including a strong PRS offer such as deposits and rent in advance.

2. Rapid response to rough sleeping

Current outreach services tend to focus on verification and the ‘processing’ of people who sleep rough, with limited opportunity for individuals concerns to influence what happens to them. The default option is often a referral to whichever supported housing project has a bedspace available. It is evident that many people with lived experience avoid or disengage from statutory services because of restricted options or placements that do not fit their wider needs.

These include concerns about physical and psychological safety and the opportunity to either abstain from or safely use alcohol and other substances.

The SAR highlighted concerns that in some cases people experiencing multiple exclusion homelessness are required to sleep rough before they can access necessary help, support and care services. Records show that 20% of those accommodated within county under **Everyone In** had No Recourse to Public Funds (NRPF) or were EEA workers who had lost their Worker Status. These are people

who are prevented by law from accessing mainstream housing, welfare benefits and employment.

We will:

- Ensure that people experiencing multiple exclusion homelessness are not required to sleep rough in order to be offered help
- Ensure rapid access for all those who are sleeping rough or at immediate risk of rough sleeping to a 'psychologically informed' assessment of their specific needs
- Wherever possible keep people in their local area, where long term housing solutions can be found, rather than having to travel to the City for accommodation and support services
- Provide access to advocacy and informal support from peer mentors
- Provide a range of safe, dignified provision for people coming directly from the streets
- Provide a range of flexible accommodation, which can be adapted for single people or couples and create safe spaces for women and LGBTQ+ rough sleepers
- Identify appropriate housing and support solutions by working jointly with individuals in housing need, using a strengths-based approach
- Ensure that people experiencing multiple exclusion homelessness benefit from an integrated approach to their care and support, mental health, physical health, drug and alcohol misuse and accommodation needs
- Identify appropriate safety nets for people with No Recourse to Public Funds (NRPF) including EEA Nationals having problems with Worker Status.

3. Focus on the person, not the problem

Many individuals remain involved in the homelessness 'system' for years, sometimes decades, unable to move forward despite the involvement of multiple professionals. There is concern that some individuals are not on any authority's housing register; they continue to be affected by past incidents and are dealt with in a 'deficit-based' way. A lack of collective responsibility too often allows individuals to drop between services, effectively 'ceasing to exist' until the re-present.

There is need for an oversight mechanism; shared responsibility for a list of those who need a multi-agency case-management approach to end their homelessness.

This needs to be based on a plan, co-produced with the individual, centred on their specific needs and aspirations.

Supported housing placements are often the 'default position', regardless of an individual's needs, concerns or aspirations. Most people who sleep rough are offered no other option. Much supported housing is of relatively low physical standard which is difficult to change when those living there have little incentive to maintain it, having been given no choice to live there and it being transitory in nature. It may be difficult for specific placements to accommodate couples or pets, which prevents the formation or sustainment of relationships and connections.

The Crisis research highlights inherent conflicts in the current 'staircase model' which requires people to remain in supported housing for around 12 months to demonstrate 'tenancy readiness'. The nature of supported housing prevents those accommodated from treating it as their home and forming any kind of connection. Concentrating people with a range of 'behavioural problems' in one location is challenging for individuals. It also means that staff must try and balance the need to enforce necessary rules with the development of positive relationships that those placed need in order to achieve positive change.

Crisis acknowledge that a minority of people in housing need may benefit from congregate models of supported housing, mainly where:

- their needs for assistance to sustain independence is based around health needs that may benefit from therapeutic group work, rather than behavioural challenges
- their health and wellbeing require a significant degree of constant active monitoring to ensure their safety
- an important element of assistance is the provision of mutual support from those with shared experiences or a shared commitment to behavioural change.

Ultimately, supported housing can be an expensive way of delivering housing support because of the staff time involved in managing interactions between people with different but complex behavioural problems.

We will:

- Adopt a 'Housing-led' approach to providing the level and type of support agreed with those at risk of rough sleeping or experiencing multi- exclusion homelessness
- Improve the multi-agency case management of people who have been sleeping rough long term, by implementing the 'By Name' approach
- Improve wider wellbeing and improve quality of life of those in housing need, including those experiencing multiple-exclusion homelessness. This will include timely intervention from specialist services e.g. mental health, drug and alcohol misuse, physical health and Safeguarding including neglect as well as implementing the learning from the Mortality Review Panel which investigates the deaths of all homeless people in Oxfordshire.

- Ensure rents are such that people are able to work, and are supported to maintain / return to work.

4. Timely move on

Over 1000 bedspaces are currently commissioned across the county, plus a significant amount of floating support, outreach, advice and day provision. Investment in the total resource, including mental health provision, was estimated at £12.5 million. Crisis found that most people moved into supported housing do not go through the Housing Options process and only 13% of those placed in supported housing gained access to settled housing during 2018/19.

Significantly, the difficulty in finding move-on accommodation means many individuals stay far longer in what is intended as transitory, supported housing than intended. The frustration this causes can undo positive changes made by the individual in conjunction with the support staff. The SAR highlights that a bedspace in supported accommodation is not a 'solution' to people's needs or aspirations. Delayed move on can impact negatively on people in a similar way to delayed discharge from hospital

Funding arrangements in supported housing impact on individuals often not being able to afford to move on if they gain employment. This is not the case where support is provided separately to housing.

We will:

- Ensure those accommodated in supported temporary housing have clearly identified and regularly reviewed routes to settled accommodation
- Improve access to social housing by single households experiencing or at risk of homelessness by ensuring a strong focus in the work of the Housing Needs teams and necessary changes in relevant policies.

5. The right home in the right place

In Oxford the average house price of £513,754 is around 17 times the UK average yearly household income of £29,600. The lack of supply of affordable one bed properties remains a problem countywide. However, research found examples of quotas for move-on allocations not being filled, and of registered providers (RPs) letting their accommodation via Right Move because they have not been let through Choice Based Lettings schemes. The level of social housing lettings per 1000 households in Oxfordshire is currently above the national average. However, the numbers of those social housing registers in Oxfordshire have fallen faster than the national average. A significantly lower proportion of lettings to those in

'reasonable preference' categories are made to those who are homeless, within the county. The proportion of lettings going to the most vulnerable single homeless applicants in Oxfordshire is half the national average. There is evidence of overly restrictive practices in the way local authorities manage access to their housing registers for those who have had problems in past tenancies, although there is a lack of data as to the numbers affected.

During *Everyone In*, researchers identified many individuals who were not on a housing register despite having been homeless in a locality for many years. Mental health service providers gave evidence that people with a diagnosis of mental health issues are frequently denied access to housing registers.

Local authorities are not using their powers to create their own additional preference categories. The only example of this is at CDC, for people experiencing domestic abuse. A much higher proportion of social housing allocations in Oxfordshire go to households nominated by local authorities to RPs than is the case nationally.

There is anecdotal evidence that some RPs are risk adverse in relation to housing more vulnerable residents, but this is not adequately monitored or evidenced. Policies relating to move on from supported housing focus on demonstrating 'tenancy-readiness' when this could be achieved by being 'tenancy-supported'.

There is good work being undertaken by councils and voluntary and community sector organisations to secure access to the private rented sector (PRS) for those experiencing homelessness, but this is patchy and not consistent across the county. Some council schemes do not focus on single households and tenancy sustainment provision is not consistent.

All opportunities need to be explored to widen the range of housing options for single people, to better respond to individual needs and choices.

We will:

- Minimise all barriers to allocating social housing to single homeless households in greatest housing need, monitoring, reviewing and developing allocation policies, working positively with Social Landlords to understand and mitigate concerns, ensure excellent and persistent delivery of support, which can be long term when needed
- Work with Registered Providers to ensure applicants with support needs are 'tenancy supported', not 'tenancy ready'.
- Promote access to and sustainment of good quality tenancies in the private rented sector
- Increase the supply and range of housing options for single households by: setting targets for allocations to Housing First, measure results and hold system leaders to account; influencing developers, Planning policies and

registered providers, including considering new build options; considering retention of some shared housing as low or no support.

Appendix A Strategic Context

Housing Act 1996 as amended/ Homelessness Reduction Act 2017

Our District and City housing authorities have a statutory responsibility for publishing an homelessness and rough sleeping strategy every five years and must prevent homelessness and offer assistance.

The Care Act 2014

Places a duty of the County Council, explicitly referencing housing as key to promoting the integrations of health and care

The County strategy, [Oxfordshire 2030](#) set out the overarching strategic plan for the future of Oxfordshire, including the priorities:

- Healthy and thriving communities
- Reducing inequalities and breaking the cycle of deprivation

The strategy is to be achieved through a partnership approach.

NHS Long Term Plan

Appendix B Resources

Local housing authorities

Oxford City, Cherwell, South Oxfordshire, Vale of Oxfordshire and West Oxfordshire District Councils

- Housing options teams
- Housing allocations teams
- Strategic Housing Teams
- Revenues and Benefits teams
- Economic growth teams

Health, Education and Social Care (HESC) Commissioning, Oxfordshire Clinical Commissioning Group (OCCG)/Oxfordshire County Council

- Financial resources: commissioning
- Staff resources in relevant teams – Adult social care/ mental health/ Childrens Services/ education
- Public Health

NHS Health Trusts

- Oxford Health for mental health and Community Services Directorate where Luther Street and District Nursing sit and links for Out Of Hospital project
- OUH linked in re the Out Of Hospital project and have significant role re health and wellbeing of homeless population including a community safety and safeguarding agenda around homelessness. Homeless people are

invariably high demand users of healthcare, in particular urgent / emergency care services

MHCLG funding

- Rough Sleepers Accommodation Programme formally called Next Steps
- Rough Sleepers Initiative
- Cold Weather Fund
- [Extra help for rough sleepers with drug and alcohol dependency - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Voluntary and community sector organisations and the general public who want to see an end to rough sleeping. This includes Oxfordshire Homeless Movement and the Lived Experience Advisory Forum. Also the current providers of homelessness services: Connection Support, Homeless Oxfordshire, Mayday Trust and St. Mungo's. But also the many locally based community groups and charities who offer important help and support to people affected by homelessness.

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Appendix 2

Oxfordshire's Homelessness and Rough Sleeping Strategy 2021- 26

Action Plan 6/5/21 for continuous development

Transform the way we respond

	Objective	Action	By Whom	Key outcomes/measures
T.1	Hold relevant organisations and system leaders to account for delivering strategic objectives and service improvement	<ul style="list-style-type: none"> Establish clearer countywide governance, in relation to the prevention of and effective response to 'multiple exclusion' homelessness 	Lead: Countywide Homelessness Steering Group (CHSG) working with relevant lead officers.	Strong governance arrangements in place. Effective decision-making and lines of accountability identified.
T.2	Ensure greater choice and flexibility in provision of accommodation and support and greater collaboration to deliver better outcomes	<ul style="list-style-type: none"> Review commissioning and contract management of support services 	Lead: OCC (Oxfordshire County Council) and OCtyC (Oxford City Council) reporting to Joint Management Group (JMG) as part of CHSG.	New accommodation based and floating support services in place
T.3	Prevent people in need of housing and support from being passed between agencies	<ul style="list-style-type: none"> Establish system-wide performance indicators, focusing on performance at the 'joins' between services and overall outcomes of the individual, not just the project 	Lead: CHSG	New protocols and ways of working. Concept of a virtual county wide housing team

T.4	Ensure services understand and adjust for the impact of past trauma and adverse childhood experiences, particularly on those experiencing 'multiple exclusion homelessness'. This means workforce transformation across the statutory and voluntary sectors.	<ul style="list-style-type: none"> Deliver services in a psychologically informed way linking with specialist services to minimise harm including suicide prevention. 	Lead: OCC and CHSG	Workforce transformation piece included in commissioning. Staff in all relevant organisations completing training and implementing
T.5	Ensure that our services are culturally competent and able to respond to the diversity and individuality of the people we work with, including the importance of informal networks to people's lives.	<ul style="list-style-type: none"> Deliver services with a strong focus on Equality, Diversity and Inclusion 	Lead: OCC and CHSG	Positive experiences reported. EDI framework with reach across workforce transformation and monitoring.

Proactively prevent homelessness

	Objective	Action	By Whom	Key outcomes/measures
1.1	Implement effective, evidence-based prevention services with strong links to specialist services e.g. mental health, drug and alcohol misuse.	<ul style="list-style-type: none"> Share practice among local authorities as to prevention initiatives, that work well 	Lead: District Councils and OCtyC	Improved prevention and 'pre-prevention' and relief rates
		<ul style="list-style-type: none"> Involve those with direct experience of homelessness in the design of prevention services 	Lead: Steering group	Co-production embedded in commissioning and service development
1.2	Improve access to timely, accurate information and advice on all elements of homelessness prevention	<ul style="list-style-type: none"> Consult with people with lived experience as to the type and form of information they need and can access Improve signposting, information and advice 	Lead: District Councils and OCtyC	Co-production embedded in commissioning and service development

1.3	Go beyond the homelessness legislation to intervene early and prevent homelessness whether there is a statutory duty or not	<ul style="list-style-type: none"> Engagement before the 56 days 	Lead: District Councils and OCtyC	Upstream prevention achieved using PHPs and the recommissioned floating support.
1.4	Deliver consistent tenancy sustainment support across all housing providers and tenures including in the Private Rented Sector (PRS), and supported housing including pre- eviction protocols where appropriate	<ul style="list-style-type: none"> Coordinate the system for tenancy support across providers Consistent implementation of pre- eviction protocols 	Lead: OCC, Districts and OCtyC	Recommissioned and in-house floating support services that prioritise and impact on those most at risk with an absolute minimum of evictions which are managed to minimise impact and with active safeguarding.
1.5	Proactively identify those who may be at risk of losing accommodation or of being discharged without accommodation	<ul style="list-style-type: none"> Collect and share data effectively across organisations Engagement with hospitals and prisons 	Lead: OCC and OCtyC	Implementation of By Name approach recommended by Crisis. Improve the commissioned data collection system (currently Oxthink) and other data led initiatives lined to welfare reform work.
1.6	Ensure housing options services are accessible and responsive to all who need them, including a strong PRS offer such as deposits and rent in advance.	<ul style="list-style-type: none"> Provide support to those who need help navigating or accessing homelessness prevention services 	Lead: CHSG	Consider how to resource initiatives previously funded by Trailblazer. Make best use of community navigators and embedded housing workers

Rapid response to rough sleeping

	Objective	Action	By Whom	Key outcomes/measures
2.1	Ensure that people experiencing multiple exclusion homelessness are not required to sleep rough in order to be offered help	<ul style="list-style-type: none"> Review all verification practices 	CHSG/OCC and OCTyC	No one is required to sleep rough in order to be prioritised for help
2.2	Ensure rapid access for all those sleeping rough or at immediate risk of rough sleeping to a psychologically informed assessment of their specific needs	<ul style="list-style-type: none"> Invest in a psychologically informed assessment hub in Oxford City 	CHSG/OCityC/OCC commissioners	Mental health, psychological support and drug and alcohol support is built into the model
		<ul style="list-style-type: none"> Explore options, including outreach, surgeries and digital methods for extending an assessment hub service countywide. 	CHSG/OCC commissioners	The assessment hub services are available county wide
		<ul style="list-style-type: none"> Co-locate clinical and professional specialists to ensure assessment covers full range of needs 	As above	As above
2.3	Provide access to support and advocacy from peer mentors	<ul style="list-style-type: none"> Embed peer mentors e.g. at the assessment hub 	As above	<p>People with Lived Experience are employed in the system</p> <p>Number of peer mentors trained</p> <p>No. of peer mentors providing sessions</p>
2.4	Provide a range of safe, dignified provision for people coming directly from the streets	<ul style="list-style-type: none"> Commission appropriate, safe and dignified provision for people coming directly from the streets 	CHSG	New contracts in place April 2022
2.5	Provide a range of flexible accommodation, which can be adapted for single people or	<ul style="list-style-type: none"> Commission a range of flexible accommodation, adaptable for single people and couples 	As above	As above

	couples and create safe spaces for women and LGBTQ+ rough sleepers			
2.6	Identify appropriate housing and support solutions by working jointly with individuals in housing need, using a strengths-based approach	<ul style="list-style-type: none"> Embed a strengths-based approach in organisations providing housing and support 	CHSG	No. of staff trained in strengths-based approach
2.7	Ensure that people experiencing multiple exclusion homelessness benefit from an integrated approach to their care and support, mental health, physical health, substance misuse and accommodation needs	<ul style="list-style-type: none"> Better inter-agency working based on learning from Crisis research and SAR Mortality Review process in place Development of wrap around care, led by substance misuse services, with MHCLG funding 	CHSG/OSAB	Reduced mortality rates and improved mental and physical wellbeing of people affected by homelessness
2.8	Identify appropriate safety nets for people with No Recourse to Public Funds (NRPF) including EEA Nationals having problems with Worker Status	<ul style="list-style-type: none"> Support partners and community organisations Map needs 	CHSG with Oxfordshire Homeless Movement	Reduce number of people with NRPF sleeping rough

Focus on the person, not the problem

	Objective	Action	By Whom	Key outcomes/measures
3.1	Adopt a 'Housing-led' approach to providing the level and type of support agreed with those at risk of rough sleeping or experiencing multi-exclusion homelessness	<ul style="list-style-type: none"> Review commissioning and contract management arrangements for the provision of support, ensuring choice and variety is maximised, including support not linked to a housing offer. 	CHSG/ OCityC/OCC commissioners	New contracts in place
		<ul style="list-style-type: none"> Ensure the development of supported housing in line with Housing Led principles 	As above	As above

		<ul style="list-style-type: none"> Undertake a clear assessment with every individual who requires support and arrange delivery in a flexible way minimising the need for moves 	As above	As above
3.2	Improve the multi-agency case management of people who have been sleeping rough long term	<ul style="list-style-type: none"> Implement the 'By Name' approach which will cover all people engaged with the Alliance and will be integrated with data systems. 	CHSG	BNL tracks and prioritises, ensures no one is lost and delivers system data to drive ongoing change.
3.3	Improve wider wellbeing and quality of life of those in housing need, including those experiencing multiple-exclusion homelessness. This will include timely intervention from specialist services e.g. mental health, substance and alcohol misuse and implementing the learning from the Mortality Review Panel which investigates the deaths of all homeless people in Oxfordshire.	<ul style="list-style-type: none"> Improve links to education; creative activities; physical activities; health and wellbeing services Work with partners to ensure all relevant strategies and services cover those in housing need 	CHSG	Reduced repeat homelessness and tenancy breakdown
3.4	Ensure rents are such that people are able to work, and are supported to maintain / return to work.	<ul style="list-style-type: none"> Ensure a focus on employment where relevant. Ensure that rents are as affordable as possible for people to be able to work. 	CHSG/ OCityC/OCC commissioners	Baseline data on employment year 1 then agreed plan to maintain or improve.

Timely move on

	Objective	Action	By Whom	Key outcomes/measures
4.1	Ensure those accommodated in temporary housing have clearly identified routes to move on accommodation	<ul style="list-style-type: none"> A clear lead identified for casework in each District / City for everyone and truly multi agency work. This will be integrated with the Personal Housing Plan (PHP) where there is a Prevention or Relief duty. PHPs may well be extended beyond the length of the duty. 	Lead: City and Districts / Alliance support worker and individual	Reduce time in temporary housing, improve flow in the system
		<ul style="list-style-type: none"> PHP or other casework plan to include active and regularly reviewed Housing register application 	City and Districts	Improved access to social housing
		<ul style="list-style-type: none"> Ensure clarity between the individual and accommodation provider as to the purpose of their stay and intended route forward 	Lead: Supported housing providers	Reduce time in temporary housing, improve flow in the system
4.2	Improve access to social housing for single households experiencing or at risk of homelessness	<ul style="list-style-type: none"> Work with RPs to deliver adequate affordable housing for single people and couples 	Lead: LA Strategic Housing Teams	Improved access to social housing

The right home in the right place

	Objective	Action	By Who	Key outcomes/measures
5.1	Minimise barriers to allocating social housing to single homeless households in greatest housing need	<ul style="list-style-type: none"> Regularly monitor cases of single homeless people excluded from the housing register. Encourage review of the exclusion criteria. 	Lead: Local Authority Housing Team (LAHT)	Improved access to social housing
		<ul style="list-style-type: none"> Understand and work with the 	CHSG	As above

	<p>concerns of RPs. Ensure the development of strong working relationships and agreements between the Alliance of support providers and the social landlords</p> <ul style="list-style-type: none"> • Monitor and report on the incidence of single homeless nominations which social housing landlords have not accepted to maximise learning and develop new solutions. • Allocations across LA areas by appropriate means, albeit enabling people to stay local often best. • Allocations integrated with BNL across the County. • Clearing house for Hard to Let Properties. 	<p>LAs and RPs CHSG LAs and RPs</p>	
	<ul style="list-style-type: none"> • Use the above monitoring information to revise all allocation policies 	LAs	As above
	<ul style="list-style-type: none"> • Review all Nomination Arrangements with Registered Partners 	LAs/ RPs	Measures: Targets as part of Annual lettings plans for number of allocations made to those with additional support needs
	<ul style="list-style-type: none"> • Review and share learning between local housing authorities on differences in rate of allocations going to more vulnerable single housing applicants 	LAs/ RPs	Improved access to social housing
	<ul style="list-style-type: none"> • Establish an additional preference 	LAs	Improved access to social

		group on housing registers, covering those with a history of rough sleeping or at greater risk of sleeping rough		housing
5.2	Work with RPs to ensure applicants with support needs are 'tenancy supported', not 'tenancy ready'	<ul style="list-style-type: none"> • Ensure understanding of the difference in approach • Ensure strong preparation work for taking up a tenancy with support. • Ensure excellent and persistent delivery of support, which can be long term when needed, thereby minimising the impact and costs to social landlords. 	CHSG	Staff training New policies
5.3	Promote access to and sustainment of good quality tenancies in the PRS	<ul style="list-style-type: none"> • Compare offers to landlords and recommend changes to incentives 	City and Districts/Landlord forums	Better access to PRS
5.4	Increase the supply and range of housing options for single households	<ul style="list-style-type: none"> • Increase the number of Housing First tenancies from base of 30 to 50 per year across Oxfordshire with flexibility in proportions by area. • Explore options for creation of suitable housing within planned developments and by consulting on new build options. • Explore options for some smaller shared housing to include some low or no support beds thereby becoming housing led 	LAs and RPs	Delivery of Housing First (HF) target. Annual review of HF target against needs. Reduced reliance on shared supported housing Creation of new self contained and/or ensuite with shared kitchen provision with appropriate support on site. Possible expansion of shared housing capacity.

List of abbreviations

CHSG - Steering Group is the Countywide Homelessness Steering Group (CHSG) made up of lead public sector partners, Crisis and the Chief Executive of a housing association.

JMG – the Joint Management Group of organisations that fund homelessness services through a pooled budget which will become a subsection of the CHSG

OCtyC – Oxford City Council

OCC – Oxfordshire County Council

LAs – Local Authorities

LAHT – Local Authority Housing Team, maybe called differently in different authorities e.g. Housing Options Team, Housing Needs Team

RPs – registered providers of housing

OSAB – Oxfordshire Safeguarding Adults Board

Cherwell District Council

Executive

5 June 2021

Public Sector Decarbonisation Scheme (PSDS)

Report of Assistant Director Property, Investment and Contract Management

This report is public

Purpose of report

To update the Executive on the outcome of the bid that Cherwell District Council (CDC) has submitted for energy efficiency capital works (non-repayable government grants) and, as a result, to seek approval for CDC to proceed with its proposed programme of capital works. The funding body (Salix) has confirmed that CDC's funding application has been rewarded to the amount of £5.986m out of the £6m bid.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the outcome of the bids that Cherwell District Council has submitted for energy efficient capital works (non-repayable Government Grants).
- 1.2 To approve Cherwell District Council (CDC) progressing its own Public Sector Decarbonisation Scheme capital works programme in line with the grant award to CDC.

2.0 Introduction and Report Details

2.1 Cherwell District Council (CDC) has submitted a bid of £6 to install a large number of measures across 10 sites. These Public Sector Decarbonisation Scheme (PSDS) sites are listed below:

- Bicester Leisure Centre
- Spiceball Lesiure Centre
- Kidlington Leisure Centre
- Woodgreen Leisure Centre
- Thorpe Lane Depot
- Banbury Museum
- Franklins House

- Drayton Sports Pavilion
- Stratfield Brake Sports Pavilion

2.2 The technologies have been split into two categories as follows:

1. Fairly straightforward works such as hand dryer, lighting, door replacements, solar film, insulation, ventilation, etc., which are pretty sound in terms of their potential works and subsequently clear with a high degree of assurance in terms of energy savings – these are projects we would look to deliver quickly typically under 3 quotes due to their value. For reference this accounts for <£400k of the £6m project.
2. Technologies that would involve design work, and in some cases planning (i.e. heat pumps, heat recovery, building controls, solar PV, etc). As such we have incorporated two gate reviews allowing for managerial decision to proceed, first following completion of a design stage and second following return of tenders to manage risks (not least the budget risks).

If at either stage a project does not stack up, come within allocated budget / contingency, a decision would need to be made to either:

- Self fund any difference
- Agree a reduced scope with Salix (with a steer from Salix that the key measurable of this is reaching the £500 spent per tonne of CO₂ saved – the projects collectively are at the £400 per tonne of CO₂).
- Cancel the project and hand any funding back to Salix

2.3 For the detailed works to be undertaken in the above properties, please refer to Appendix 1.

2.4 In line with CDC's Procurement Rules, CDC will seek to use a combination of available frameworks (e.g. Fusion21, LHC, etc.) or, in some limited cases, direct awards as the nature of some of the supply chains may demand (and as procurement rules and regulations allow).

2.5 All projects will have savings or potential income generation associated with them, with some having revenue costs as well. At the moment this figure is calculated as producing future income/ savings of £77k.

2.6 There will also be avoided capital costs associated with using this fund to replace equipment coming to the end of its life where CDC (or its leisure provider) would otherwise have needed to pick up the costs.

2.7 These bids are anticipated to support up to 190 jobs as well as decreasing 1,021 tonnes of CO₂ for CDC (approximately one quarter of CDC's carbon footprint).

2.8 For the CDC funding application, approximately three quarters of the funding is for projects upon the leisure centres. Due to the timescales involved in delivery, the staff resources required, the need for integration with the existing systems and implications for future management of the technologies CDC's leisure provider has been identified as being ideally placed to project manage elements of the project.

- 2.9 There are gate reviews, a chance to review the strategic direction, incorporated into the project, and will facilitate an update to Executive as and when appropriate.
- 2.10 The non-repayable grant funding for the energy efficiency capital works would significantly allow the council to move towards its climate agenda.

3.0 Next Steps

3.1 Negotiating terms and conditions of the grant agreement

In line with the senior leadership team approval given on 17 February 2021, relevant officers have negotiated and finalised the terms and conditions of the grant agreement with the funding body.

3.2 Project Management

In order to fully set up the delivery group we will make arrangements for CDC's leisure provider to facilitate the delivery of projects at CDC's leisure centres.

All other projects will be managed in-house by the Property Team.

3.3 Procurement of supply chain

CDC have engaged design consultants and quantity surveyors to specify and design major work projects.

3.4 Retention of benefits realised by grant funding

The benefits of the grant funding must be retained by the public sector and therefore the mechanism to achieve this with CDC's existing leisure operator has been agreed.

3.5 Draw down the funding

The council has agreed to a S31 Forward Funding Arrangement with Salix as such funds have been drawn down accordingly with the approval of the S151 officer.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The 100% grant funding allows CDC to take unprecedented long-term sustainability improvements to its properties to deliver financial and carbon savings. This is in line with CDC's Climate Action Framework, to seek funding opportunities to take action where normal business cases are challenged.

5.0 Consultation

The project elements have been consulted with CDC's relevant directorates and/or service areas (Property, Environmental Services, Communities, Finance, Legal).

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Reject the PSDS programme of works in its entirety
CDC will still need to undertake a large programme of works to achieve carbon neutrality and will be presented with situations, such as leisure centre heating requirements, that will require unique financing mechanisms to provide a suitable business case

7.0 Implications

Financial and Resource Implications

- 7.1 CDC must have regard to its legal duty under the Local Government Act 1999 and guidance thereunder to secure best value when reviewing service provision, requiring CDC to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Officers must also follow both internal procurement policies and external procurement law and practice in pursuit of the recommendations set out in this report.

Comments checked by:

Steve Jorden, Corporate Director Commercial Development, Assets and Investment, steve.jorden@cherwell-dc.gov.uk

- 7.2 The PSDS capital works programme will be funded from the non-repayable grant provided by Salix. CDC will not have to match fund any of the project elements.

Comments checked by:

Michael Furness, Assistant Director – Finance, 01295 221845
Michael.Furness@cherwell-dc.gov.uk

Legal Implications

- 7.3 As set out in the Financial and Resource Implications.

Comments checked by:

Richard Hawtin, Team Leader – Non-contentious, 01295 221695,
richard.hawtin@cherwell-dc.gov.uk

Risk Implications

- 7.4 The risks identified throughout the implementation of the proposed strategy will be managed as part of the Place Programme Board risk register and escalated to the Leadership risk register as and when necessary.

Comments checked by:
Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786,
Louise.tustian@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: Yes

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Climate Action Framework

Lead Councillor

Councillor Dan Sames, Lead Member for Clean and Green
Councillor Lynn Pratt, Lead Member for Economy, Regeneration and Property

Document Information

Appendix number and title

- Appendix 1 – List of Property Projects

Background papers

None

Report Author and contact details

Robert Fuzesi, Assistant Director Property and Investment, 01295 227015,
robert.fuzesi@cherwell-dc.gov.uk

Sam Thomas, Climate Action officer, 01295 221964, sam.thomas@cherwell-dc.gov.uk

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Appendix 1 – List of Property Projects

Technology	Bicester LC	Kidlington LC	Spiceball LC	Woodgreen LC	Drayton Pavilion	Thorpe Lane Depot	Banbury Museum	Franklins House	Stratfield Brake	Whitelands Way
Air Source Heat Pump	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Heating Distribution Services	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fast Response Electric Heaters			✓							✓
Energy Efficient Chiller	✓	✓	✓	✓	✓	✓	✓	✓		
Hand Dryers	✓	✓								
Heat Recovery		✓								
Dry Wall Lining		✓								
Loft Insulation				✓	✓				✓	
Pipe Lagging										✓
Door Replacement			✓							
LED Lighting Upgrade		✓			✓			✓	✓	
Solar Carports	✓									
Solar PV					✓		✓			
AHU upgrade	✓	✓	✓	✓			✓	✓		
Heating Controls (BMS)										✓
Data Surfacing										✓
Air Con Controls										✓
Pump controls										✓
Battery Storage				✓		✓				

<i>ECM Description</i>							
Solar Photovoltaic	<						
Ground Source Heat Pump (GSHP)	<		<				
Air Source Heat Pump (ASHP)	<		<				
Chiller Upgrade	<						
Draft-Proofing	<						
Battery Storage	<						
Metering and Monitoring	<						
Electrical Infrastructure	<						
ABBAY CENTRE	<		<			<	<
BANBURY CHILDREN AND FAMILY CENTRE (New Futures)	<		<			<	<
BANBURY FIRE STATION	<		<			<	<
BANBURY SATELITE CHILDREN AND FAMILY CENTRE (East Street)	<					<	<
COUNTY HALL				<			<
DIDCOT LIBRARY			<				<
SLADE PARK FIRE STATION	<		<			<	<
CROPREDY CE SCHOOL	<						<
DUCKLINGTON CE SCHOOL	<						<
ST BIRINUS CE SCHOOL	<						<
THOMAS READE CP SCHOOL	<		<			<	<

Cherwell District Council

Executive

5 July 2021

Revised Statement of Community Involvement (Planning)

Report of Assistant Director – Planning and Development

This report is public.

Purpose of report

To seek approval of a consultation draft of a Statement of Community Involvement (SCI) for the Council's planning services.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the draft Statement of Community Involvement (SCI) at Appendix 1 for public consultation.
- 1.2 To authorise the Assistant Director - Planning and Development to make any changes he considers to be minor and/or presentational to the draft Statement of Community Involvement prior to the consultation and to determine the format of publication.

2.0 Introduction

- 2.1 A Statement of Community Involvement (SCI) sets out who the Council will engage with in preparing key planning policy documents and determining planning applications and how and when they will be engaged.
- 2.2 The existing SCI was adopted by the Council on 18 July 2016. It is a statutory requirement to produce an SCI and review it every five years from the date of adoption. Planning Practice Guidance (PPG) emphasises that this is to ensure that policies remain relevant and community involvement is effective at all stages of the planning process.
- 2.3 The review of the SCI provides an opportunity to incorporate consider more flexible arrangements to consultation and engagement which have proven effective under the temporary measures which have been necessary during the pandemic, and to bring the SCI into line with changes to the way that customers choose to access information and interact with the Council. It encourages the use of information and

communication technology while ensuring that those without the internet can access our planning services, engage and comment.

- 2.4 Subject to approval by the Executive, a six-week consultation on the draft SCI will commence in June 2021. A final SCI will then be prepared taking into account representations received from the public consultation before being presented to Members for approval. Once approved it will replace the SCI adopted in July 2016.
- 2.5 The revised SCI, prepared for consultation, is presented at Appendix 1.

3.0 Report Details

- 3.1 The Council must comply with its adopted SCI in preparing relevant planning policy documents and in determining planning applications.
- 3.2 The SCI sets out the consultation and engagement processes that will be used in preparing planning policy documents and in determining planning applications. It explains the statutory requirements that the Council must meet at each stage and what other consultation or engagement processes may be undertaken in addition to these minimum requirements. This gives the public and stakeholders certainty over what sort of engagement they can expect within the planning process and the ways they can get involved.
- 3.3 Since the adoption of the current SCI in July 2016 there have been a number of changes to planning legislation, policy and guidance that need to be reflected. This includes the current National Planning Policy Framework (NPPF) and a requirement for the SCI to set out the Council's policies for giving advice and assistance in relation to Neighbourhood Planning.
- 3.4 The review of the SCI has prompted consideration of how information is made available, how more up-to-date means of communication can be employed, how we can facilitate easier engagement with the planning system and how we can be more efficient and cost-effective. The Council's climate emergency declaration and the need to make the best use of resources have also been influential.
- 3.5 The pandemic has led to a dramatic acceleration in the use of information and communication technology for remote and instant contact often with large groups of people. In addition to increased reliance on email and social media, video calling, conferencing and consultation have become widespread. Since the last SCI was adopted in 2016, there has been acceptance that public information is most readily accessible on-line. It is likely that digital forms of consultation and engagement will continue to grow.
- 3.6 We have taken this into account in reviewing the SCI whilst recognising that not all our communities and customers will be able to readily access information digitally. We may experience a reaction to pandemic 'lockdown' and remote contact and a renewed demand for face-to-face engagement. In reviewing the SCI, we have sort to strike a balance while responding to the realities of finite resources.

Plan Making

- 3.7 The timely review of the Cherwell Local Plan is important in meeting the Council's priorities, to economic recovery and to meeting the Government's aspirations to have plans in place across the country by December 2023. Public participation is integral to plan-making and needs to be undertaken positively, effectively and efficiently. The Plan must be capable of being found 'sound'; must be shaped by "... *proportionate and effective engagement*" and "...*accessible through the use of digital tools to assist public involvement*" (NPPF).
- 3.8 The consultation and engagement methods within the SCI for plan-making seek to embrace the use of technology. For example, a new corporate consultation system is being procured and more provision is made within the SCI for remote engagement.
- 3.9 However, in-person community involvement is still provided for and flexibility is accommodated for either on-line or physical events and workshops depending on the circumstances. We need to continue to provide the opportunity for those without access to on-line resources, or the confidence to use them, to be heard in how we plan the district. The less rigid approach in the SCI to how we engage seeks to reduce the possible need for further review in the near term.
- 3.10 The SCI updates the approach for making documents publicly available, reflects the closure of Council link-points, but maintains the availability of documents at public libraries when open.
- 3.11 The SCI clearly sets out what can be expected of officers in supporting Parish/Town Council in preparing Neighbourhood Plans.

Development Management

- 3.12 The SCI has been updated to take account of latest government guidance on development management. It explains the process for considering applications and the opportunity for engagement with the decision-making process. We are seeking to balance the need for timely decision making and improved efficiency with the need to maintain participation in the planning process.
- 3.13 In particular, it is proposed to consult on moving away from individual neighbour notification letters to a more widespread use of site notices to publicise planning applications. The legislation that governs the consultation process provides Local Planning Authorities (LPAs) with a choice. In most cases, LPAs can either display a site notice in at least one place on or near the land to which the application relates; or serve notice on any adjoining owner or occupier. This provision has remained consistent since at least 1995 whereas the transparency and availability of public access to planning applications via the Council's website has changed significantly in this period. We consider that a move to site notices, in combination with the online access provided by the Council's public web-portal, would be more efficient and would be effective. The outcome of SCI consultation on this proposal would be reported back to the Executive.
- 3.14 Within the SCI is detailed explanation of when and how consultation takes place on different types of application and how and when information is published. We have sought to be clear on process and to help manage expectations.

- 3.15 We have no statutory obligation to take late representations into account in considering applications for planning permission but presently do so. We propose to consult on our overall approach. Our proposal is to use our discretion positively and continue to accept representations up until the point of determination. Our on-line facility for submitting representations would be closed at the end of each consultation period, but we would continue to consider late submissions received by email or post and ensure that they are considered.

Climate Action

- 3.16 It is considered that the review of the SCI can provide a contribution to the Council's climate action response. The increased potential to employ information and communication technology in community engagement on a more 'permanent' basis and to secure further reduction in the use of paper and printing would be beneficial.

Consultation on the SCI

- 3.17 There is no longer any formal requirement for LPAs to consult when reviewing or updating their SCI. However, having regard to the purpose of the document and the fact that officers have undertaken a full review, it is considered that consultation on the proposed policy statement is important. It is suggested that public consultation on the draft revised SCI should take place for a six-week period starting in June 2021.
- 3.18 The results of consultation would be presented to the Executive together with proposed final version of the SCI for adoption. It would then replace the SCI adopted in July 2016 and its 2020 addendum.

4.0 Conclusion and Reasons for Recommendations

- 4.1 A draft Statement of Community Involvement (SCI) has been prepared to update the Council's approach to engagement and consultation in providing its planning services. The SCI is a statutory document that must be complied with and reviewed within a five-year period (the existing SCI having been adopted in July 2016). The proposed SCI incorporates more flexibility for the use of ICT and seeks to bring about some efficiencies. However, it maintains a clear commitment to ensure those without internet remain participants in the planning process and seeks to ensure that engagement and consultation is effective for all. The Executive's approval is sought to proceed with public consultation on the SCI.

5.0 Consultation

- 5.1 Councillor Colin Clarke - Lead Member for Planning.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to proceed at this time with the revised SCI consultation

The alternative option is to continue to use the existing 2016 SCI. This is not recommended. The existing document does not address all requirements introduced since 2016 and does not provide the necessary flexibility for community engagement in the future. The 2016 SCI will become increasingly out-of-date

Option 2: To reconsider the content of the revised SCI

The draft SCI has been produced having regard to statutory and policy requirements for plan making and development management and to associated guidance. It is considered by officers to be an appropriate consultation document.

Option 3: To adopt the SCI without consultation

SCIs are not subject to a formal requirement to consult. There is an option open to Members to adopt the SCI without a period of consultation. In view of the purpose of the document, consultation is recommended.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no significant finance and resource implications arising from this report. The revised SCI has been prepared within existing resources. The changes to engagement and consultation policy set out in the revised SCI would be met within existing budgets.

Comments checked by: Karen Dickson, Strategic Finance Business Partner, 01295 22190, Karen.Dickson@Cherwell-DC.gov.uk

Legal Implications

- 7.2 The SCI has been prepared to meet statutory requirements: specifically Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) which requires an SCI; Section 6 of the Neighbourhood Planning Act 2017 requiring an SCI to set out the local planning authority's policies for giving 'advice and assistance' in relation to Neighbourhood Planning; and, Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requiring review of an SCI within five years of adoption. As set out in the report, whilst consultation is not necessary, the credibility of the SCI and hence its ability to resist any challenge to it is significantly enhanced protecting the integrity of the plan-making and development management process.

Comments checked by: Matthew Barrett, Planning Solicitor, 01295 753798, matthew.barrett@Cherwell-DC.gov.uk

Risk Implications

- 7.3 An up-to-date SCI is important to ensure that the Council is able to engage and consult effectively in providing its planning services. Without an up-to-date SCI, there is an increased risk of challenge to planning decisions and an increased risk that its local plan processes will not withstand scrutiny under examination

01295 227985, heather.seale@cherwell-dc.gov.uk

Eleanor Gingell, Planning Policy Team Leader
01295 227985, eleanor.gingell@cherwell-dc.gov.uk

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Statement of Community Involvement 2021

Appendix 1

CHERWELL DISTRICT COUNCIL Statement of Community Involvement Consultation draft July 2021

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

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1 INTRODUCTION

1.1 What is the Statement of Community Involvement?

1.1.1 A Statement of Community Involvement (SCI) sets out who, how and when Cherwell District Council will engage as part of the planning process. This includes preparing key planning policy documents and the determination of planning applications. The aim of the SCI is to explain how we will consult and provide information to help encourage community and stakeholder participation in the planning process. The SCI gives the public and stakeholders certainty over the type of engagement expected and the ways they can get involved. The SCI sets the framework for planning-related consultations which will enable us to demonstrate how we have met and, in some cases, exceeded statutory requirements.

1.1.2 We must comply with the adopted SCI in preparing relevant planning policy documents and in determining planning applications.

1.1.3 There is no formal requirement for local planning authorities to consult when reviewing or updating their SCI. However, community involvement from the outset in the local planning system is important. This draft SCI is therefore being made available for comment. The purpose of publicising the SCI is to provide an opportunity for local communities, businesses and other relevant stakeholders to comment on the process and methods that we intend to use across the Planning Service.

1.1.4 We welcome any comments on the SCI. Where more substantive changes are being proposed we have posed specific questions.

1.2 Why is a new Statement of Community Involvement required?

1.2.1 Our pre-existing SCI dates back to 2016. We have a statutory requirement to review it within five years. Since its adoption, there have been several changes to planning legislation and guidance. In addition, there have been changes to how the public and other stakeholders access information relating to the planning process. This includes an increased use and availability of electronic communications (e.g. the more widespread use of 'smart phones' for internet access) and increased use of social media to access information and news. These changes provide opportunities to change the way we engage on planning matters to make planning more accessible to a wider audience.

1.2.2 As part of this review, we have taken the opportunity to:

- review the availability of planning documents considering the impacts of the COVID-19 pandemic;
- consider ways in which we can be flexible in our approach to consultation and engagement to ensure that the Council can still proceed with its planning duties whilst responding to national or local circumstances; and
- recognise the importance of ensuring that consultation is cost effective and that the Council is working efficiently to free up limited resources.

1.2.3 This SCI is intended to provide a more flexible approach to consultation and engagement to ensure that the Council can still proceed with its planning duties whilst responding to unpredictable national or local circumstances. When adopted, this SCI will replace the existing document adopted in 2016 and the Addendum adopted in July 2020.

1.3 Content

1.3.1 Our Statement of Community Involvement comprises five sections:

1. **Context** – summarises the principles of community involvement in planning and sets out the relevant national planning context.
2. **Community Involvement in Planning Policy** – provides information on how to get involved with and influence the preparation of planning policy documents and includes an overview of the consultation and engagement methods that may be used.
3. **Neighbourhood Planning**- provides a statement of the assistance that the Council will provide to those groups wishing to prepare Neighbourhood Plans for their area.
4. **Community Involvement in Planning Applications** – provides information on how to become aware, comment and view planning applications and how to submit details of a potential breach of planning control to the Council.
5. **Reviewing and Monitoring the SCI** – sets out how the SCI will be monitored and under what circumstances it might be reviewed.

2 CONTEXT

2.1 Principles of community involvement in planning

- 2.1.1 Planning is important in shaping the neighbourhoods and communities in which we all live and work. Early and meaningful engagement with local communities and stakeholders is an integral part of the planning process. In preparing this SCI, regard has been had to the National Planning Policy Framework (NPPF) and accompanying Planning Policy Guidance (PPG). These highlight the Government's commitment to engaging the public in planning both in plan making and decision taking.
- 2.1.2 The NPPF states that plans should "be shaped by early, proportionate and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees". In relation to decision taking, it states that "early engagement has significant potential to improve the efficiency and effectiveness of the planning application system". It enables improved outcomes for the community. We take public and stakeholder engagement seriously and consider it important that everyone has an opportunity to be involved in and influence decisions that are made through the planning process.
- 2.1.3 The Council is seeking to delivery upon its Climate Emergency declaration. We have considered how the SCI can contribute through encouraging the appropriate use of information and communication technology and reducing resource use. We will be mindful of the declared climate change emergency when conducting our consultations balancing this against the needs to ensure access to information for all.

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3 COMMUNITY INVOLVEMENT IN PLANNING POLICY

3.1 Overview of the plan making process

- 3.1.1 As a Local Planning Authority, we have a statutory duty to put in place a framework of planning policies (known as the Development Plan or Local Plan) used to guide development proposals and to help determine planning applications. Our 'Local Development Scheme' or LDS sets out the programme for preparing new planning policy documents.
- 3.1.2 As part of the preparation of these planning policies and supporting documents there are statutory stages of consultation that must be undertaken to allow the public and stakeholders to have their say on what is being proposed. This section of the SCI provides an overview. Statutory requirements will always be met.
- 3.1.3 Completed documents that are relevant to the plan-making process, but which are not required to be subject to consultation will be published on the Council's website in the interest of accessibility and transparency. Examples include technical and information documents, the Local Development Scheme and our Annual Monitoring Report.

3.2 Types of Planning documents subject to consultation

- 3.2.1 We are required to prepare a Local Plan. This plan can comprise one or more documents prepared either individually, or jointly with other Local Planning Authorities. Plans must be kept 'up-to-date' and are subject to review every 5 years (or sooner if circumstances alter) having regard to latest national policy and guidance.
- 3.2.2 For some joint plans, such as the Oxfordshire Plan 2050, the council may adopt a different Statement of Community Involvement that sets out how it will engage on that specific document. This is to ensure that each of the Local Planning Authorities involved are following the same procedures.
- 3.2.3 In addition, the Council may prepare other documents such as a Community Infrastructure Levy or Supplementary Planning Documents (SPDs) which are also prepared in accordance with regulations.
- 3.2.4 From time to time other documents such as masterplans, development briefs and guidance notes will be prepared on specific topics or areas. Who, how and when we consult on these documents will vary dependent on their scope.

Local Plans

- 3.2.5 Local Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure. They provide a basis for managing development, for safeguarding the environment, adapting to climate change and securing good design. Local Plans can allocate land for development and areas that may need to be protected. Local Plans form part of the statutory Development Plan and are the starting point for the determination of planning applications.

3.2.6 Preparation of a Local Plan will follow a set of statutory stages. In broad terms they include the identification of issues and the testing of options for addressing those issues, the preparation and publication of plan proposals and the submission of a plan for examination. The stages involve on-going community engagement, defined periods of formal consultation and the submission of comments known as representations which must be considered. There are prescribed requirements for making documents available: to who, for how long and where. The requirements are a minimum.

3.2.7 Local Plans are independently examined by an Inspector appointed by a Secretary of State (via the Planning Inspectorate). During the examination, an Inspector will wish to ensure that the preparation of the plan has followed the relevant procedures including that the Council has consulted and considered comments received.

Supplementary Planning Documents

3.2.8 Supplementary Planning Documents (SPDs) expand upon and provide additional guidance and interpretation to support policies in a Local Plan. They must be consistent with the Local Plan and, where relevant, are a *material consideration* in the determination of planning applications. They do not form part of the statutory Development Plan.

3.2.9 Consultation is part of the process for preparing SPDs but, unlike a Local Plan, they are not examined.

Other planning documents

3.2.10 The Council also prepares other planning-related documents which will be subject to public consultation and engagement. As these documents do not form part of the 'Local Plan' and do not have regulations to guide their preparation, there is discretion in who, how and when we consult.

3.3 Sustainability Appraisals / Habitats Regulations Assessments

- 3.3.1 Local Plans and some SPDs and Neighbourhood Plans need to be assessed for social, environmental and economic implications of policies and proposals. Sustainability Appraisals (SAs) and Strategic Environmental Assessments (SEAs) help to test the 'soundness' (or robustness) of planning policy documents by ensuring they reflect sustainable development objectives, as well as being consistent with each other in terms of their objectives and policies.
- 3.3.2 The requirements of The Sustainability Appraisal, Strategic Environmental Assessment and Habitats regulations assessments are prescribed by a European Directive. However, they have been transposed and remain a requirement.
- 3.3.3 A Habitats Regulations Assessment (HRA) may be required under the European Directive 92/43/EEC on the "*conservation of natural habitats and wild fauna and flora for plans*" that may have an impact of European (Natura 2000) Sites. The screening stage determines if a document, such as a Local Plan, contains proposals that are likely to have a significant effect on international sites (such as the Oxford Meadows Special Area of Conservation, which falls within the district). This is the likely effect of the plan before any mitigation is included. The screening can lead to the need for 'Appropriate Assessment'.

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3.4 Who will we engage with?

- 3.4.1 Who we engage with will depend on the document being prepared. For some documents such as Local Plans, consultees are prescribed in the regulations and are known as ‘general’ consultation bodies or ‘specific’ consultation bodies. This list is subject to change and review. Definitions of these bodies is provided at Appendix 2.
- 3.4.2 The Council maintains a database of individuals and organisations who have expressed an interest in the preparation of planning policy documents. The database is used to notify individuals and organisations of forthcoming consultations, opportunities to comment or for the purposes of wider engagement and awareness raising. For the Local Plan, this also includes those who have responded to planning policy consultations in the past as there is a requirement in the regulations that the council needs to notify those individuals at future stages.
- 3.4.3 The database is periodically reviewed and managed to comply with the General Data Protection Regulations 2016 (GDPR) and Data Protection Act 2018 (DPA) or any successor legislation. Full details about how we use this data and the rights you have around this can be found on the Council’s website. Individuals can be added to or removed from the database. Please contact the Planning Policy Team by emailing planning.policy@cherwell-dc.gov.uk.
- 3.4.4 Who we consult with will depend on the type of document. The main groups are summarised in **Table 1** below. As is illustrated, the Local Plan has specific regulations that guide who we need to consult with, whereas masterplans and other guidance there is greater discretion. At each stage we will be transparent about the ‘scope’ including the area or topic and who was consulted.

Table 1: Who will be consulted

Group	Document		
	Local Plan	Sustainability Appraisal/ Habitats Regulations Assessment	Other guidance
Specific Consultation bodies	All - as per the prescribed regulations	All - as per the prescribed regulations	Will depend on the matters covered will usually include: Environment Agency, Natural England, Homes England, Town and Parish Councils.
General Consultation Bodies	All - as contained on the Planning Policy Database	All - as contained on the Planning Policy Database	Will depend on the geographical area or topic.
Interested Persons	All individuals who wish to comment	All individuals who wish to comment	All individuals who wish to comment

3.5 The Duty to Cooperate

- 3.5.1 The preparation of a Local Plan is subject to a statutory 'Duty to Cooperate'. This is a requirement to consider strategic planning issues beyond administrative boundaries and address issues that cannot be dealt with by the local authority working alone. To ensure that Cherwell's Local Plan can be adopted, compliance with the Duty to Cooperate must be demonstrated. It requires an on-going process. The bodies for cooperation are defined in the regulations.
- 3.5.2 The Council works closely with its neighbouring authorities. The Oxfordshire Councils are assisted in meeting the Duty to Cooperate by an 'Oxfordshire Growth Board' (a Joint Committee) comprising ourselves, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council, West Oxfordshire District Council and Oxfordshire County Council. It also includes co-opted non-voting named members from the following organisations:
- Oxfordshire Clinical Commissioning Group
 - Environment Agency
 - Homes England
 - Oxford Universities
 - Oxfordshire Skills Board
 - Oxfordshire Local Enterprise Partnership

3.6 Community engagement

- 3.6.1 The Council is committed to ensuring on-going and meaningful engagement in the plan making process. In preparing our plans and policies we will actively seek to engage with our communities, businesses and other relevant stakeholders. Planning Practice Guidance (PPG) emphasises that this is to ensure that policies remain relevant and community involvement is effective at all stages of the planning process.
- 3.6.2 On occasion we receive requests to attend Parish meetings and briefings and whilst we cannot commit as a matter of course, we will continue to consider such requests, subject to resources and programming.
- 3.6.3 We may use any of the engagement methods set out in **Table 2** based on individual circumstances. In choosing methods, we will ensure these are appropriate to the stage of plan preparation and proportionate to the scale and impact of the proposals. Methods will also need to be considered in relation to the circumstances at the time of consultation, as well as the latest government and planning guidance.

Table 2: Engagement methods

Method	Use
Online consultation system	The Council has committed to purchasing software which will help facilitate on-line engagement. This will be available via our website in due course.
Online meetings and events	On-line meetings and events may be used in conjunction with other consultation techniques to discuss specific issues. The experience of the pandemic has shown that, if managed well, this can be both efficient and effective. The ability to engage on-line provides resilience if the pandemic or other unanticipated future circumstances provides restrictions on social contact
In person meetings and events	Whilst it will not always possible to meet, we are happy to consider requests and find ways to ensure that our communities and other interested parties are heard where on-line communication would not be effective.
Exhibitions	<p>Exhibitions may be used to present information and options to the public. They may be used to reporting back the findings of previous consultation exercises or to present ideas. Exhibitions may include unstaffed displays (or virtual events).</p> <p>Exhibitions offer the chance to provide feedback through interactive displays, informal polls/voting, or through discussions with officers. Where Officers of the council will be present at exhibitions, this will be clearly advertised.</p>
Briefings	Briefings may be held with Town and Parish Councils/Meetings to disseminate information and discuss issues. They may be on-line or held in person.
Workshops	Workshops may be organised to explore issues and options in detail with a wider group of participants and an interactive environment. Workshops will be held either virtually or in accessible locations appropriate for the subject issues and will be held at times of the day best suited for appropriate community involvement.
Focus Groups or Forums	<p>Focus groups or forums may be used to enable local people to discuss planning issues either in person or virtually. They will usually be held during the earlier stages of plan making and be arranged with specific groups, dependent on the topic.</p> <p>Focus groups may be used to gain a more in-depth understanding of public concerns or those of specific groups e.g. younger people on specific matters or to help focus wider consultations.</p>

3.7 Publicising Planning Policy Documents

3.7.1 The Local Plan and other policy documents will routinely be published online and the consultation bodies notified of how and where they can be accessed. It should be noted that **paper copies will not routinely be available other than at those locations listed in Appendix 1.**

3.7.2 Requests can be made for a paper copy of primary consultation documents by contacting the Planning Policy Team. A reasonable charge may be levied for requests for printed copies of the documents to cover the cost of production.

3.7.3 **Table 3** (below) provides specific details of the availability of Local Plans, Supplementary Planning Documents and the Sustainability Appraisal.

Table 3: Availability of documents

Method	Commentary
Website	<p>The Council’s website is the principal source for all consultations and information relating to plan making. It is used for:</p> <ul style="list-style-type: none"> - Publication of all local plan consultation documents - Publication of latest news - Publication of evidence base documents - Publication of public notices including where documents are available for inspection.
Direct notification	<p>All relevant organisations and individuals on the Planning Policy consultation database will receive direct notice of the publication of a planning policy document (see Table 1) for consultation. Notifications will be sent by:</p> <ul style="list-style-type: none"> - Email (including electronic alerts) <p>Letters will be sent where no email address is held, or the individual has made a specific request. To minimise costs to the council and to help meet our climate action targets individuals and organisations are encouraged to register an email address with the Planning Policy team.</p>
Public notice	<p>Public notices detailing the availability of the document(s) will be posted at the following locations:</p> <ul style="list-style-type: none"> - On the Council’s website - In local newspapers both online and in hard copy insofar as they are circulating in the district. For documents only affecting Cherwell, these are the Banbury Guardian, Bicester Advertiser and the Oxford Mail. <p>When open to the public, notices will be also be available at:</p> <ul style="list-style-type: none"> - Public Libraries within Cherwell District

Method	Commentary
	<ul style="list-style-type: none"> - Bodicote House, Bodicote, Banbury, OX15 4AA (the Council's principal office) <p>An A4 paper copy of the notice will be provided to Town/Parish Councils for inclusion on local boards at their discretion.</p>
Inspection Copies	Inspection copies of the document will be made available at Bodicote House (the Council's principal office) and the libraries listed in Appendix 1 when publicly accessible during advertised opening hours.

3.7.4 In addition, the council may utilise the following methods to publicise consultations relating to the local plan and other planning policy documents:

- **Cherwell Parish Bulletin:** regular electronic newsletter sent to all parish councils in the Cherwell area. This will be used to help raise awareness of forthcoming consultations. In addition, we are open to discuss ways in which we can help parish councils disseminate information in their own newsletters.
- **Social Media:** The Council has several official channels covering the principal social media platforms (Facebook and Twitter). These will be used to raise awareness of consultation and how individuals/organisations can engage. Weblinks will be provided to enable interested parties to view the consultation documents and submit representations.
- **Press releases:** these may be issued to local newspapers to draw attention to policy documents.
- **Posters and Leaflets** may be prepared to raise awareness of the matter, summarise the principal matters and direct consultees to sources of further information where this is appropriate.

3.8 [How long will we consult for?](#)

3.8.1 We will meet our statutory requirements. Presently, consultation periods for the Local Plan are a minimum of 6 weeks. The consultation period for a Supplementary Planning Document (SPD) is 4 weeks.

3.8.2 On some occasions we may have discretion to extend consultation periods beyond the *minimum* set out in the regulations. This will depend on the stage of plan making (as some stages are 'prescribed' in the regulations and cannot be altered) and our required programme of work.

3.9 When will we Consult?

3.9.1 The planning policy team will engage throughout the process of preparing a local plan. Formal periods of consultation/representations will reflect the stages of document preparation. The Local Development Scheme (LDS) sets out the stages for Local Plan production and is reviewed periodically. The key stages for a Local Plan are:

- Regulation 18- Preparation
- Regulation 19- Pre-Submission stage
- Regulation 22- Submission stage (and examination)

3.9.2 Local Plan regulations prescribe what we must do at each stage.

3.10 Providing feedback

3.10.1 Responses provided to consultations are an integral part of the plan- and policy-making process. We will receive and encourage comments, representations and feedback using one or more of the following methods set out in **Table 4** depending on the particular consultation.

Table 4: Gathering Feedback

Method	Use
Online consultation system	The Council has committed to purchasing software to make responding to planning consultations simpler. This will be available via our website in due course.
Questionnaires and response forms	<p>The type of questionnaire/ response form will be dependent on the stage of plan making. At the earlier stages, questionnaires may provide polls, closed questions or other requests for evidence. At the latter stages, those responding to consultations will need to provide information on specific parts of the plan making process. Using the published response form(s) ensures that all the information required to allow views to be considered at the examination.</p> <p>The Council will make questionnaires and response forms available online. Paper copies of primary documents will be provided on request.</p> <p>Questionnaires and response forms can be:</p> <ul style="list-style-type: none"> • Completed online • Completed electronically and emailed, or • Returned to the Council by post. <p>It will be our preference that submissions are made on-line.</p>
Emails and letters	Although it will be our preference that comments / representations are made using on-line facilities, emails will continue to be accepted. We will provide an address for each consultation. Letters can also be sent to the Council by post.

Online meetings, events and presentations	Online meetings, events and presentations may be used in conjunction with other consultation techniques to help explain our consultations and encourage feedback.
In person meetings and events	Whilst it will not always possible to meet, we are happy to consider requests and find ways to ensure that our communities and other interested parties are heard where on-line communication would not be effective.
Exhibitions	Exhibitions may be used to present information and options to the public. Exhibitions may include unstaffed displays (or virtual events). Exhibitions offer the chance to provide feedback through interactive displays, informal polls/voting, or through discussions with officers. Where Officers of the council will be present at exhibitions, this will be clearly advertised.
Briefings	Briefings may be held with Town and Parish Councils/Meetings to disseminate information and discuss issues. They may be on-line or held in person.

3.10.2 At certain statutory stages of plan making it is important that responses are received during the advertised timeframe. This will be made clear on all public notices and consultation documents. We will also specify the means by which comments should be made.

3.10.3 For formal consultations, we cannot take into consideration anonymous comments. We will require the respondent's name and address and contact information. An email address will be requested to assist efficient communication. It must be expected that comments will be made publicly available with personal data redacted to comply with privacy legislation.

3.11 [Other ways to get involved](#)

3.11.1 Whilst engagement and formal consultation is likely to increasingly take place on-line, it is important that we consider how we can continue to promote effective community engagement for all. It is recognised that there are a significant number of people who do not have internet access or who do not feel confident responding in this way.

3.11.2 We will take reasonable steps to facilitate this. This may involve representative groups, striving to make contact with people in areas most affected by proposals, and allowing individuals to nominate an advocate to share views on their behalf. The Planning Policy team will provide telephone contact details for each consultation (which will be advertised on the public notices or on leaflets) and will be happy to discuss the best way of ensuring that all views are heard.

3.12 How are comments and responses considered?

- 3.12.1 After each formal consultation period ends, all comments received during the consultation period will be reviewed and considered by officers. We will consider all relevant matters made. How the issues raised are then addressed depends on the stage and purpose of consultation. At the formative stages of plan-making they will be used alongside evidence to help develop or refine, and test the robustness of, our proposals. At the final stage of plan-making they are provided to an appointed Inspector to consider together with any proposed modifications to the plan.
- 3.12.2 Comments will normally be published on-line with personal information protected in accordance with the Council's privacy policy and associated legislation (see paragraph 3.4.3). It is common to receive a large volume of responses and it is not possible to respond to each individually. Comments are typically summarised or grouped in reports and officer responses provided to the issues raised.
- 3.12.3 In particular, before Local Plans are submitted for examination, or in the case of an SPD before it is adopted, a Consultation Statement will be produced which sets out the comments received and, where required, how they have been addressed. For Local Plans, a consultation statement may be prepared at key milestones in the process to demonstrate how comments have been reflected at each stage
- 3.12.4 Formal plan making processes are subject to democratic oversight. Officers make recommendations to the Councillors to proceed with the key stages of consultation, having considered the responses to consultation and in presenting proposals. Public involvement at Council meetings is overseen by the Council's Democracy team in accordance with the constitution.
- 3.12.5 We will notify respondents and others on our database at key stages. The examination of a local plan, including any associated communications and the arrangements for participation at public hearings, is administered by a programme officer on behalf of the appointed Inspector.

Consultation Question

Question 1:

Are there any other considerations we should take into account in determining how we engage and consult on planning policy documents?

4 Neighbourhood Plans and Development Orders

4.1.1 Local communities can prepare Neighbourhood Development Plans for their areas. These can be prepared by Town and Parish Councils or formal 'neighbourhood forums' where no town/parish council exists. Additional rights also allow communities to grant planning permission through specific Neighbourhood Development Orders or Community Right to Build Orders.

4.1.2 The responsibility for consulting on Neighbourhood Plans rests with the organisation that has chosen to prepare the document. However, we have a duty to provide advice to groups who are preparing or modifying a Neighbourhood Plan. We also help administer consultation and the examination of submitted plans with a view to becoming a 'made' (adopted) part of the statutory development plan.

4.1.3 The Council's role in the process of neighbourhood planning is set out within regulations. Several of the stages have prescribed deadlines to ensure that the neighbourhood plan process can run smoothly and efficiently. Our statutory duties include:

- To confirm formal designation of an area for a Neighbourhood Plan / Order and publicise the application and decision;
- To confirm formal designation of a Neighbourhood Forum (where no Parish/Town council exists);
- To publicise and consult on the submitted Neighbourhood Plan (Regulation 16 version) for a period of six weeks, publish responses online and send to the examiner;
- To arrange and meet the cost of an independent examination of the Plan / Order;
- To consider the examiner's recommendations and publicise the examiner's report and a decision statement;
- To check compliance with 'basic conditions' and regulations;
- To organise and meet the cost of the relevant referendum/s for Neighbourhood Plans / Orders;
- To formally 'make' (adopt) the plan as a development plan document and produce the adoption statement/s (subject to the result of the referendum);

4.1.4 Further advice on how local planning authorities should assist groups is provided in national guidance this includes providing technical advice and support to communities in the preparation of a Neighbourhood Plan / Order and a local indicative housing requirement figure, if requested to do so by the neighbourhood planning body.

4.2 How will we support Neighbourhood Planning?

- 4.2.1 We will seek to support the preparation of Neighbourhood Plans, recognising that they usually be prepared by local communities rather than planning professionals.
- 4.2.2 We will help representatives of local communities determine whether Neighbourhood Planning will assist them with their goals, to understand the process, and to access advice and information.
- 4.2.3 There are a range of sources of government advice including those prepared by organisations such as Planning Aid, Locality and the Association of Local Councils as well as national planning guidance. We will be able to provide or point towards examples of Neighbourhood Planning to help make informed decisions. Officers will be happy to discuss alternatives to Neighbourhood Plans where requested e.g Local Plan submissions, Village Design Statements and Village/Parish Plans.
- 4.2.4 We will endeavour to support those communities who wish to prepare a Neighbourhood Plan process by providing impartial advice in the interest of the community concerned. We can support groups by :
- Providing a named officer to act as a single point of contact;
 - Advising and supporting on whether matters can be included in the plan;
 - Seeking internal advice on issues of democratic governance
 - Advising on how to approach the appointment of suitably qualified consultants if required to assist with plan preparation/evidence gathering (including potentially attending interviews where requested)
 - Advising on some of the technical, planning-related aspects of producing the plan (for example, drafting policies, undertaking a sustainability appraisal, negotiations with developers);
 - Signposting to sources of evidence and assisting in the analysis of evidence received from village surveys;
 - Signposting to relevant contacts within the Council or within other stakeholder / partner organisations (e.g Oxfordshire County Council, the Environment Agency, English Heritage etc);
 - Providing advice on consultation, including on proposed surveys or questionnaires; and;
 - Providing practical support such as providing a venue for meeting and access to mapping.
- 4.2.5 The level of assistance given and our availability will depend on the circumstances at the time. Advanced planning and mutual flexibility will be required. Where necessary, we may seek to formalise arrangements through service level agreements.
- 4.2.6 Our resources are finite and in some circumstances charges may need to be considered subject to appropriate oversight and approval.
- 4.2.7 We will provide advice on sources of Government or other financial and technical support that may exist. We cannot provide direct financial assistance to groups preparing a Neighbourhood Plan.

Consultation Question

Question 2:

Are there any further considerations we should take into account in determining how we provide advice on Neighbourhood Planning?

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5 COMMUNITY INVOLVEMENT IN PLANNING APPLICATIONS

5.1 Introduction

- 5.1.1 The Council as Local Planning Authority is also responsible for the processing of planning applications within the District. Publicity and consultation are a key part of the process. Some planning applications are dealt with by Oxfordshire County Council, for example those relating to minerals and waste. The County Council produces its own Statement of Community Involvement which details how they will consult on these applications.
- 5.1.2 Planning legislation sets out the minimum requirements for publishing and consulting the community and stakeholders on planning applications. This section sets out our interpretation of how we will meet those requirements through the development management process.

5.2 Pre-application discussions and consultations

- 5.2.1 For enquiries relating to specific schemes or emerging proposals, we offer a formal pre-application service. All potential applicants are encouraged to use this service before applying. Information on accessing pre-application advice, the service that will be provided and financial costs involved can be viewed on the Council's website¹.
- 5.2.2 Government guidance encourages pre-application engagement with the community where it will add value to the process and the outcome. We will therefore encourage developers and promoters for **large scale development** to undertake their own consultation and engagement process with local people.
- 5.2.3 The term 'large scale development' has not been defined in the SCI to allow flexibility. The level of impact and local interest for prospective developments can differ depending on their context. Setting a defined threshold level would limit the ability of Council Officers to promote the benefits of this proactive developer lead consultation with applicants for proposals beneath the threshold.
- 5.2.4 In any subsequent application submission the Applicant should set out: what consultation was undertaken; and how any and all comments received have been addressed by the applicant in the evolution of their design and the detail of their proposals.
- 5.2.5 We will not undertake a public consultation exercise on any pre-application submission received and the detail of any pre-application submissions will not be published on the Council's website (unless otherwise first agreed with the applicant).
- 5.2.6 Subject to prior agreement with the applicant, we may consult with technical consultees at the pre-application stage. This process can include Ward Councillors and Town and Parish Councils where appropriate.

¹ <https://www.cherwell.gov.uk/info/115/planning/55/apply-for-pre-application-advice>

Consultation Question

Question 3:

Do you agree that the term ‘large scale development’ (paras. 5.2.2 & 5.2.3) should be undefined in the SCI?

5.3 Submission of an application

- 5.3.1 Once a planning application has been submitted and validated, we will record the application on our online planning register and make the application available for public inspection via our website.
- 5.3.2 The methods we will use to publicise planning applications (as explained in **Table 5**) will meet the minimum requirements provided in legislation relating to the methods for publicising applications. The requirements vary according to the type of development proposed and are set out in national Planning Practice Guidance.
- 5.3.3 Where it is not reasonably practical to comply with publicity requirements due to local or national restrictions in place at the time, we will take reasonable steps to inform those likely to have an interest in the application by other means. The level of publicity we undertake will be proportionate to the scale and impact of the development proposed and will be in accordance with legal requirements.

Table 5 Publication methods for planning applications

Method	Commentary
The Council’s website	<p>All undetermined applications are available to view on the Council’s online planning register https://planningregister.cherwell.gov.uk/ which enables people to:</p> <ul style="list-style-type: none"> • find an application using a quick search, advanced search, address search or map search; • view the progress of applications; • view all associated documents, including consultation responses; • comment on an application; • research the related planning history of a property (back to 1990); <p>For those who cannot the website, submitted plans and documents can be inspected at Bodicote House on one of the council’s self-service computers at any time between 8:45 a.m. and 5:15 p.m. Monday to Friday.</p> <p>During any period when access to Bodicote House is restricted, we will withdraw the facility to view planning</p>

Method	Commentary
	<p>applications at our office. We will, however, include contact details on all publicity to help anyone who may have difficulty in accessing the documents online.</p> <p>If you require help or support to use the website in order to submit your comments, or for any accessibility issues, please contact the Council on 01295 227006 and we will guide you through the process.</p>
Site notices	<p>Site notices are displayed in a public place at or near the application site. They provide details of the planning application, where to view plans, how to make comments and by what date. One or more site notices may be displayed for not less than 21 days.</p>
Direct notifications	<p>We will send a direct notification² to the following:</p> <ul style="list-style-type: none"> • Internal and external statutory consultees will be notified of planning applications for certain types of development in accordance with relevant regulations. Consultation with these bodies will vary depending on the type of development proposed and / or the location. • Ward Members and Town and Parish Councils / Meetings will be notified when an application relates to their area. • Adjoining Town and Parish Councils / Meetings and adjacent Local Planning Authorities will be notified where strategic development sites border their respective administrative area.
Neighbour notification ³	<p>Every property which physically adjoins, or is directly opposite, an application site (i.e. shares a boundary with the “red line” planning application site boundary or is only separated from the application site by a public right of way or highway) will be notified.</p>
Newspaper advertisements	<p>Planning legislation requires local planning authorities to publish details in the local press of all planning applications for the following:</p> <ul style="list-style-type: none"> • Major developments. • An application accompanied by an Environmental Impact Statement. • A departure from the Local Plan.

² To help minimise costs, the default notification method will be email unless no email address is held by the Council or the stakeholder indicates they require communication by letter.

³ Question 4 of the SCI asks whether Neighbour Notifications should be a means of notification. This table will be updated following the outcome of this consultation.

Method	Commentary
	<ul style="list-style-type: none"> • A development that would affect a public right of way, under Part III of the Wildlife and Countryside Act 1981. • Development affecting the character or appearance of a Conservation Area. • Development affecting a Listed Building or its setting.

5.3.4 Once an application has been registered and validated, we undertake a formal period of notification and consultation and invite comments.

5.3.5 The consultation period for planning applications will be 21 days unless the notification period states otherwise.

5.3.6 **Table 6** summarises examples of our current arrangements for publicising applications. All applications will continue to be published on our website. In all cases, publicity will meet legal requirements.

Table 6: How we currently publicise planning applications

Development type	Site notice	Neighbour notification ⁴	Newspaper advert	Website
Applications for Planning Permission				
Major developments	✓		✓	✓
Non-major and Householder development	Option A ✓	Option B ✓		✓
Householder Prior Approvals		✓		✓
Non-material Amendment submissions				✓
An Environmental Impact Assessment accompanied by an environmental statement	✓		✓	✓
Development that does not accord with the Development Plan in force in the area	✓		✓	✓

⁴ Question 4 of the SCI asks whether Neighbour Notifications should be a means of notification. This table will be updated following the outcome of this consultation.

Development type	Site notice	Neighbour notification ⁴	Newspaper advert	Website
Development that would affect a public right of way	✓		✓	✓
Technical details consent (permission in principle)	✓			✓
Development which would affect the setting of a listed building or affect the character or appearance of a conservation area	✓		✓	✓
Developments not covered in any other entry above				✓
Applications for Listed Building Consent				
Applications for listed building consent where works to the exterior of the building are proposed	✓		✓	✓
Applications to vary or discharge conditions attached to a listed building consent or involving exterior works to a listed building	✓		✓	✓
Other Consents				
Applications for prior approval under the GPDO (excluding householder prior approvals)	✓			✓
Applications for advertisement consent	✓			✓

Development type	Site notice	Neighbour notification ⁴	Newspaper advert	Website
Applications for tree preservation order consent	✓			✓
Applications for works to trees within a Conservation Area	✓			✓
Applications for a Lawful Development Certificate in respect of existing development	✓	✓		✓

5.3.7 The legislation that governs the consultation process provides Local Planning Authorities (LPAs) with a choice on how to publicise applications submitted to them for determination. In most cases, LPAs can **either** erect site notice in at least one place on or near the land to which the application relates; or by serving the notice on any adjoining owner or occupier. Details of all applications are available on the Council's website which represents the Council Planning Register. This is a live resource that allows residents to search for proposals in areas of interest to them at any time. In both cases the means of publication outlined below supplement the online register by alerting interested parties to new applications that are then available to view on the website.

Option A – Site Notice

5.3.8 The benefits of using a site notice to alert the community to the submission of an application is that it is open to all. Anyone passing by a site (whether it be because they live locally, or because they work nearby, or just because it is an area they like to visit) will see the site notice and have the application brought to their attention. This is arguably therefore the most open and transparent means of publicising an application.

5.3.9 The drawback of site notices is that they can be missed by local residents. If expired notices are not taken down, it can become confusing as to whether a notice is new. This can be a issue when a second notice is required to publicise the existence of amended plans on a live application.

Option B – Neighbour Notification letter

5.3.10 Neighbour notification letters are posted directly to properties that are adjacent to proposed development sites. They are not addressed to an individual but to 'The Occupier'. A significant drawback of notification letters is that they are not visible to anyone else. Other individuals that might have an interest in the application site may not be alerted to the proposed development as they do not live in an adjacent property.

Climate Action

5.3.11 The Council has declared a climate emergency. Our Climate Action Framework highlights the Council's vision and values that recognise the importance of climate action to our strategic priorities. Delivering our commitments will require improving our services, for example through maximising the reduction of waste. A switch from notification letters to site notices would provide the opportunity to make significant reductions in printing and the use of paper and materials. These reductions would reduce the impact on the use of resources and help to reduce waste generated by the consultation process.

5.3.12 We are proposing to switch to using site notices to publicise planning applications i.e Option A

Consultation Question

Question 4:

Do you agree with our proposal to use site notices, rather than neighbour notification letters, when publicising planning applications?

5.4 Commenting on a planning application

- 5.4.1 The purpose of the consultation process undertaken for each application is to highlight development proposals to the widest number of interested parties. There are no limitations who can respond to a consultation and anyone can make comments upon an application. Those without access to the internet can telephone the planning service and advice on how to access information and make comments will be provided.
- 5.4.2 We must ensure that the provisions are in place to allow people to comment on applications during the prescribed consultation periods. We are keen to ensure that planning applications can be determined fairly and efficiently. Therefore, the ability to make comments via the website on applications will remain open until the overall consultation expiry date has passed (the last date specified on our website, site notice or press notice etc).
- 5.4.3 We are keen to support people to engage with the planning process and to have their concerns considered in the determination of planning applications. Where comments are received through other means after the overall consultation expiry date has passed, it is a matter for the Council's discretion whether to take into account these into account.
- 5.4.4 Delays in the determination of planning applications hinder the delivery of new development and the associated benefits and infrastructure investment they bring. We need to consider applications in a timely manner, particularly as the Government measures our performance. Failure to meet targets can result in a Local Planning Authority losing its planning powers.
- 5.4.5 We need to balance the need for pace with providing a fair opportunity for our communities to engage and comment. Although our on-line facility for accepting representations would be closed at the end of consultation periods, we propose to continue to exercise our discretion in a positive manner and accept late comments received by other means (email/letter), as far as it is reasonably practicable to do so, up until the point at which applications are determined.

Consultation Question

Question 5:

Do you agree with our approach to accepting representations on planning applications submitted after the formal consultation period ends?

5.5 Amendments to an application

5.5.1 Dialogue between applicants, stakeholders and the Planning Officers is an important part of the planning process and can contribute to delivering sustainable, high quality development. Negotiation may lead to amendments to a scheme which may resolve objections or take on board recommendations made by interested parties.

5.5.2 Where negotiation with the applicant results in amended plans or additional information being submitted, the application will not be automatically re-advertised.

5.6 Consultation on applications that are not within the Cherwell administrative boundary

5.6.1 The statutory duty to notify residents on a planning application sits with the decision-making authority. In some cases this may not be this Council. Such applications will be advertised in accordance with that Council's SCI and any comments must be directed back to that authority to ensure that they are considered in the decision-making process.

5.7 Determination of the application

5.7.1 All material comments received will be considered in decisions made by the Council. Planning applications are determined by the Council either through Planning Committee or powers delegated to Council Officers, in accordance with the decision-making processes set out in the Council's constitution⁵.

Planning Committee

5.7.2 The Planning Committee is a public meeting and both applicants and members of the public have the right to speak in relation to an application. Speakers must be registered in advance with the Council's Democracy team. Planning Committee agendas are normally published 5 working days in advance of the meeting with the items for consideration. The committee is administered by the Council's Democracy team.

5.8 Post determination

5.8.1 Once a decision is issued (either through delegated decision or Planning Committee), the decision notice is published on the application case file on the Council's online planning register.

⁵ <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?XXR=0&Year=2019&CId=531&Info=1&MD=constitution>

5.9 Planning appeals

- 5.9.1 Where an applicant has an application refused, not determined or disagrees with the conditions attached to a planning permission, they have the right to submit an appeal to the Planning Inspectorate.
- 5.9.2 In the event of an appeal, the Council will comply with the notification required set by the Planning Inspectorate. The appeal process and any public inquiries or hearings are administered by the Inspectorate.
- 5.9.3 All appeal decisions will be made available on the application case file on the Council's online planning register and published on the Planning Inspectorate website.

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6 REVIEW AND MONITORING THE SCI

- 6.1.1 Once adopted as Council policy, we must conform with the SCI in carrying out our planning services. A review will be required within five years of adoption but may be undertaken earlier if circumstances require it.
- 6.1.2 We will monitor the effectiveness of the SCI to ensure that the requisite community involvement has been appropriate and effective in the production of planning policy documents and in decision making. We will also monitor any changes to national legislation and policy, and internal service plans.
- 6.1.3 The SCI will also be updated if other significant changes suggest a review is required. For example, this might be the result of changes to:
- Groups we engage with
 - Legislation / national policy
 - Consultation methods
 - The Council's constitution
 - New technology
- 6.1.4 If it becomes clear that the SCI is failing to deliver effective community involvement on planning matters, or where significant changes are required, we will consider reviewing the SCI.

APPENDICES

Appendix 1

Planning Policy Deposit Locations

Deposit location name	Deposit location address⁶
Cherwell District Council Offices	Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA
Banbury Library	Marlborough Road, Banbury, OX16 5DB
Woodgreen Library	Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0AT
Bicester Library	Franklins House, Wesley Lane, Bicester, OX26 6JU
Kidlington Library	Ron Groves House, 23 Oxford Road, Kidlington, OX5 2BP
Adderbury Library	Church House, High Street, Adderbury, OX17 3LS
Deddington Library	The Old Court House, Horse Fair, Deddington, OX15 0SH
Hook Norton Library	High Street, Hook Norton, OX15 5NH

⁶ Current opening times for the deposit locations are published online:
[https://www.cherwell.gov.uk/info/5/your-council/478/contact-us/2;](https://www.cherwell.gov.uk/info/5/your-council/478/contact-us/2)
<https://www.oxfordshire.gov.uk/residents/leisure-and-culture/libraries>

Planning Policy Consultation Bodies

Interested Person is the term used in planning regulations to refer to members of the public who wish to comment on planning policy documents. Interested persons do not have to live within Cherwell to comment on the planning policy documents.

General consultation bodies. These are identified locally, although there are several national organisations that also are classified as a general consultation body. The Planning Policy Team maintains a database of the general consultation bodies for the purpose of preparing planning policy documents. In the case of Local Plans all organisations will be notified of consultations. Organisations that fall into one of the categories below can request to be added to the database at any time. General Consultation bodies include organisations that are in one or more of the following categories:

- Voluntary organisations some or all whose activities benefit any part of the local planning authority area.
- Bodies that represent the interest of different racial, ethnic or national groups
- Bodies which represent the interests of different religious groups
- Bodies that represent the interests of disable people
- Bodies which represent business interests

Specific consultation bodies are organisations that are 'prescribed' e.g. set out within the regulations. They include bodies such as:

- Town and Parish Councils
- The County Council
- Neighbouring Council areas
- The Environment Agenda
- Historic England
- Natural England
- Network Rail (or any successor body)
- The Highways England
- Utilities companies and sewerage undertakers
- The Primary Care Trust (now Clinical Commissioning Groups)
- Homes England

Consultation with specific bodies is dependent on the document being prepared. The regulations will guide which specific bodies are consulted during the preparation of any planning policy document.



EQUALITY IMPACT ASSESSMENT SCREENING

DRAFT STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

July 2021

Equality Impact Assessments

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1. INTRODUCTION

- 1.1. This Equality Impact Assessment (EQIA) reviews the draft Statement of Community Involvement (SCI). The SCI sets out who, how and when Cherwell District Council will engage as part of the planning process. This includes preparing key planning policy documents and the determination of planning applications. All local planning authorities are required under section 18(1) of the Planning and Compulsory Purchase Act 2004, to prepare and maintain a SCI.
- 1.2. The purpose of this EQIA is to assess what impact the temporary changes set out in the draft SCI will have on different sections of the community referred to as the 'protected characteristics' which include:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation
- 1.3. Equality Impact Assessments systematically assess and record the actual, potential or likely impact of a service, policy or project – or a significant change in the same – on different groups of people. The consequences of policies and projects on particular groups are analysed and anticipated so that, as far as possible, any negative consequences can be eliminated or minimised and opportunities for ensuring equality can be maximised. This EQIA will be published on the Council's website with the draft SCI.
- 1.4. This EQIA highlights the steps that have been undertaken to evaluate the potential impact of the publicity arrangements on those in the community with protected characteristics, and what steps have been taken to address any negative impacts. The assessment follows the Council's standard methodology as outlined below:

Stage 1 involves the Initial Screening of the assessment and is intended to check whether the SCI Addendum has an adverse impact on equality groups and identify relevant actions and likely costs/resources associated with any proposed improvement. **Appendix 1** contains the initial screening of the draft SCI.

Stage 2 of the Council's EQIA requires the completion of an In Depth (Full) Assessment if the answer is yes to more than one of the Initial Screening questions.
- 1.5. Following the initial screening of the draft SCI it is concluded that an In Depth (Full) Equality Impact Assessment is not required.

Equality Impact Assessment

APPENDIX 1 STAGE 1 - INITIAL SCREENING DETAILS ASSESSING POLICIES AND ACTIVITIES

Please tick/delete as appropriate: Is this EQIA for a,

Strategy	<input checked="" type="checkbox"/>	Existing	<input checked="" type="checkbox"/>	
Policy	<input type="checkbox"/>	New/Existing	<input type="checkbox"/>	
Service	<input type="checkbox"/>	Development	<input type="checkbox"/>	New/Existing

Name of Strategy, Policy or Service Development:

Draft Statement of Community Involvement (SCI)

AIMS, OBJECTIVES & PURPOSE OF THE POLICY OR ACTIVITY:

A Statement of Community Involvement (SCI) sets out who, how and when Cherwell District Council will engage as part of the planning process. This includes preparing key planning policy documents and the determination of planning applications.

The aim of the draft SCI is to explain how we will consult and provide information to help encourage community and stakeholder participation in the planning process. The SCI gives the public and stakeholders certainty over the type of engagement expected and the ways they can get involved. The SCI sets the framework for planning-related consultation which will enable us to demonstrate how we have met and, in some cases, exceeded statutory requirements.

We must comply with the adopted SCI in preparing relevant planning policy documents and in determining planning applications.

PLEASE LIST THE MAIN STAKEHOLDERS/BENEFICIARIES IN TERMS OF THE RECIPIENTS OF THE ACTIVITY OR THE TARGET GROUP AT WHOM THE POLICY IS AIMED:

The draft SCI sets out how planning applications and planning policy documents are publicised and explains how responses could be made, therefore this could have an impact on all those that live and work in the district. The main stakeholders are, therefore, the Cherwell community and those with an interest in the Cherwell District. These include residents, local businesses, stakeholders, staff, and partners.

IF THE ACTIVITY IS PROVIDED BY ANOTHER DEPARTMENT, ORGANISATION, PARTNERSHIP OR AGENCY ON BEHALF OF THE AUTHORITY, PLEASE GIVE THE NAMES OF THESE ORGANISATIONS/AGENCIES:

N/A

LEAD OFFICER:	Heather Seale	TEL: 01295 227985
SERVICE AREA:	Planning and Development	
DIRECTORATE:	Environment and Place	

ASSESSMENT REVIEW DATE: 4 June 2021

Equality Impact Assessment

STAGE 1 – INITIAL SCREENING ASSESSMENT

Q	Screening Questions	Y/N
1.	Does the policy or activity knowingly prevent us in any way from meeting our statutory equality duties under the 2010 Equality Act?	N
2	Is there any evidence that any part of the proposed policy or activity could discriminate unlawfully, directly or indirectly, against particular equality groups?	N
3	Is there any evidence that information about the policy or activity is not accessible to any equality groups?	N
4	Has the Council received any complaints about the policy or activity under review, in respect of equality issues?	N
5	Have there been any recommendations in this area arising from, for example, internal/external audits or scrutiny reports?	N
6	Will the proposed policy or activity have negative consequences for people we employ, partner or contract with?	N
7	This Strategy, Policy or Service Development has an impact on other council services i.e. Customer Services and those services have not yet been consulted.	N
8	Will there be a negative impact on any equality groups? If so, please provide brief details below.	Y
	<p>Equality Impact: Evidence:</p> <p>The draft SCI has the potential to impact upon equality as its implementation will affect how the Council engages with all those who live and work in Cherwell District and other key organisations and stakeholders on planning policy documents and planning applications.</p> <p>The draft SCI is not expected to create any barriers to participation for people with the following protected characteristics: marriage and civil partnership; pregnancy and maternity; religion or belief; gender reassignment; sex; and sexual orientation.</p> <p>The draft SCI could act as a barrier to participation for people with the following protected characteristics: age and race. The Council have put measures in place to mitigate against these negative impacts.</p> <p>Age – The draft SCI has a greater emphasis on online engagement methods including direct notification by email, digital consultations, social media and publishing documents for inspection on the Council website. Research indicates that those aged 65 plus are less likely to be computer literate, which may impede their ability to participate in the planning process. In Cherwell, this age group accounts for 18.3% of the population. Contact details for the Planning Policy team will be provided on all consultation materials to ensure those who may have difficulty in accessing documents online can receive assistance or be provided with the document in an alternative format. Inspection copies of the consultation documents will be made available at Bodicote House and at libraries within Cherwell District when publicly accessible during advertised opening hours. For Development Management, details of how to respond using alternative methods such as letter will be clear. Public notices posted at Bodicote House, at libraries within the District and at sites will be used to publicise consultations and will include contact details.</p> <p>Race – It is recognised that there may be challenges in engaging all racial groups due to language barriers, or cultural differences. To address this, the planning policy consultation database includes contact details for a range of organisations representing different racial groups who will be notified of any consultations.</p>	

	<p>In order to ensure those with physical disabilities are not denied access to public consultation events, the Council will seek to hold meetings in places that are accessible to those who have mobility issues, where possible. In addition, we will make hard copies of documents available at request, consider holding virtual meetings and utilise disability networks/organisations from the consultation database to promote information.</p> <p>The draft SCI could act as a barrier to people on low incomes due to digital inequality. Research confirms that low income households have lower rates of in-home internet connectivity compared with higher-income groups. People on lower incomes are also more likely to depend exclusively on non-contract smartphones and other handheld devices to access the internet in the home and therefore may not have the ability to download large documents. This is mitigated through internet availability at libraries and other locations where internet access is provided and by inspection copies of the documents being made available at Bodicote House (and libraries for planning policy documents) within the District when publicly accessible and during advertised opening hours. There is also an option to contact the Planning Department for assistance or to request information in an alternative format.</p>	
9	<p>Is the proposed policy or activity likely to have a negative effect on our relations with certain equality groups or local community? If so, please explain.</p> <p>The draft SCI aims to remove barriers to participation in the planning process. Where barriers to participation have been identified, the Council have put measures in place to mitigate against any negative effects.</p>	N
10	<p>There has been no consultation with equality groups about this policy or activity? Answer yes if you agree with this statement. If there has been consultation, please list the equality groups you have consulted with:</p> <p>Following approval by the Executive, the draft SCI will be subject to a period of public consultation. A final SCI will be prepared taking into account representations received from the public consultation before being presented to Members for approval.</p> <p>The Council's EQIA contact officer was consulted on the preparation of this EQIA.</p> <p>It is considered that all sectors of the community still have the opportunity to have their say in how their community is planned and developed, irrespective of age, sex, ability, ethnicity, background or disability as a result of the measures contained in the draft SCI.</p>	N
11	<p>Has this assessment missed opportunities to promote equality of opportunity and positive attitudes?</p> <p>No. The Council will continue to encourage the participation of all sectors of the community in the preparation of planning policy documents and consultation of planning applications.</p> <p>The draft SCI promotes the use of a range of engagement methods in order to reach local people, local businesses and other key organisations and stakeholders.</p> <p>In order to promote equality of opportunity for young people the Council will continue to use social media as a means of involving the community in planning policy.</p>	N

	<p>Research suggests that young people are difficult/reluctant to engage in the planning process. Social media is a popular means of interaction for young people and the Council is committed to the use of online platforms to engage younger people on planning matters, as a means of enhancing equality of opportunity.</p> <p>The draft SCI commits to facilitate focussed meetings or forums with interest groups, organisations and other stakeholders where there is demand. These may be held in person or virtually. Overall, the aim of this is to advance equality of opportunity to respond to consultations.</p> <p>The draft SCI helps to foster positive attitudes by ensuring that the Council is open about how it will engage with the community in the delivery of its planning function, thus removing barriers to participation in the planning process.</p>	
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Proceed to In Depth (Full) Assessment (complete **Appendix 2) if the answer is YES to more than one of the above questions.**

For any YES answers include an improvement action in your Equality Improvement Plan.

Declaration

I am satisfied that an initial screening has been carried out on this policy or activity and an In Depth (Full) Equality Impact Assessment is not required. I understand that the EQIA is required by the Council and take responsibility for the completion and quality of this assessment.

Completed by:

**Heather Seale – Planning Research and Monitoring Officer
22 June 2021**

Authorised by:

**David Peckford - Assistant Director - Planning and Development
22 June 2021**

Please detail below your evidence which has determined whether you have answered either Yes or No to the initial screening questions.

Screening Questions	Screening Narrative
Does the policy or activity knowingly prevent us in any way from meeting our statutory equality duties under the 2010 Equality Act?	The draft Statement of Community Involvement (SCI), which sets out how we will engage our community in the preparation of planning policy documents and planning applications are consulted, actively seeks involvement in planning from all areas of the community.
Is there any evidence that any part of the proposed policy or activity could discriminate unlawfully, directly or indirectly, against particular equality groups?	<p>There is no evidence to suggest that any of the protected groups have been disadvantaged by the draft SCI as the aim of the document is to try and help people engage in the planning process.</p> <p>Where the consultation and engagement methods set out in the draft SCI could act as a barrier to participation for some equality groups, the Council have put measures in place to mitigate against these negative impacts.</p>
Is there any evidence that information about the policy or activity is not accessible to any equality groups?	<p>There is no evidence that information about the draft SCI is not accessible to any equality groups.</p> <p>The aim of the draft SCI is to encourage community and stakeholder involvement.</p> <p>The draft SCI will be published on the Council's website and emails/letters will be sent to specific, general and all other relevant consultees and stakeholders on the Planning Policy consultation database. Contact details for the Planning Policy team will be provided for anyone who may have difficulty in viewing documents online and a hard copy of the document can be sent by post for a fee. Stakeholders will be given the option of responding to the consultation through an online consultation portal, electronically by email or by post. The draft SCI and the consultation will be promoted through the Council's social media accounts.</p>
Has the Council received any complaints about the policy or activity under review, in respect of equality issues?	No. There is no evidence to suggest that any equality issue related complaints have been received.
Have there been any recommendations in this area arising from, for example, internal/external audits or scrutiny reports?	No recommendations received
Will the proposed policy or activity have negative consequences for people we employ, partner or contract with?	There are no negative outcomes identified.
This Strategy, Policy or Service Development has an impact on other council	The draft SCI has been prepared in consultation with the Council's EQIA contact officer and the changes do not affect how other Council services are provided.

<p>services i.e. Customer Services and those services have not yet been consulted.</p>	
<p>Will there be a negative impact on any equality groups?</p>	<p>No. The draft SCI includes various ways the Council will ensure that there are no barriers to people having a say in the planning process, with the aim of advancing equality of opportunity for all.</p> <p>Where barriers to participation have been identified, the Council have put measures in place to mitigate against any negative effects.</p>
<p>Is the proposed policy or activity likely to have a negative affect on our relations with certain equality groups or local community? If so, please explain.</p>	<p>No. The draft SCI includes various ways the Council will ensure that there are no barriers to people having a say in the planning process, with the aim of advancing equality of opportunity for all.</p> <p>Where barriers to participation have been identified, the Council have put measures in place to mitigate against any negative effects.</p>
<p>There has been no consultation with equality groups about this policy or activity? Answer yes if you agree with this statement. If there has been consultation, please list the equality groups you have consulted with:</p>	<p>The draft SCI will be subject to public consultation.</p> <p>The Council's EQIA contact officer was consulted on the preparation of this EQIA.</p> <p>The aim of the draft SCI is to encourage community and stakeholder involvement.</p> <p>Consultations on planning policy documents and planning applications are open to everyone to comment. These are widely publicised to give opportunities to anyone who wishes to be involved.</p> <p>Consultation responses to planning policy documents are captured in Statements of Consultation, which are published on the Council's website.</p> <p>The draft SCI will be published on the Council's website and emails/letters will be sent to specific, general and all other relevant consultees and stakeholders on the Planning Policy consultation database. Contact details for the Planning Policy team will be provided for anyone who may have difficulty in viewing documents online and a hard copy of the document can be sent by post for a fee. Stakeholders will be given the option of responding to the consultation through an online consultation portal, electronically by email or by post. The draft SCI and the consultation will be promoted through the Council's social media accounts.</p>
<p>Has this assessment missed opportunities to promote equality of opportunity and positive attitudes?</p>	<p>No</p>

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Cherwell District Council

Executive

5 July 2021

COVID-19: Progress and Planning Update

Report of Chief Executive

This report is public

Purpose of report

To summarise the current state of the pandemic in Cherwell and Oxfordshire, describe the management and operational response arrangements in place, give an update on the status of Council services and the resource impact of COVID-19, and set out the approach for further recovery and renewal planning.

1.0 Recommendations

The meeting is recommended to:

- 1.1 Note the latest public health situation with regard to COVID-19, the management arrangements in place and the resource impact of the pandemic as set out in this report.
- 1.2 Note the joint Oxfordshire County Council and Cherwell District Council programme of activity underway that continues to respond and adapt to the pandemic as set out in Appendix 1.
- 1.3 Note the summary of COVID-19 service impact set out in Appendix 2.
- 1.4 Note the plans set out from paragraph 3.26 for recovery planning and for further understanding the lessons learnt for the organisation from the pandemic and agree that a programme of engagement with the Overview and Scrutiny Committee, all council members and key partners should be developed in consultation with the Leader and Chair of the Overview and Scrutiny Committee.

2.0 Introduction

- 2.1 Thanks to significant local and national efforts, the incidence of COVID-19 has dramatically fallen since the high levels seen in late 2020 and early 2021.

- 2.2 As a consequence, the national Roadmap steps have seen the gradual easing of restrictions on every-day life. National modelling and trends in infection-rates show that cases are now rising again as the changes in the Roadmap begin to have an epidemiological impact. However, the roll-out of the vaccine programme and its apparent preventative impact on infection, combined with ongoing changes in behaviour, means that a further wave of cases is anticipated to be substantially less impactful. Never-the-less the continuing occurrence of infection, albeit at relatively low rates at present, and the emergence of variants of concern, mean that we will need to retain and adapt our capacity to aggressively manage COVID-19 into the autumn if we are to safely maintain a full return to social and economic activity. In addition, the ongoing impact of the virus and its side-effects on health, inequality, business and the economy, and individual and community well-being, are expected to dominate public policy well into the future.
- 2.3 The end of the Roadmap period, and one year on from the agreement of our initial Re-start, Re-cover and Re-new strategy, is a suitable point to undertake a detailed stock-take of recent and current COVID-19 activity and to look forward towards recovery planning.
- 2.4 This report summarises the current state of the pandemic in Cherwell and Oxfordshire and sets out the management and operational response arrangements in place. It provides a status update on Council services and the resource impact of COVID-19. Finally, it proposes the approach to further recovery planning and for using the lessons of the pandemic for the organisation to help direct the long-term recovery strategy and inform future corporate direction and planning.
- 2.5 Rapid changes in the impact of COVID-19 and of the guidance and restrictions in place, remain a feature of responding to the pandemic. The details in this report are correct at time of publication. However, they are subject to change which will be highlighted during the meeting as required.

3.0 Report Details

COVID-19 Situation

- 3.1 Cases of COVID-19 climbed steadily throughout December 2020 resulting in the introduction of Tier 4 restrictions for all Oxfordshire council areas on 26 December and a new national lock-down from 5 January 2021. Cases then climbed steeply and reached a peak in late January. Hospital admissions also rose considerably, with two and a half times the number of patients in hospital in January compared with the peak of the first wave. However, due to advances in treatment and the early impact of the vaccination programme, the number of critically ill patients who required mechanical ventilation and the number of deaths were at a proportionately lower level. Hospital rates began to plateau in late January, but the pressure on the health service remained very high for some months to come.
- 3.2 The vaccination programme launched in Oxfordshire on December 8, and as of 15 June, 765,500 vaccinations doses had been provided. Take up amongst those offered the vaccine in Oxfordshire is high; over 93% in the Clinically Extremely Vulnerable population, and over 96% in the over 70's with 95% of second doses

delivered to this cohort. All residents over the age of 18 are now being offered the vaccine.

- 3.3 As the combined impact of the national lockdown, Test and Trace, symptom-free testing and the vaccination programme began to have an effect, case rates started to decrease from the end of January. Sustained reductions in case rates continued throughout the remainder of the lockdown period. While restrictions gradually eased during the various states of the Roadmap announced during February (described further below), case rate remained very low. Critically, case rates amongst over 60s began to decrease considerably around late February and have remained very low since. This decrease in cases was also reflected in a sustained reduction in hospital admissions and deaths. Whilst case rates were highest amongst the over 60s during the peak of the second wave, rates amongst the over 60s are now significantly lower than in other age cohorts and represent a small percentage of overall cases.
- 3.4 During the peak of the second wave in mid-January, the case rate stood at 563 per 100,000 residents; in the week up until 7 May, the case rate was down to 17.1 per 100,000 residents. This highlights the significant impact that measures taken both nationally and at local-level have had on cases and transmission overall.
- 3.5 From the end of May, infection rates have increased as anticipated as a likely impact of the Roadmap process. Recent rises in case rates have shown that younger age groups are over-represented with older people continuing to be infected at a much lower rate. The prevalence of the more infectious Delta-variant connected with the speed of the rise in infection, and the fact that the vaccination programme has some months to go before younger cohorts are fully protected, led to a national announcement on 14 June that the final Roadmap step would be delayed until at least 19 July and would remain subject to further review.
- 3.6 Beyond this delay in full releasing restrictions, the emergence of future new variants of COVID-19 with properties that may elevate their risk to public health (so called *variants of concern*) will remain a risk. A high proportion of PCR tests are now sequenced as a matter of course to screen for variants of concern to assist with identification and targeting of measures.

COVID-19 Response

- 3.7 The joint COVID Response Programme is our single overall view of total activity underway to adapt and respond to the pandemic across Oxfordshire County Council and Cherwell District Council. The programme encompasses a wide range of activity managed across directorates with a small central coordinating programme management office. Programme elements include specific COVID initiatives requiring new delivery structures (eg support for the Clinically Extremely Vulnerable), responses to COVID from existing or augmented services (e.g. support to care-providers) and capability workstreams that support operational initiatives (e.g. communications). The programme forms part of the wider local system response and national effort and as such many of the programme elements are partnership activities.
- 3.8 In order to organise our response, we describe the programme under three themes:

- **COVID-19 Contain:** projects and workstreams directly seeking to manage and control the virus;
- **Community Recovery:** projects and workstreams that support our partners, the community and business to manage the impact of COVID-19;
- **Council Services:** activity to maintain services and outcomes for residents in response to COVID pressures, including additional demand, operating in a COVID secure way and maintaining business continuity.

3.9 Appendix 1 sets out in detail the status of the joint OCC/CDC COVID-19 Response Programme.

3.10 The national Roadmap was published in February 2021 and set out a series of steps to ease restrictions on social contact, culminating in a final step which was due to have taken place no earlier than 21 June. While there have been some amendments to details within the Roadmap and clarification where issues were not specifically addressed in the original publication, the Roadmap steps have been broadly adhered to so far. A national announcement on 14 June reset the earliest date for the final step to 19 July. At the same time, some easing of restrictions was announced including the removal of absolute limits on the numbers able to attend significant life events, such as wedding receptions. (Such events will however still need to maintain social distancing which will constrain capacity in some cases.). New arrangements were also announced for visiting care home residents who are self-isolating and to remove the requirements to self-isolate when re-entering a care home in some circumstances. The government's ambition is that unlocking steps will be irreversible. The local system role within the Roadmap has been to assess the impact of each unlocking step and prepare for the effect on the community and for the services that need to be provided in response to changing guidance and regulations and the changing extent of infection rates and illness.

The ongoing impact of COVID-19 on council services

3.11 Throughout the year the performance and financial impact of COVID has been reported to Executive and Overview and Scrutiny through the monthly business management report. (Monthly reporting resumed in September after a temporary move to quarterly reporting for Q1 of 2020/21.) An Annual Report has also been published detailing delivery across the year.

3.12 To add more detail on the current status of services as the Roadmap period comes to an end, Appendix 2 summarises the current ongoing COVID-19 impact on each directorate.

Governance and management

3.13 System-wide governance arrangements and management structures were put in place immediately at the start of the pandemic to coordinate the multi-agency response to COVID-19 across Oxfordshire. These continue to be revised to match the requirements of the situation. Current arrangements are shown presented graphically in Appendix 3.

- 3.14 The System Wide CEO Coordination Group (Gold) is made up of the chief executives from Oxfordshire's City, District and County Councils, along CEOs or senior officers representatives from Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System, Oxfordshire CCG, Oxford Health, Oxford University Hospitals, South Central Ambulance Service, the Oxfordshire Local Enterprise Partnership and Thames Valley Police. It is where the local authority and health gold level groups join-up and take the operational lead for the pandemic response. This group is responsible for co-ordinating overall strategy and direction and for deploying resources across the county in response to the pandemic. It shapes local communications, leads engagement with political leaders and links to regional and national structures.
- 3.15 The System Wide CEO Coordination Group links to the Oxfordshire System Leaders Group. This is made up of Council Leaders, the Police and Crime Commissioner and Board Chairs of OxLEP and the NHS organisations listed above. The System Leaders Group ensures accountability and challenge at the political level. It steers the direction of travel for the system response as a whole and agrees the overall system response through key system planning documents, including the Local Outbreak Management Plan.
- 3.16 The Health Protection Board (HPB) is led by the Director of Public Health and is supported by public services including NHS providers and commissioners, emergency services and environmental health. It is responsible for the delivery of the Local Outbreak Management Plan which aims to prevent, contain and manage outbreaks of COVID-19. The board liaises with major institutions, including Oxford's universities, in order to maintain oversight across the community. The specific governance associated with the Health Protection Board and links to regional and national structures are also shown within Appendix 3.
- 3.17 System Silver is made up of senior colleagues across Oxfordshire councils and key public sector organisations, helping to take a system-wide view to tackle wider issues related to COVID. It is chaired by the OCC/CDC Corporate Director Adults and Housing Services.
- 3.18 The HPB and Systems Silver are supported by a number of operational delivery cells and task and finish groups which are established to address the changing needs of the pandemic.
- 3.19 Additional systems structures at the Silver level to support specific activities include the groups responsible for vaccine delivery and community support.
- 3.20 At the organisational level, the Chief Executive's Direct Reports (CEDR) is the senior board overseeing strategic direction and prioritisation and is responsible for operational delivery of the pandemic response within the Council. CEDR receives a weekly briefing from the COVID-19 Programme.
- 3.21 The Chief Executive and her team are responsible for briefing the Council Leader, portfolio holders and opposition leaders in all aspects of the pandemic response and for escalating policy and resource issues which require a political level decision.

- 3.22 A joint OCC/CDC Silver at Director and Deputy-Director level is comprised of those responsible for implementing the strategic direction set by CEDR, in support of the overall systems response

Communications and stakeholder engagement

- 3.23 A key priority for the council and its partners throughout the pandemic has been to deliver effective, timely and trusted communications to reinforce national messages in a local context. An outbreak control communications group is in place - comprising communications leads from the local authorities, NHS, Thames Valley Police, OxLEP and the two universities – and they have developed and implemented joint messaging and campaigns throughout the pandemic, from warnings around rising cases of COVID in our area and the impact on the health system, to a cross-system communications framework to accompany the Roadmap. This system-wide approach means that collectively we have an extensive reach into local communities, via GP practices, community hub teams and PCSOs alongside strong relationships with local community groups and faith leaders. This helps us to ensure that information reaches the most vulnerable and that we are able to engage with harder to reach groups. Communication campaigns are supplemented by regular written briefings to stakeholders across the county, including councillors, MPs and key partners in order to keep people informed.

COVID-19 Resource Implications

- 3.24 The financial impact of COVID-19 is reported regularly to Executive through monthly business management reports which confirm the allocation of the COVID-19 specific grant and support schemes. The gross cost of Covid-19 to CDC was £7.4m in 2020/21, but after receiving Government grants of £2.0m and anticipating compensation for losses in fees and charges of £1.7m, the net cost of Covid-19 in 2020/21 to the Council was £3.7m. The pandemic situation is creating additional costs due to specific Council activity and continues to have an impact on income from sales, fees and charges in areas such as car parking charges, the ability to collect Council Tax and Business Rates and on commercial activity. There are also increased costs associated with the provision of leisure centres due to the impact that social distancing has on the numbers of customers able to attend classes. In addition, the continuation of government support arrangements is uncertain. While prudent projections were made for the Medium Term Financial Strategy agreed in February 2021, as the situation continues to evolve, the medium and long term impact on income loss and additional costs will continue to be reviewed. In-year reporting will continue to monitor and manage the situation throughout 2021/22 and further assessments for the longer term will be made through the budget and business planning process. It is possible that elements of the COVID-19 impact on residents will create revenue pressures in the long term. Much depends on what happens with the virus, the Government's decisions on social distancing, the rate of economic recovery and people's attitudes to going out in the future.
- 3.25 The most significant risks are highly dependent on economic recovery and the behaviour of residents and include:
- Ongoing reductions in commercial income;

- Ongoing increase in the numbers of people in receipt of Council Tax Support, reducing the overall levels of council tax income received;
- Permanent reduction in levels of business rates income (largely superseded by the business rates reset that takes place);
- Ongoing reduction in leisure centre customers reducing the viability then either the costs of contracts will have to increase or as demand drops, the level of provision will also reduce (but this is also subject to savings that we will need to deliver anyway).

Recovery planning

- 3.26 The Council's COVID-19 Recovery Strategy: *Re-start, Re-cover, Re-new* was published in June 2020. It set out the approach the Council was taking to recovery planning whilst simultaneously preparing for the potential for further increases in infection rates and the subsequent implementation of lock-down measures. The strategy set out a three-phase approach for:
- The immediate horizon – the route out of lockdown measures;
 - The transitional horizon – the ongoing work on business continuity planning, risk management and mitigation to prepare for future peaks; and
 - The post-COVID horizon – planning for the long-term future in a post COVID society and economy.
- 3.27 This three-phase approach remains in place. Having returned to lock-down restrictions, we are now exiting the “immediate horizon” phase with the completion of the national roadmap steps and the delivery of council and system-wide Roadmap planning. As we enter the transitional phase, we can be more optimistic that further peaks of infection will have a less significant impact on public health and day-to-day life allowing us to look again at long term recovery implications.
- 3.28 For the transitional horizon, significant dedicated COVID-19 infrastructure will remain in place to both reduce the risks associated with future waves and ensure the capacity is in place to adapt and respond, should they occur. This transitional capacity will include:
- Surveillance, outbreak management and infection control;
 - Targeted local testing and outreach for at-risk groups;
 - Revised local contact tracing and the self-isolation programme;
 - Support for the vaccination programme including targeted outreach to hard to reach groups and the most vulnerable;
 - Support for community settings including schools, early years, care homes and supported housing;
 - Communications and community engagement.
- 3.29 Where COVID-19 response activity will be stepped-down in line with the Roadmap – for example advice and enforcement of restrictions - services are planning how they would resume activity if required.

- 3.30 System and organisational response governance under the Gold and Silver arrangements remain in place. It is the intention that, in-line with the easing of national restrictions and with consideration of local risks, these arrangements will transition into internal and systems recovery governance. The system will retain the capacity to return to a heightened level of support as required by the regional and national situation, in coordination with civil contingency arrangements overseen in Oxfordshire by the Thames Valley Local Resilience Forum.
- 3.31 The next step in Recovery planning is to revisit the long-term implications as set out in the Recovery Strategy and review system-wide vision and ambition. Emerging themes for detailed development include:
- Community recovery, incorporating resilience, inequality and insecurity;
 - Family support, including wellbeing, deprivation, ill-health and educational recovery; and
 - Vulnerable groups, including support for domestic violence, mental health and digital isolation and exclusion.
- 3.32 Systems recovery activity will also encompass economic, skills and employment recovery – including the impact on the visitor and cultural economy - as well as planning for organisational and partnership renewal.
- 3.33 Recovery planning will be the subject of future Executive reports alongside the Business and Budget Planning process.
- 3.34 As part of this planning process, it will be timely to review the local lessons of the pandemic for the organisation to inform future plans and strategic direction. It is proposed to consider the lessons of the pandemic with respect to the organisational capacity and approach of the Council, the Council’s partnership and systems working arrangements and for the impact on the wider community.
- 3.35 The scope of this review and recovery planning will look specifically for the lessons for Cherwell and Oxfordshire and will seek to engage widely with key-partners and members of the Council, including through the Overview and Scrutiny Committee.

4.0 Conclusion and Reasons for Recommendations

- 4.1 As we reach the end of the originally planned Roadmap period, this report describes the current local COVID-19 situation. It summarises the response to COVID-19 over the past six months, describes ongoing activity and includes a description of the recovery status of Council services. It goes on to set out the requirement to maintain and adapt COVID-19 capacity and management structures as the context in which we work continues to evolve rapidly. Finally, it recommends that the local and organisational lessons learnt from the pandemic should be used to help direct long-term recovery planning and inform future corporate direction.

- 4.2 Developing our approach to recovery with consideration of lessons learnt will put us in the best position to mitigate long term impacts of COVID and support residents, businesses and partners.

5.0 Consultation

Not applicable

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to develop further recovery and renewal plans. Rejected as given the scale and impact of COVID, learning from the pandemic and developing recovery plans are essential to supporting residents and delivering corporate priorities.

7.0 Implications

Financial and Resource Implications

- 7.1 The resource implications of COVID-19 are set out within this report. The recommendations of this report have no direct financial implications as further planning activity will be resourced from within existing budgets and through additional resources provided through dedicated COVID-19 grant streams, as reported through monthly Business Management reports

Comments checked by:
Michael Furness, Assistant Director of Finance,
Michael.furness@cherwell-dc.gov.uk

Legal Implications

- 7.2 There are no direct legal or constitutional issues arising from the recommendations of this report.

Comments checked by:
Sukdave Ghuman, Head of Legal Services, sukdave.ghuman@cherwell-dc.gov.uk

Risk Implications

- 7.3 A proactive approach to planning for the short, medium and long-term impacts of the pandemic remains essential to securing a sustainable and effective operational and community recovery. Failure to plan presents the most significant risk to the organisation and the proposals set out in this report seek to mitigate that risk.
- 7.4 Strategic risks associated with COVID-19 are integrated into the Leadership Risk Register. Operational business risks are incorporated in departmental risk registers.

Risks including system and partnership risks specifically associated with the COVID-19 Response Programme are monitored within specific risk structures, including a specific risk register maintained for the Health Protection Board on community risk factors

Comments checked by:
Louise Tustian, Head of Insight and Corporate Programmes,
louiuse.tustian@cherwell.gov.uk

Equalities Implications

- 7.5 The unequal impact of COVID-19 on communities has been well documented nationally and local impact is being developed through updates to the Joint Strategic Needs Assessment and will be incorporated into future annual reports of the Director of Public Health.
- 7.6 By providing for ongoing planning and focus on the impact of COVID-19 in the immediate, transitional and long-term horizon, this report will support the understanding and mitigation of differential impact. In particular, this report notes the ongoing deployment of resources for targeted outreach and engagement activity for hard to reach and at-risk groups

Comments checked by:
Emily Schofield, Head of Corporate Strategy, emily.schofield@cherwel-DC.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Recovery and renewal planning and developing lessons learnt will inform future develop of our corporate planning and resource framework.

Lead Councillor

Cllr Barry Wood, Leader of the Council

Document Information

Appendix number and title

- Appendix 1: OCC/CDC COVID-19 Response Programme Update
- Appendix 2: OCC/CDC COVID-19 Service Status
- Appendix 3: Pandemic System Governance Structure

Background papers

None

Reference papers

Joint Recovery Strategy: *Re-open, Re-cover, Re-new*, June 2020

Report author and contact details

Robin Rogers, Programme Director, COVID Response

robin.rogers@cherwell-dc.gov.uk, robin.rogers@oxfordshire.gov.uk

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Appendix 1: OCC/CDC COVID-19 Response Programme Update

1. This appendix sets out the current elements of the joint Oxfordshire County Council and Cherwell District Council (OCC/CDC) COVID-19 Response Programme under the three headings of:
 - **COVID-19 Contain:** projects and workstreams directly seeking to manage and control the virus
 - **Community Recovery:** projects and workstreams that support our partners, the community and business to manage the impact of COVID-19
 - **Council Services:** internal activity to maintain services and outcomes for residents in response to COVID pressures, including additional demand, operating in a COVID secure way and maintaining business continuity

COVID-19 Contain

Outbreak Management

2. Oxfordshire's plan for managing local COVID-19 outbreaks comprises of four key pillars which are essential in containing outbreaks in any setting. These pillars have been and will continue to be operational throughout the duration of the pandemic in Oxfordshire:
 - i. Intelligence
 - ii. Communication
 - iii. Finding Cases
 - iv. Transmission Disruption
3. This means in order to be effective in preventing and responding to local outbreaks, we need to receive, share and process data from a range of sources in a timely way, ensure regular communication between all partners, using up to date evidence on spread of infection and control measures and implementing a range of interventions such as contact tracing and other COVID-secure measures such as hands, face and space in order to disrupt transmission.
4. The Oxfordshire system has a detailed outbreak management plan which builds on existing health protection plans already in place between Oxfordshire County Council (OCC) and other local health and care partners. The plan was updated in March 2021 to reflect the government Roadmap to

ease restrictions in England ([COVID-19 response: Spring 2021](#)). The focus of update was to provide clarity on the following key areas:

- The governance arrangements and roles and responsibilities for responding to the changing nature of the pandemic.
 - Identifying and responding to incidents and outbreaks of COVID-19 in Oxfordshire
 - The role of data and surveillance in fighting COVID-19 in Oxfordshire
 - Access to testing for COVID-19 in Oxfordshire
 - Contact tracing for COVID-19 in Oxfordshire
 - Proactively preventing outbreaks of COVID-19 in Oxfordshire
 - Identifying high-risk settings and supporting high risk populations
 - Supporting vulnerable groups and enhancing community resilience
 - Communication with the public and with partner organisations
 - Responding to surge capacity in Oxfordshire
 - Responding to enduring transmission and new variants of COVID in Oxfordshire.
5. The plan is iterative and will continue to be updated as the national and local responses evolve.

Infection prevention and control

6. Infection prevention and control continue to be a key preventative measure. Effective measures that have been implemented and need to continue include:
- Regular handwashing
 - Maintaining strict cleaning protocols of frequently touched surfaces
 - Wearing of face coverings
 - Implementation of social distancing measures
 - Use of appropriate PPE
 - Robust infection control in care homes and health care settings
 - Working from home where possible
7. The local outbreak control system has the following prevention services in place to support prevention in the community:
- Consistent messages and communications to the public about how to reduce the risk of transmission and recognise the signs of COVID-19
 - Widespread signposting to testing services
 - Infection Control Nurses working with local health and social care settings to ensure effective cross infection control plans are in place and being followed
 - The COVID Secure team working with local businesses and employers to ensure that measures are in place to reduce risk of transmission

- Support for vulnerable and at-risk groups in the event of self-isolation
- Engagement officers working with at-risk and hard to reach groups
- Consistent messages to local businesses and employers about how to reduce the risk of transmission through using prevention measures.

Local contact tracing

- Contact tracing is a fundamental part of outbreak control. When a person is tests positive for COVID-19, they are contacted by the national NHS Test and Trace team and advised to isolate, given details of how to access support, and asked about places they have visited and people they have been in contact with. Anyone identified as a potential 'close contact' is then also contacted and advised to self-isolate.
- Following rising COVID case numbers in July and August, 2020, some local authorities such as Sandwell and Blackburn with Darwen developed their own local contact tracing systems to reach local cases that the national team were unable to contact. The intention was that by contacting these cases and identifying their contacts, onward local viral transmission could be limited.
- Following these early examples, the government announced on 10 October that all upper tier local authorities would be offered the option to establish develop their own local contact tracing teams in partnership with NHS Test and Trace.
- The Oxfordshire Local Contact Tracing System (OxLoCT) launched on 13 October as a partnership with NHS Test and Trace. Oxfordshire cases are managed by NHS Test and Trace for the first 24 hours, but if they cannot be reached or have specific challenges/complications, they are then passed on to OxLoCT. The national team can struggle to reach local cases for a variety of reasons: these range from missing contact details, to people being unwilling to pick up a phone from an unknown number, to cases simply not wanting to engage with NHS Test and Trace.
- OxLoCT has three aims:
 - To advise cases on self-isolation;
 - To provide information about local support when self-isolating;
 - To identify close contacts and potential exposures for follow up by the national NHS Test and Trace system
- The operational management of OxLoCT is delivered through the Contact Tracing Cell – a sub-group of the Multi-Agency Operational Cell – and is chaired by Public Health.
- Contact tracing is provided seven days a week by Oxfordshire County Council and Cherwell District Council (on behalf of OCC) customer services teams for

the whole county. The customer services team are local staff using a area phone number to speak with local residents. They send text messages and emails in advance to let residents know to expect a call, and then work with City and District authorities to identify contact details where these are missing, to organise home visits by a Ground Force team for cases where necessary, and to provide information on local support offers for those self-isolating. The team also works closely with Oxford Brookes University and the University of Oxford to identify and support university students and staff testing positive.

15. Through late February/early March 2021, this partnership approach has led to between 85%-90% of local cases being reached, advised to isolate, offered support, and contacts being identified. As of May, 2021, OxLoCT has successfully reached and completed contact tracing for over 2,150 local residents. This represents 60% of the 3,600 cases handled by the local team and means that of the local contacts that are reached, around 4 in 5 are reached by the national system, and 1 in 5 by the local team.
16. As case numbers have changed over time, the exact model, operational hours, and staffing of the system have changed. Staff will continue to respond to the changing context as well as new protocols and guidelines as and when these are developed and implemented by NHS Test and Trace. An example is being able to adapt the system to prioritise cases identified as part of surge testing related to local variants of concern.
17. At its peak in January 2021, OxLoCT was handling around 400 cases a week, compared with 10-20 cases a week in May. We currently have a trained surge staff capacity to handle between around 60 cases/day should we have a third wave in Oxfordshire (capacity is therefore higher than current modelled third wave peak), but it is important to note that that would require taking trained customer service and ground force staff away from their business as usual work.
18. Planned developments over the coming months include the implementation of a new national IT system for handling cases called ITS. This new computer system will provide the flexibility for OxLoCT to choose to take local cases earlier than the usual 24hrs. These could be cases without adequate contact details, those from particular postcodes, or local residents who work in high risk settings such as care homes. We are excited by the opportunities of the new computer system and are optimistic that it will allow us to use local data to better decide which local cases are best dealt with immediately by our local team and which are better left with the national team. This provides the opportunity to improve performance at the same time as ensuring our current staff base isn't overwhelmed should we see another wave of high case rates in the county.
19. Finally, we have ongoing peer-learning and evaluation work with other local authorities to understand how local performance compares with other areas (there are no national standards for monitoring local contact tracing systems) and to identify how we can improve local processes and systems.

Local Testing

20. Asymptomatic testing became a critical part of the Government's wider strategy for tackling the virus at the end of 2020. This was reflected in the COVID-19 Winter Plan released in November 2020, and the subsequent launch of the Community Testing Programme (also known as symptom-free testing) in December. This programme aims to expand on the work already underway by NHS Test and Trace, and support local-led, large-scale symptom-free testing for all local authorities in England. The purpose of this symptom-free testing is to identify and isolate individuals with COVID-19 who do not have symptoms, but who may inadvertently be spreading the virus. This aims to take these individuals out of the transmission chain and prevent the spread of the virus within communities.
21. Symptom-free testing went live in Oxfordshire at the start of February 2021 with an initial three sites set up across the county - in Oxford, Wantage and Banbury - each with a capacity of six testing stations. Although the programme was commissioned by Public Health, it is managed and delivered in partnership with Oxfordshire Fire and Rescue, who provide day-to-day operational and logistical management, and the City and District Councils, who manage the set up and on-the-ground delivery of testing at each site.
22. Access to symptom-free testing at each of these sites has also increased in a phased way:
- **Phase 1** - The initial phase of this testing programme was offered to priority cohorts including key workers in blue light services, as well as those in childcare and early years settings
 - **Phase 2** - Within a fortnight, accessibility was expanded to include taxi drivers, postal and courier workers, and others whose role required them to be in frequent contact with members of the public. This reflected their increased potential exposure to the virus and the available capacity across the testing sites in Oxfordshire.
 - **Phase 3** - By the end of February, the symptom-free testing offer was further expanded to all public-facing workers and volunteers, who had to leave home for work, and who could not access testing through their workplace.
 - **Phase 4** - By the end of March as national restrictions began easing, symptom-free testing was opened up to all residents across Oxfordshire with the addition of a fourth site in West Oxfordshire to increase the accessibility of testing across the county.
23. As well as the expansion of symptom-free testing at fixed sites, national government have also introduced a variety of alternative symptom-free testing routes including schools testing, workplace testing, and collection models through Community Collect from fixed sites (including the four symptom-free testing sites and the fixed sites for symptomatic PCR testing) and Pharmacy Collect from locally registered pharmacies. These options provide residents

across Oxfordshire with a variety of options to access testing, in line with national guidance for all residents to carry out testing twice a week.

24. To date, over 15,000 assisted tests have been carried out and over 5,500 individual test kits collected through Community Collect across all four symptom-free testing sites. This assisted on-site testing has directly identified 31 positive cases; cases that would otherwise have gone undetected and led to increased community transmission.
25. With the increase in testing options, capacity at the four fixed sites has been reviewed. Government direction is that symptom free testing will remain in some form throughout the transitional horizon. It is anticipated that this will be more targeted and it is likely that delivery from the current four fixed sites will be suspended and replaced with a new model appropriate to changing circumstances.
26. The City and District Councils are responsible for managing the local testing sites in their areas with sites in Banbury, Osney (Oxford), Wantage and Carterton. The symptom-free testing site for Cherwell District Council was opened in Banbury on 5 February 2021 at the start of the symptom-free testing programme. The Spiceball Leisure Centre already managed by the Council which had been closed in line with national lockdown restrictions was chosen as an appropriate location. This not only provided a use for a space that was currently not being occupied but also allowed the Council to get better value for money through the use of an existing property with no additional hire costs that would be incurred.
27. With the opening up of indoor leisure facilities at the start of May 2021, the symptom-free testing Centre in Banbury has moved from Spiceball Leisure Centre to Banbury United Football Club.
28. To date, approximately 3,500 assisted tests have been carried out in Cherwell which has directly identified 10 positive cases.

Support to the Vaccination Programme

29. From April 2020, the Districts and City council have worked with the Oxfordshire CCG and seven Primary Care Networks to offer an outreach service for those patients in the early, most vulnerable cohorts who had not responded to invitations for vaccinations. Over 2,000 requests have been made for local councils to visit individuals across the county, coordinated by South Oxfordshire and Vale of White Horse District Councils. The majority of visits were in Cherwell.
30. The local vaccine roll-out is overseen by a health convened Vaccine Delivery Board. Access and uptake is monitored by a Vaccine Equality Working Group led by health but with interventions supported all councils through community engagement, data analysis, communications and practical and administrative support. All authorities will continue to support the vaccination programme

with the identification of hard to reach and vulnerable groups and subsequent communications and community engagement where appropriate.

31. Most recently, councils deployed staff at short notice to GP vaccine clinics to support the accelerated programme of second dose vaccinations.

Support to those self-isolating and the most vulnerable

32. Early in the pandemic period, the County, City and District Councils established a 'Community Hub' model to support those understood to be clinically extremely vulnerable to COVID-19 to shield at home. Local councils worked together and in partnership with the community and voluntary sector to help maintain the well-being of individuals with the provision of practical and emotional support and access to food, including through prioritisation of supermarket delivery slots. The advice to shield was suspended alongside the lifting of restrictions during the summer of 2020. In October 2020 a new national framework of support was introduced to be delivered locally in the event of the reintroduction of shielding advice. Shielding was resumed in November, and while suspended in the early part of December, was then in place from the end of December until the end of March 2021. By March, approximately 41,500 individuals were being asked to shield in Oxfordshire (9,300 in Cherwell), with numbers increasing by approximately one third in February 2021 following a national review of risk factors. (These additional individuals also became eligible for priority access to vaccinations.) In later periods of shielding, far fewer individuals requested support as individual planning and access to essential supplies through facilities such as shopping delivery had increased. Over the period, 455 residents were supported directly by the Community Hub in Cherwell, with many more supported by local community support organisations. National shielding guidance was suspended from the end of March 2021, however registered CEV individuals retain access to priority supermarket booking slots through to the end of the Roadmap period in June. Community Hub support is also still offered to the small number of individuals who request it.
33. Community Hub support was and continues to be available to all those who need help to stay at home whether in periods of lock-down or because of a requirement to self-isolate. In Cherwell, the community hub has worked closely with local services and with trusted organisations including Citizens Advice North Oxfordshire, the Banbury Mosque and town and parish councils.
34. From March 2021, a new framework was introduced alongside the expansion of Test and Trace payments, which put practical support from local government to those self-isolating onto a 'required' basis for those self-isolating due to a positive COVID-19 test or a confirmed contact with a positive case. Those requesting support at the point of contact with the national test and trace service are now contacted automatically by the City and District Councils with an out of hours service provided by the County Council until case rates fell in late May. Across Oxfordshire support requests through the national test and trace service have remained at relatively low

levels and there has not been a significant increase in the support provided following the introduction of the national requirement.

Promotion of COVID-19 positive behaviours

35. A cross-system effort has seen eight countywide communications campaigns take place between January and May 2021 to encourage people to adopt and maintain COVID-19 positive behaviours. The campaigns included an urgent call to stay at home and heed public health guidance as cases increased significantly in January and February 2021; awareness raising about the importance and availability of symptom-free testing for different groups; and information around self-isolation and the support available for those who need to self-isolate, including a detailed support pack. With the introduction of the government roadmap in March, the communications effort focused on the different roadmap steps and what people can and cannot do; and, as the country began to open up, encouragement to residents to play it safe as they discovered new-found freedoms and keep Oxfordshire open.
36. The multi-channel campaigns were run across digital, social and outdoor channels as well as partner channels; they generated just under 3.2 million impressions on OCC and CDC digital channels, reached 733,000 people online, saw engagement of 36,000 people (likes, clicks, shares, comments), and resulted in over 19,000 clicks to our Stop the Spread webpages. It is estimated that our outdoor advertising - which ran across bus stops, transport hubs such as railway stations, shopping centres and supermarkets across the county between January and May 2021 – had over 11.8 million impressions.
37. The campaigns were supported by 19 news releases between January and May 2021, which on average were covered by 4 local media outlets each and reached 149,975 people, or 2.85 million collectively. Accompanying social media posts had a reach of 127,900 across Facebook and Twitter.

Community Recovery

COVID Secure

38. Throughout the different stages of the COVID-19 pandemic, new national restrictions and requirements have been put in place for to businesses and individuals. Broadly speaking, local authorities have been responsible for ensuring compliance with the requirements relating to businesses whilst the police have been responsible for the restrictions on individuals. Local authorities have also sought to encourage businesses to follow relevant COVID security guidance relating to their sector.
39. From early in the pandemic, Oxfordshire's local authorities implemented a COVID secure framework to coordinate activity to raise awareness of legal requirements and guidance and to support businesses to comply. Coordination across the councils has been important for a number of reasons, including to ensure the best use of the resources available to the councils, to

provide resilience, to coordinate activity between the county council, city and district councils, and to ensure a consistent approach to interpreting and applying the legislation and guidance.

40. Environmental health teams within the local authorities discharge those authorities' responsibilities for infectious disease controls on an on-going basis and therefore those teams have led the COVID monitoring, compliance and enforcement work of the councils. Other related teams, such as licensing and community safety, have also supported this work as their officers are familiar with engaging with and supporting businesses to meet legal requirements and in undertaking enforcement action should that be required.
41. County councils were also constituted as enforcement authorities for the purposes of the coronavirus legal requirements. As such, the Trading Standards Service has supported the overall COVID secure work in Oxfordshire, in particular in relation to the legal controls requiring non-essential retail businesses to close for defined periods.
42. It should also be noted that the Trading Standards Service provides the safety certificate for the Kassam Stadium and, as such, leads on the COVID compliance for events in this stadium and other stadium-based events in the county.
43. In 2020 a COVID Secure Sub-Group of the Health Protection Board was formed. This group consists of the relevant senior managers for environmental health in the city and district councils and trading standards in the county council. This sub-group has responsibility for coordinating the compliance and enforcement work of the local authorities and providing assurance on that work to the Health Protection Board. The sub-group is supported by an operational group which brings together relevant team managers on a weekly basis.
44. In October 2021 a new county-wide COVID Secure Team was formed. Initially consisting of 6 COVID Compliance Support Officers the team was enhanced in early 2021 and now includes 8 COVID Compliance Support Officers, 4 COVID 'Marshalls', and 2 team supervisors. The team has been managed from the start by an experienced Environmental Health Officer seconded from the City Council and the team members are agency contractors recruited by Cherwell DC and Oxfordshire County Council. The team is fully funded from external grants.
45. The county-wide COVID Secure Team provides additional capacity to each local authority to support the overall engagement with, and monitoring of, businesses in the county. Each council allocates specific premises to this team for compliance assessments and the team also undertakes compliance visits to priority sectors as agreed by the COVID Secure Sub-Group.
46. The complex system of multiple teams undertaking visits to businesses to monitor compliance with the legal requirements and guidance makes coordination a priority. To minimise the risk of duplication of effort, a shared

central record of COVID compliance visits to businesses has been introduced. This record is accessible to over 100 officers from across the six local authorities.

47. The COVID Secure Team is funded to continue at least until the end of September 2021.
48. Within Cherwell District Council grant funding has been utilised to engage three additional COVID Compliance Support Officers. These officers provide additional capacity to monitor activity in priority areas such as busier public spaces (e.g. Bicester Village, town centres, retail parks) and to assist with social distancing management in public spaces.
49. Cherwell District Council has also engaged with the Health and Safety Executive's 'Spot-Check' programme. Under this programme the Health and Safety Executive carry out telephone-based checks on the infection control measures implemented by local businesses, contacting business at the request of the local authority. If the business fails to respond, or cannot demonstrate adequate infection control measures have been implemented, the local authority concerned is advised and asked to carry out a visit to the business.
50. In addition, the COVID secure work of the councils has included:
 - A collaborative approach to commissioning an agency to provide officers to monitor businesses in the night-time economy.
 - Cross-authorisation of officers to ensure officers from any team could be deployed to provide mutual aid in another local authority area should it be required.
 - A shared weekend outbreak response rota to ensure 2 officers are available to provide an outbreak response at weekends across the county and to provide Public Health England with a single point of contact to mobilise that response.
 - Joint enforcement visits with Thames Valley Police to businesses which have been identified as having difficulties ensuring customers or staff wear face masks in appropriate areas of the business premises.
 - The production of a weekly data analysis report which uses available data to identify potential priority areas or sectors for business engagement and monitoring.
 - The delegation of enforcement powers from the county council to the city and district councils to ensure all powers were available to each council should they be necessary to use rapidly to restrict an event or business activity.
 - Advisory letters sent to all businesses of specific types (e.g. licensed premises) across the county advising on key requirements as the restrictions changed.

COVID Secure - Reach and Impact

51. As well as providing on-going engagement with businesses across Oxfordshire, the collaborative efforts of the county's COVID secure teams ensured a county-wide focus on specific priorities when required. For example, in January compliance assessments were undertaken in 171 supermarkets and larger grocery stores across the county as part of a national focus on this sector at that time.
52. Typically, since October 2020, approximately 200 compliance visits have been undertaken each week across Oxfordshire. However, the councils are also able to provide focussed effort when required through deploying all core teams and the additional grant funded capacity in short-periods. For example, in the two-week period from 5 to 18 April (just after step 2 of the national Roadmap) a total of 842 business compliance assessments were completed.
53. Since the county-wide COVID Secure Team was formed it has carried out over 5500 compliance visits and assessments to businesses in Oxfordshire.
54. Compliance with the legal requirements and guidance is typically good, with less than 10% of visits resulting in remedial action being required for non-compliance. Cherwell District Council has only needed to undertake formal enforcement on two occasions since the start of 2021: the issue of a fixed penalty notice to the operator of a car wash which was open when it was required to cease operation and the issue of a prohibition notice to a pub operator which utilised a gazebo as outside space but failed to ensure the gazebo had adequate ventilation.

COVID Secure - Prioritisation

55. Whilst each local authority in Oxfordshire retains discretion on local priorities, the COVID Secure Sub-Group continues to agree overall priorities for the COVID Secure activity. Following step 3 of the Roadmap, the COVID Secure priorities included the hospitality sector (particularly those businesses re-opening for the first time), cinemas and theatres and wedding venues.
56. The priorities following step 2 included the hospitality sector and personal services (e.g. hairdressers and nail bars). In addition, the councils sought to provide a presence in the town centres and at Bicester Village to support social distancing around busier non-essential retail premises as those premises re-opened for the first time.
57. During the lockdown period from late December 2020, the primary focus of the COVID Secure work was on food retailers that remained open. This included take-away outlets which remained open but needed to ensure that customers social distanced and that staff and customers were wearing face masks.

COVID Secure - Future Plans

58. Until step 4 of the Roadmap it is expected that the councils will continue to carry out COVID compliance and assessment monitoring visits to businesses across the county. In addition, the councils continue to receive complaints from the public about suspected poor practice which requires investigation. Data on outbreaks and infection rates and from contact tracing interviews will continue to be used to ensure the activity is targeted at higher risk sectors or locations.
59. There is still some uncertainty on the legal controls and requirements that will remain after step 4 of the Roadmap. It is anticipated that some requirements, such as the legal obligation to collect customer contact information, will remain. Furthermore, it is expected that businesses and event organisers will continue to need to implement infection control measures in accordance with their risk assessments, and that local authorities will have a role in ensuring that these measures remain effective under general health and safety legislation. However, it is expected that it will no longer be necessary to continue with the current level of additional resources being deployed on COVID business support, compliance and enforcement.
60. The additional capacity we have developed to support the COVID Secure aspects of the response to the pandemic will be retained in the short-term, to ensure that business engagement and monitoring can be reinstated without delay should it need to be. In addition, this capacity will be redeployed to assist the councils to address backlogs in work that has been delayed due to the pandemic.
61. The pandemic response has also highlighted a significant capacity gaps in regulatory services nationally. It takes two to three years to qualify as an Environmental Health Officer or Trading Standards Officer and there are very limited numbers of qualified officers who are not already employed. To develop an inexperienced officer to a level that they are competent at carrying out many enforcement functions for Environmental Health or Trading Standards also takes six months as a minimum. Therefore, the pandemic has highlighted that there is limited ability for local authorities to upscale capacity to respond to new demands at short-notice. This has been recognised nationally and also highlights the importance of local workforce planning for regulatory services.

Support to Education and Early Years Providers

62. The pandemic has had and continues to have a significant impact on the way child-care and education is delivered, with periods of partial closure and significant periods of learning over the past year being conducted online. Families whose children are vulnerable or have special educational needs have been able to access on site provision and education throughout the pandemic. When fully open, early years settings have operated under considerable restrictions in line with Department for Education (DE) guidance. New requirements to support children and young people have emerged at pace and the team has moved rapidly to support the leaders in over 800 settings. Education and early years teams introduced a dedicated structure to support settings seven days a week with advice and guidance on maintaining COVID secure environments.
63. Early years teams have continued to support vulnerable families and those with special educational needs (SEND). Early years teams work closely with colleagues in Public Health, the NHS and health visitors as well as the Locality Community Support Service for early help.
64. Grants and support to businesses within the early years sector has ensured that businesses could sustain themselves throughout the pandemic, and as a result there have been very few closures across the sector.
65. During 'lock-down' and periods of additional pressure on settings, education and early years teams have played a critical role in brokering places for vulnerable children and the children of key workers to ensure access to education and childcare.
66. Regular public health and educational updates are being offered across the sector with monthly meetings in place for early years managers and child minders. Weekly briefings are offered for headteachers and senior leaders of secondary, primary and special schools (including maintained and academy schools), independent schools and the further education sector. Governor services offer a regular briefing for chairs of governors and clerks. The increase in the pace and scale of engagement, information sharing, and networking opportunities has been welcomed and we will seek to maintain these collaborative networks in the future.
67. The Education Psychology Service has provided resources and structured approaches to support the return to 'face to face' schooling for those most affected by the impact of lock-down. Emotional support, including that offered by Emotional Literacy Support Assistants, has acted as a preventative to reduce anxiety and develop confidence and optimism. The service is planning for the long-term impact on children who were already anxious and may now be avoiding school and for the wider impact on the mental health and wellbeing of all staff and students.
68. Training and development continue to be offered online to early years settings, schools and school governors. The on-line offer is popular and in all

training pathways there has been a significant increase in up-take when compared with previous in-person training. While we will return to some courses as blended on-line/in-person training we expect the move to on-line to continue to have a positive effect on take-up and impact in the future. An enhanced continuing professional development offering is being developed to include post-COVID opportunities regarding assessment, curriculum development, support for new headteachers, mental health support for headteachers and the wider recovery agenda.

69. Service pupils remain a priority for the education team in line with OCC strategic priorities linked to the Military Covenant. The team have launched the Oxfordshire Service Pupil Hub (one of eight in the UK) and continue to link with the MOD regarding pertinent matters. Training regarding service pupils has taken place for headteachers, teaching staff, pastoral staff and school governors, and a network has been set up for schools with base welfare officers and OCC colleagues are also meeting with base leads.
70. The whole team are reflective and are involved in a wide range of national networks, are working to identify new demand so that the right provision can be in place for all Oxfordshire children as we collectively navigate our way out of the pandemic.

Care Homes & Supported Housing

71. The pandemic has raised significant challenges for care home residents, their families and the staff that look after them. These residents are amongst the most vulnerable to the impacts of COVID-19 and much has been done to protect them during this period. Adult Social Care teams worked closely with care homes and domiciliary providers to ensure the requirements from national government were met and understood, while also supporting the vaccination and testing programme, as well as supporting health teams by developing an alternative bed service to assist early discharge.
72. The personal protective equipment (PPE) programme set up and managed by the council allows care providers to order and collect PPE on a weekly basis. This has proved critical in ensuring all staff and care providers have the required protective equipment to deliver their services safely. A continuous supply of PPE has been maintained with 239 care providers through this programme.
73. Regular updates are being offered across the sector with weekly meetings in place for care home and domiciliary care providers to communicate the latest national guidance and understand how the council can support them and how they can support each other. The team responded to email queries seven days a week to ensure any issues were dealt with promptly. The increase in the level of engagement, information sharing and networking opportunities has been successful and we will seek to maintain this approach in the future.
74. A daily tracker was developed using the data collected in the NHS Capacity Tracker to identify the care homes which were experiencing an outbreak. a

multi-agency team of OCC, CCG and Public Health colleagues reviewed the impact on care homes that were reporting on a daily basis to provide increased infection control management support.

75. Information received between March 2020 until the end of March 2021 indicates that 98 care homes had infection outbreaks amongst the residents living in the home, with most of these care homes experiencing multiple outbreaks. Daily contact was made between the Quality and Improvement team and the care homes when an outbreak was reported to provide assistance and manage staff crisis.

Economic Recovery and Support to Businesses

76. The COVID-19 crisis has created new and unprecedented challenges for businesses and measures required to try to contain the virus have inevitably had a significant impact on the economy.
77. The UK economy contracted by 9.9% during 2020 and the Office of Budgetary Responsibility forecast that the UK economy will not recover to pre pandemic levels until Q4 2022. There is a severe risk of long term affects from the loss of jobs, and some businesses failing to recover.
78. It is largely those businesses reliant on face to face activity, such as hospitality, leisure, events and personal services, that have suffered the most as they are most impacted by control measures. Temporary government measures, including the furlough scheme and a programme of business grants, loans and other financial measures administered in part by the City and District Councils, have protected against large scale redundancies and business closures. It is likely that government will implement further schemes to soften the impact of COVID on the economy but as these buffers are removed, the medium to long-term impact of COVID, will become more apparent.
79. Additional local support measures through the Roadmap period have included: advice and guidance to business to re-open safely (see COVID-Secure above) including, in Cherwell, visits to all town centre businesses in Banbury, Bicester and Kidlington; the 'shop-local' campaign to encourage use of local businesses; and new investment through the Reopening High Streets Safely and Welcome Back funds, for example through support provided to the Bicester Chamber of Commerce to develop the Beautiful Bicester initiative. Similar schemes across the county have worked to support the safe return of customers, including flexible and responsive planning, licencing and highway measures to facilitate the use of outside space for hospitality businesses. Signage and infrastructure, such as hand sanitising stations, has helped maintain public confidence and ongoing engagement with Town and Parish Councils supports prioritisation and planning.
80. In February 2021, OxLEP, Oxfordshire's Local Enterprise Partnership, published an action plan for economic recovery, building on an earlier economic baseline assessment. This provides a partnership framework for

recovery and will be supported by detailed local planning to address specific challenges and opportunities, including the changing nature of the high street and a long-term trend towards more home working.

Community Resilience

81. In addition to the assistance described above for those directly affected by the pandemic, Oxfordshire councils have worked together to extend wider support for those more broadly affected by the financial, social and wellbeing impact of the pandemic. Support has been provided both directly to individuals and through partnering with local VCS organisations, schools, colleges and early years settings in areas including welfare support, mental health and wellbeing and digital inclusion.
82. In February 2021, the County Council, working with the City and District Councils, partnered with Oxfordshire Community & Voluntary Action to manage a new £250,000 grant scheme for voluntary and community sector (VCS) organisations to support small community action projects with COVID impact. Additional funding was provided to OCVA to support applicants build capacity and sustainability and to form new collaborations. In the financial year 2020/21, £370,000 of funding to community initiatives with a direct COVID impact were also sponsored through the County Council Councillor Priority Fund. These included projects to support local food banks, combat loneliness, provide learning and activity packs for children and support organisations managing community initiatives with increased operating costs due to the pandemic. A similar scheme for Cherwell councillors provided local grants to the value of £2,000 per councillor. Over 100 schemes were supported, including volunteer drivers, food banks and community larders, activity packs, befriending schemes and local newsletters.
83. Umbrella group Good Food Oxford (GFO) has been supported to develop community food networks in all areas of the county, building on existing local strengths to increase the impact and visibility of local services. GFO have also extended their mapping of community food services county-wide supported both through funding and through the secondment of a member of County Council staff. GFO has been further supported to develop a food security strategy in partnership with the county, city and district councils. A similar all-councils partnership has been developed with Active Oxfordshire to provide support and mentoring for vulnerable individuals to become more active as lock-down has lifted.
84. The County Council has delegated national funding to the City and District Councils to allow them to support local initiatives and services. In CDC, alongside grants to VCS organisations working to reduce the mental and physical impact of periods of isolation, elements of this funding were further delegated to town and parish councils to support local mitigation and resilience measures.
85. Following on from earlier support for individuals and community food services during the autumn, the COVID Winter Support Grant provided funds to

schools, colleges and early years settings to help combat holiday hunger around the Christmas, February, Easter and May school holiday periods. Approximately 12,300 eligible children and young families were supported on each occasion with supermarket voucher or equivalent support worth £15 per week of each holiday. In addition, during Easter, 4,500 days of active childcare were provided free of charge to children eligible for free school meals through the Holiday Activity Fund (HAF) across Oxfordshire. HAF schemes provide a nutritious meal and national funding has been supplemented with local resources to increase the reach and impact of this project. This scheme will be substantially expanded for the summer holidays, with at least 24,000 days to be available across Oxfordshire, including 5,400 across six sites in Cherwell.

86. The COVID Winter Support Grant was also in part delegated to the City and District Councils to establish emergency welfare schemes to provide funding to individuals and families for food and essential utilities. Local councils worked closely with local VCS organisations to maximise the impact of this scheme. In Cherwell, Citizens Advice North Oxfordshire administered the scheme and further funding was provided at district and county level to advisory services to allow them to administer this grant and provide additional welfare and debt advice, while minimising the impact on their core business.

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Appendix 2: OCC/CDC COVID-19 Service Status

1. Throughout the year the performance and financial impact of COVID has been reported to OCC Cabinet, and Performance Scrutiny Committee, and to the CDC Executive, and Overview and Scrutiny Committee, through the monthly business management report. (Monthly reporting resumed in September after a move to quarterly reporting for Q1 of 2020/21.) An Annual Report has also been published for both councils. This appendix summarises the current ongoing COVID-19 service impact on each corporate directorate.

Adults and Housing

2. Adults Social Care continues to experience an increase in referrals from people who have not felt safe to contact us previously or have been supported by family members as a result of lockdown. We are also seeing an increase in hospital-based work from people presenting at Accident & Emergency with complex health needs due to not accessing services during lockdown. Finally, we are seeing an increase in the number of people with mental health needs as a result of lockdown. The response to the pandemic has supported our approach to build greater resilience and preventative activities through community engagement into our revised 'Oxfordshire Way' approach.
3. The Council's leadership role in facilitating hospital discharge was constant during the pandemic and remains critical to minimising pressure on the health system but also ensuring that citizens are able to return home and regain their independence in as many cases as possible. The *Home First* approach developed in partnership with local NHS services and Age UK Oxfordshire has helped maximise independence and resulting in reduced care needs an important element of our discharge strategy.
4. We are anticipating an increase in domestic violence referrals once lockdown eases and are planning increased resources to support in line with our public health and safeguarding colleagues.
5. Housing services continue to see an increase in the presentation of people in crisis, particularly single people and complex cases. While some limitations on the delivery of disabled adaptations and housing standards enforcement remained through the lockdown period, housing services are seeing an increase in activity as the guidance to minimise home visits is withdrawn.

Public Health and Wellbeing

6. Pressure on Public Health as a service remains very high, with most roles focussed on the COVID-19 response. Some Public Health commissioned services, such as GP health checks, remain paused to reduce pressure on primary care. Other services, including Stop Smoking support, continue to be delivered on-line.

7. Public Health expect COVID-19 to have a major impact on population health and inequality in the medium and long term and that it will be part of our programme and resource planning for the foreseeable future. Our initial understanding of the public health impact of COVID will be outlined in the upcoming Director of Public Health's Annual Report.
8. All Cherwell leisure centres and sports grounds have reopened. Customers have been returning to their sports and recreational pursuits and usage is being closely monitored to assess the long-term impact on the financial recovery of the sector and the potential ongoing impact on the leisure contract.

Children, Education and Families (CEF)

9. CEF continues to experience an increase in COVID related contacts to the multi-agency safeguarding hub (MASH). Demand continues to be high for Family Solutions Plus (FSP) teams, including managing the impact of longer court cases. Contacts and assessments to the Children's Social Care Front Door are up between 20 - 30% overall and headteachers are reporting more complexity and higher levels of need. We anticipate this continuing until Quarter 3 at the earliest. Extra capacity has been deployed within CEF, but the long-term impact on resources of these cases working through the system will need to be carefully planned for.
10. Pressure on education teams remains high as a result of the work to return children to school and sustain participation, alongside the resourcing of the support model to schools set out in Appendix 1.
11. Longer term interventions to mitigate the impact of COVID-19 on children and young people have been prioritised, including the launch of oxme.info, an online hub providing support and access to local services that help boost wellbeing.

Environment and Place

12. Highway investment and waste performance measures remain high. Maintenance and infrastructure delivery has continued throughout the most recent lock-down period, despite the difficulties of home working and supply chain issues, while the Household Waste Recycling Centres have remained open.
13. High traffic volumes and low Park and Ride usage continue to be monitored as high streets and town centres have reopened. The management plan for Oxford City Centre remains in place in the event that car park capacity impacts on the network.
14. High volumes of development management applications in combination with COVID-19 restrictions have led to pressure on planning teams and an action plan is in place to improve performance.

Customers, Organisational Development and Resources

15. Having established a new click and collect service during November and maintained the very popular on-line offer, the library service continued to operate during the lock-down period. In-line with national guidance, 29 library branches opened for regular visits from 12 April with a further 10 opening from the following week. During May we reopened the remaining libraries, with the exception of Bampton which is currently undergoing extensive planned building works, and Barton which is co-located in a community building that remains closed to the public. Feedback from users on re-opening has been extremely positive.
16. The Oxfordshire Museum opened on 18 May and teaching music face to face has returned to schools, including some ensembles.
17. The Registration Service continues to experience high demand and is managing a backlog of appointments for notice of marriage and civil partnership appointments and for citizenship ceremonies. Weddings commenced again on 12 April with restricted numbers in line with national guidance. Ceremony bookings remain subject to a high level of change with some uncertainty for customers from 21 June on what restrictions might be in place. Registration rates for births and deaths have returned to near-normal levels and the option to register deaths on-line has been a welcome aid to managing the service while maintaining social distancing.
18. The Customer Service Centres (CSCs) are facing a continued higher demand than normal, across many areas. The reasons for this are twofold: firstly, as lockdown restrictions are lifted, demand is generated for services including highways, parking permits, blue badge and registration calls. Secondly, COVID related demand remain. This includes for adult and children's social care contacts, where new cases are arising due to customers being in lockdown and presenting with new conditions, and council tax and housing benefits enquiries where the customers' needs can be complex and lengthy. The CSCs are providing resources for Shielding support for Clinically Extremely Vulnerable customers (paused at present) and the local contact tracing scheme.
19. Finance teams are undertaking a significant volume of additional activity related to COVID-19, through managing, monitoring and reporting on a large number of pandemic resource streams.
20. Communications, Strategy and Insight (CSI) teams continue to play a very active role in the COVID response. This includes analysing and managing data related to the pandemic, delivering organisation-wide planning, undertaking extensive COVID-19 communications activity, and coordinating communication strategies and campaigns on behalf of the wider Oxfordshire system. Additional programme management and communication resource has been put in place to ensure that COVID response activity can be delivered alongside business as usual and strategic priorities. CSI has also provided leadership and resources to support the systemwide community hub

workstream, which is focused on supporting the wellbeing of residents during the pandemic, for example through support for those self-isolating or in quarantine

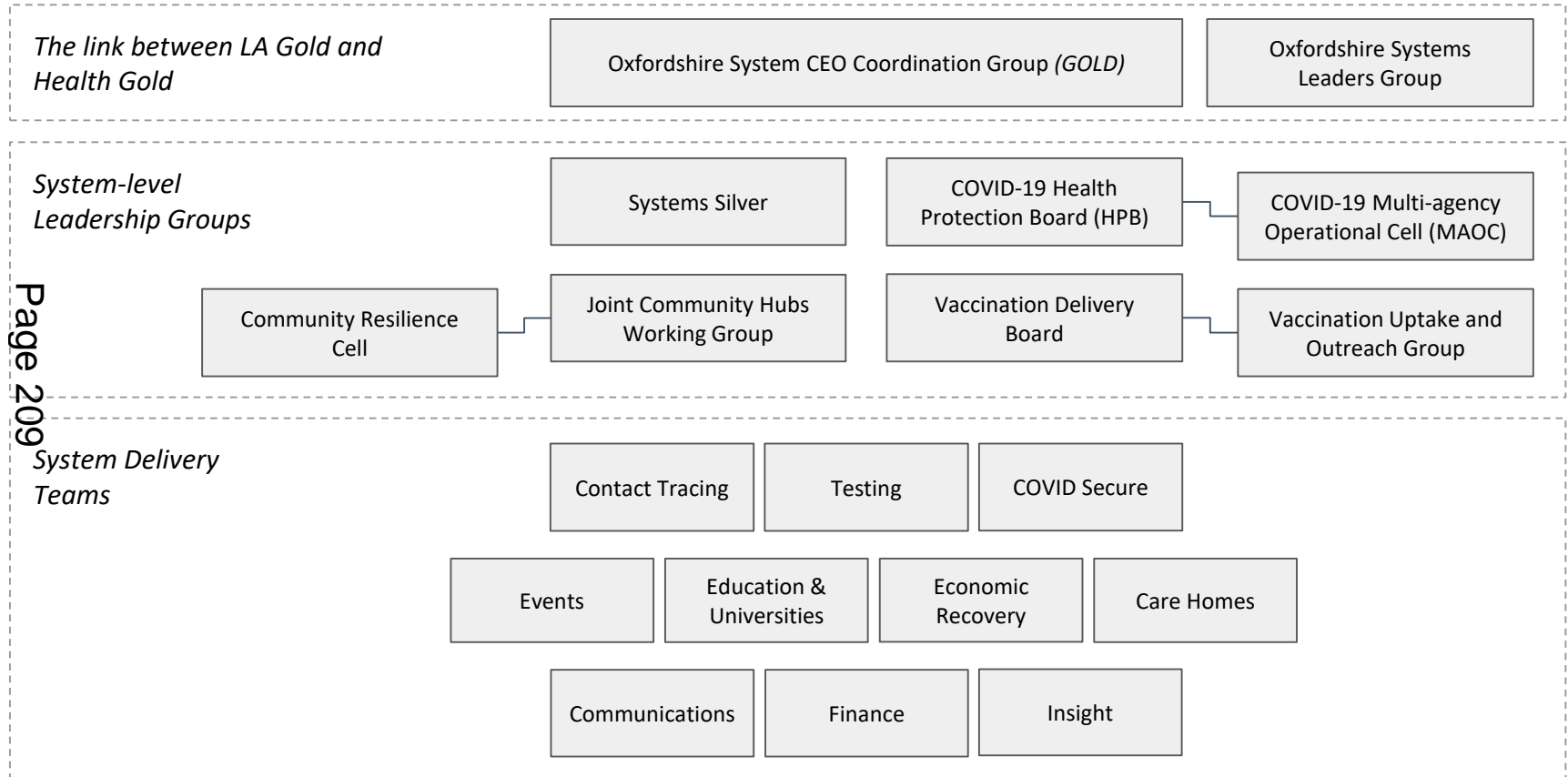
21. HR and IT continue to deliver remote support to those working from home as well as maintaining support for in-person delivery. New pressures for IT include supporting the delivery of hybrid in person/remote public meetings.

Commercial Development, Assets & Investment

22. Property teams remain deployed to ensure that COVID-19 safe working environments are in place for those council facilities that remain open and to plan for the safe re-opening of services as the Roadmap has allowed. In addition, we are closely monitoring post-COVID and post-Brexit impact on the supply chain in relation to potential delays and/or additional costs for some of our major capital schemes.
23. Staff are also heavily involved in planning for the return of face-to-face council meetings. While there are significant opportunities from the ability to hold 'hybrid' in person/on-line meetings, there are also major technological and logistical challenges, including to ensure operations are in-line with COVID-19 guidance during the Roadmap period.
24. Fire & Rescue and Emergency Planning teams continue to operate in support of new and emerging COVID-19 response activity, for example planning for 'surge testing', where local areas are required to deliver support to nationally led operations to test a high percentage of the residents of specified local areas urgently. Teams are experiencing significant pressures on support for multi-agency major event planning. With uncertainty on the guidance that will be in place after 21 June, major event planners are delaying submitting their plans. With a high volume of major events planned, a concentration of applications in the coming months is anticipated.
25. Trading standards and environmental health teams continue to lead the COVID Secure arrangements set out in appendix 1, in partnership with the City and District Councils and Thames Valley Police. The impact of resourcing COVID-19 activity has reduced the ability to deliver some preventative and investigatory activity. However, priority enforcement and prosecution activity continues, including action against the trade of counterfeit and smuggled tobacco. Regulatory services teams continue to provide vaccine outreach visits to people who have not responded to the offer of a vaccination and also the home visit elements of the local contact tracing system, both described further in Appendix 1.

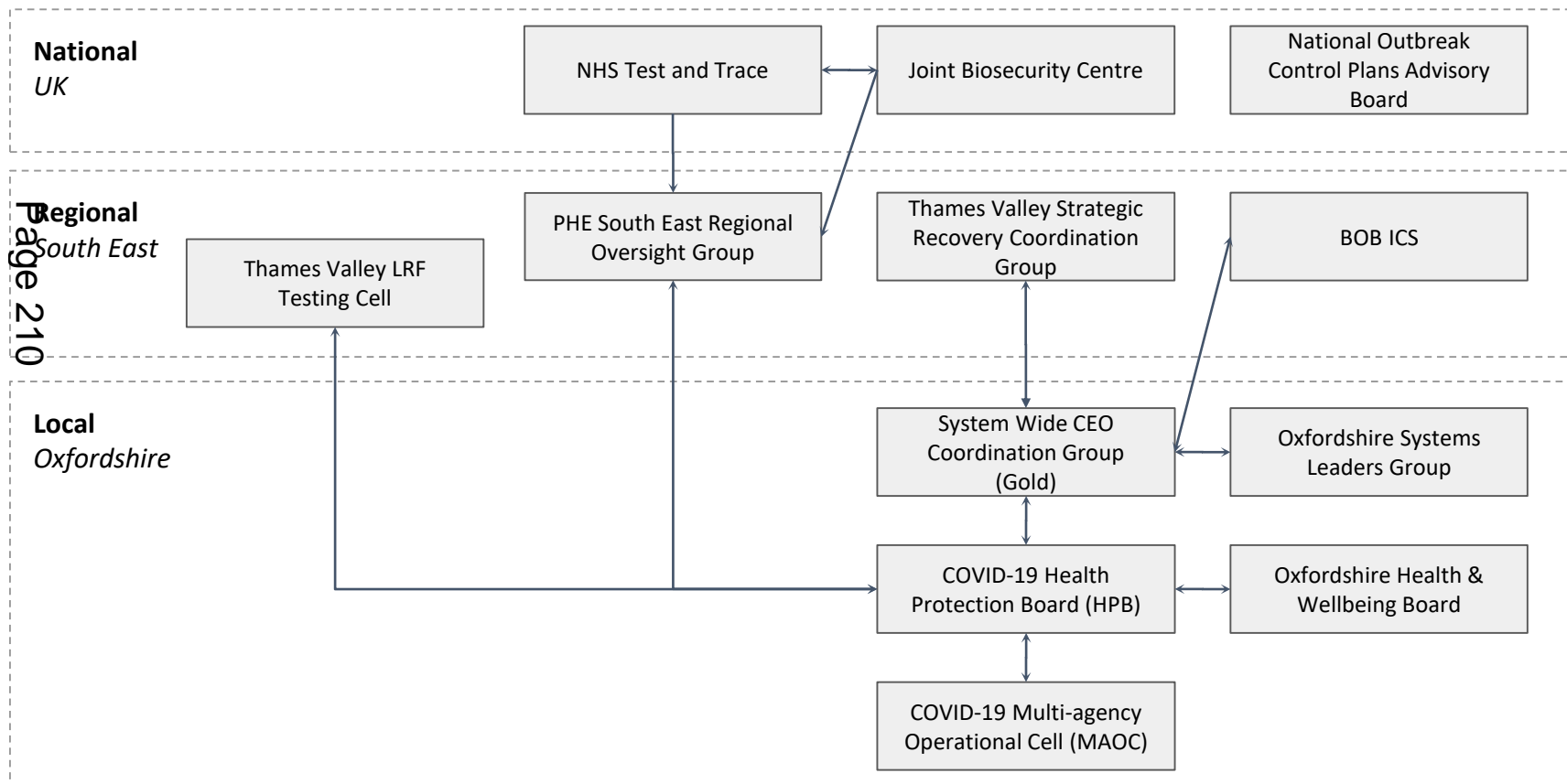
Pandemic System Governance Structure | Systems Working

The diagram below shows an overview of the Systems Governance in place to support the COVID-19 Response Programme.



Pandemic System Governance Structure | Health Protection

The diagram below shows an overview of the Health Protection Governance in place to support the COVID-19 Response Programme.



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