



NOTICE OF MEETING

CABINET

TUESDAY, 22 MARCH 2022 AT 1.30 PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Anna Martyn Tel 023 9283 4870

Email: Democratic@portsmouthcc.gov.uk

Information with regard to public access due to Covid precautions

- Following the government announcement 'Living with COVID-19' made on 21 February attendees will still be requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting until the end of March (This guidance will be updated at that point). Around one in three people who are infected with COVID-19 have no symptoms so could be spreading the virus without knowing it. Asymptomatic testing - getting tested when you don't have symptoms - helps protect people most at risk by helping to drive down transmission rates.
- We strongly recommend that attendees should be double vaccinated and have received a booster.
- If symptomatic we encourage you not to attend the meeting but to stay at home, avoid contact with other people and to take a PCR test in line with current UKHSA advice.
- We encourage all attendees to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that also protects us from other winter viruses.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

Membership

Councillor Gerald Vernon-Jackson CBE (Chair)

Councillor Suzy Horton (Vice-Chair)

Councillor Chris Attwell

Councillor Dave Ashmore

Councillor Kimberly Barrett

Councillor Ben Dowling

Councillor Jason Fazackarley

Councillor Hugh Mason

Councillor Darren Sanders

Councillor Lynne Stagg

(NB This agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.

A G E N D A

Meeting information: Risk assessment for Council Chamber

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Record of Previous Decision Meetings held on 14 February 2022 (Pages 11 - 16)**

A copy of the record of the previous decisions taken at the Cabinet meetings on 14 February 2022 are attached.

- 4 Additional Licensing of Houses of Multiple Occupation (Pages 17 - 244)**

Purpose

1. To examine the need for additional licensing controls of Houses in Multiple Occupation (HMOs) in the city.
2. If a need is determined, to outline the process for undertaking a consultation on the formal introduction of such a scheme.

RECOMMENDED that Cabinet approves

- 1. That Cabinet decide if the evidence presented is strong enough for the city council to undertake a consultation on the introduction of additional licencing scheme for HMOs.**
- 2. Subject to recommendation 2.1, a proposed designation for additional licensing must be agreed and consulted upon. It is recommended that the basis for introduction of additional licensing would be in relation to the impacts to tenants of poor living conditions and poor management practices, as indicated by the evidence from the current Mandatory Licensing scheme. The designation should therefore seek to scale up the licensing of HMOs to provide inclusion for all tenants living in HMOs with a City wide designation.**
- 3. Subject to recommendation 1, that the consultation starts on 23rd May 2022, as outlined within section 10 of this report.**
- 4. Subject to recommendation 1, that the consultation includes the information outlined within sections 5, 6, 7 & 8 of this report.**
- 5. Subject to recommendation 1, that following the completion of the consultation, officers return with a report which summarises the responses to enable a final decision on the implementation of a**

new additional licencing scheme.

6. In the event that Cabinet do not proceed with a consultation on the introduction of an additional licencing scheme for HMOs, a consultation should be held to introduce the proposed updated Space Standards document (Appendix 5) and the proposed updated enforcement policy (Appendix 6). This consultation should commence on 23rd May 2022.

5 Update on the Street Homelessness & Rough Sleeping Partnership Strategy (Pages 245 - 274)

Purpose

1. To provide an update on rough sleeping services in the city.
2. To provide an update of the Street Homelessness & Rough Sleeping Partnership strategy 2018 - 2020.
3. To provide an update on bids for Rough Sleeping Initiative funding for services for the period 2022-2025.

6 Horatia and Leamington Development - Delivery Next Steps (Pages 275 - 300)

Purpose

1. To provide Cabinet with a progress update including:
 - Deconstruction
 - Community Engagement
 - Homes England Funding
 - Development
2. Inform the decisions required to progress the development delivery of the site currently occupied by the moribund Horatia and Leamington House towers.
3. Set out the delivery model to take forward the development
4. To seek permission from Cabinet to tender and appoint a design & build contractor to build out the HRA Affordable Housing scheme element of the master plan so that works can start subject to planning approval.

RECOMMENDED that the Cabinet

1. Approve that the development scheme is now considered as two separate schemes and that the Affordable Housing Scheme is taken forward with a scheme budget of £98.1m and note that this remains within the overall funding approved by cabinet and full council at Cabinet dated 15th September 2020 and Full Council 13th October 2020 for the whole development scheme
2. Approve in principle the disposal of land, from the HRA & General Funds as indicated by block B in 4.14 below for the development by a third party which would include PCC own housing development company. Disposal of land (HRA& General fund) uses the existing delegations for the Director of Housing, Neighbourhood and Building Services and Director of Regeneration, in consultation with the Cabinet Member for Housing and Preventing Homelessness and Leader. The land disposal would be defined by a red book valuation

and the capital receipt used to support the development.

3. Note that should the development of the land indicated by block B in 4.14 require funding from the Council, for example, through Portsmouth City Councils own housing development company, Ravelin, and the funding requirement exceeds the £145m overall funding approved by cabinet and full council at Cabinet dated 15th September 2020 and Full Council 13th October 2020, additional spending would be subject to a cabinet and full council report.
4. Note the scope of the development scheme to include the Horatia and Leamington footprint, Melbourne Place car park, Gibson Centre and the delivery of wider public realm improvements identified in 4.12.
5. Delegate authority to the Director of Housing, Neighbourhood and Building Services and the Section 151 Officer to tender and enter into contract with the preferred bidder for the design and build work following full evaluation of the tender.
6. Delegate authority to the Director of Housing, Neighbourhood and Building Services in consultation with the Director of Finance and Resources to amend the composition, design standard and spending profile of the proposed scheme in order to meet planning and design requirements whilst ensuring that the scheme remains financially viable following any necessary changes.
7. Delegate the Director of Housing, Neighbourhood and Building Services in consultation with the Director of Finance and Resources to apply for any grant funding to support the scheme.
8. Place on record a note of thanks to the local community and stakeholders who have engaged in the project and particularly those involved directly in the work of the community panel. The contributions and input have been invaluable in directing the project and supporting the design team to create an exciting new beginning for this part of Somerstown.

7 National Bus Strategy: Portsmouth Enhanced Partnership (Pages 301 - 370)

Purpose

To seek approval for Portsmouth City Council to submit a Draft Enhanced Partnership Plan and Scheme in accordance with the requirements set out in the Government's National Bus Strategy - Bus Back Better.

RECOMMENDED that the Cabinet

1. Approves the Draft Portsmouth Enhanced Partnership Plan and Scheme, for submission to the Department for Transport by 29 April 2022;
2. Delegates authority to the Cabinet Member for Traffic and Transportation in consultation with the Director of Regeneration and the Section 151 Officer to agree any minor amendments to the Enhanced Partnership Plan and Scheme that may be required to take account of future funding changes and policy announcements;
3. Notes that the Enhanced Partnership Plan and Scheme will be monitored through the Enhanced Partnership Board.

8 Use of Pesticides on City Council Land (Pages 371 - 386)

Purpose

To update Cabinet on the city council's current use of pesticides, approach to reducing and minimising use and the trialling and practical implications of alternative methods.

9 Southsea Coastal Scheme - Memorial Benches (Pages 387 - 396)

Purpose

To inform Cabinet of the Southsea Coastal Scheme (the Scheme) plans for memorial benches affected by the project along the Southsea seafront and to update on communication with bench owners to date in relation to sub-frontage 4 around Southsea Castle.

10 Member Champions Annual update (Pages 397 - 402)

Purpose

To update Cabinet on the work of Member Champions during the 2021/22 municipal year.

11 LED Street Lighting - Adaptive Lighting Review (Pages 403 - 406)

Purpose

To provide an update on the review of Adaptive Lighting profile.

12 Covid-19, Brexit and other factors impacting construction costs (Pages 407 - 412)

Purpose

To update the Cabinet on the impact of COVID-19, Brexit and other factors impacting construction costs relating to Capital Schemes contained with the report Portsmouth City Council Budget & Council Tax & Medium Term Budget Forecast 2023/24 to 2025/26 approved by City Council 15th February 2022.

13 Quarter 3 Budget Monitoring (Pages 413 - 426)

Purpose

To update members on the current Revenue Budget position of the Council as at the end of the third quarter for 2021/22 in accordance with the proposals set out in the "Portsmouth City Council - Budget & Council Tax 2022/23 & Medium Term Budget Forecast 2023/24 to 2025/26" report approved by the City Council on 15 February 2022.

RECOMMENDED that the Cabinet

- 1. The General Fund Forecast Outturn for 2021/22 (as at 30 December 2021) of an overall net overspend of £802,700 be noted; this is analysed as follows:**

FORECAST OUTTURN 2021/22	£000
Forecast Net Overspend (before transfers to/from) Reserves	13,774.0

Less Expenditure funded from Corporate Contingency:		
	Covid-19 Costs	(10,280.0)
	Windfall Costs	(2,002.8)
Less Transfers From Portfolio / Cabinet Reserve:		
	Overspendings (in accordance with approved Council resolutions)	(2,116.1)
Add Transfers to Portfolio and Other Reserves:		
	Underspendings (in accordance with approved Council resolutions)	1,427.6
Overall Forecast Net Overspend 2021/22		802.7

2. The forecast additional spending and forgone income as consequence of the Covid-19 Pandemic totalling £10.28m be noted
3. Members note that the financial consequences arising during 2021/22 from the Covid-19 pandemic will be met from the provision held within the Council's Corporate Contingency which was set aside specifically for this purpose as approved by City Council on 15 February 2022.
4. Members note that in accordance with approved policy as described in Section 8, any actual non Covid-19 overspend at year end will in the first instance be deducted from any Portfolio Reserve balance and once depleted then be deducted from the 2022/23 Cash Limit.
5. In accordance with (iv) above and the requirement that in the first instance any Portfolio overspending must be met from the Portfolio Reserve, that £1,354,400 has been withdrawn from the Cabinet Portfolio Reserve to fund current forecast overspendings, leaving a nil balance.
6. Directors, in consultation with the appropriate Cabinet Member, consider options that seek to minimise any forecast non Covid-19 overspending presently being reported and prepare strategies outlining how any consequent reduction to the 2022/23 Portfolio cash limit will be managed to avoid further overspending during 2022/23.

14 Falklands 40th Anniversary and Armed Forces Day events

Report to follow

15 Lateral Flow Testing

Report to follow

16 Portsmouth City Council climate change strategy and carbon budget

Report to follow

17 Exclusion of Press and Public

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information)

Act, 1985, the press and public be excluded for the consideration of the following item on the grounds that the report(s) contain information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972”.

The public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012, regulation 5, the reasons for exemption of the listed item is shown below.

Members of the public may make representation as to why the item should be held in open session. A statement of the Council’s response to representations received will be given at the meeting so that this can be taken into account when members decide whether or not to deal with the item under exempt business.

(NB The exempt/confidential committee papers on the agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. Members are reminded of standing order restrictions on the disclosure of exempt information and are invited to return their exempt documentation to the Local Democracy Officer at the conclusion of the meeting for shredding.)

Item	Paragraph
Renegotiated sports and leisure facilities management contract	Appendix A

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

18 Forward Plan Omission Notice - Renegotiated sports and leisure facilities management contract (Pages 427 - 428)

The Renegotiated sports and leisure facilities management contract by the Director of Culture, Leisure & Regulatory Services was omitted from the Forward Plan covering 15 February to 15 May 2022. The Chair of the City Council's Scrutiny Management Panel has been notified and a public notice published.

19 Renegotiated sports and leisure facilities management contract (Pages 429 - 446)

Purpose

To provide the Cabinet with a summary of the contractual negotiations with BH Live, which have now concluded; and to seek Cabinet's approval to vary the existing sports and leisure facilities management contract with BH Live, on the basis that this is a key decision.

RECOMMENDED that the Cabinet That the Cabinet authorises the

Director for Culture Leisure and Regulatory Services to agree a contract variation to the existing sports and leisure facilities management contract, and for the Council's legal services to execute the variation as a deed.

20 Exclusion of Press and Public

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded for the consideration of the following item on the grounds that the report(s) contain information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972”.

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Item	Paragraph
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Provision of Waste Collection Service - fully exempt - (Information relating to the financial or business affairs of any particular person (including the authority holding that information).	
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21 Provision of Waste Collection Services (Pages 447 - 456)

Whilst every effort is made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

Coronavirus Risk Assessment for the Council Chamber, Guildhall

Date: 25 February 2022 (based on Living with Covid - February 2022)

Review date: 31 March 2022

Author: Lynda Martin, Corporate Health and Safety Manager, Portsmouth City Council

Coronavirus Risk Assessment for the Council Chamber, Guildhall

Manager's Name and Job Title completing Risk Assessment:	Lynda Martin Corporate Health and Safety Manager	Risk Assessment Dept:	Corporate Services	Date:	25 February 2022	Signature:	
		Location:	Council Chamber, Guildhall				

Hazard	Who could be harmed and how	All controls required	How controls will be checked	Confirmed all in place or further action required
Risk of exposure to Covid-19 virus - Ventilation	Staff, contractors and attendees	<ul style="list-style-type: none"> There are no longer capacity limits for the Guildhall Chamber. Face coverings are advised to be worn in busy and crowded places and should only be removed when addressing the meeting. The actions to maximise ventilation in the Guildhall Council Chamber remain in place: <ul style="list-style-type: none"> The removal of internal casement secondary glazing windows. Large casement windows will be opened. Pedestal fans - positioned in each of the wing areas and along the back wall behind the pillars, maximum speed and modulation setting. High level doors and window - the double doors to the high level galleries and the gallery corridor window will be opened. 	Staff will ensure windows are open and fans switched on.	In place
Risk of transmission of virus - Risk Mitigation	Staff, contractors and attendees	<p>The Guildhall has the following measures in place:</p> <ul style="list-style-type: none"> Face Coverings – as per government guidance, we encourage you to continue to wear a face covering whilst in the venue & crowded places especially when walking around the building. Enhanced Sanitisation & Cleaning – we will carry out enhanced cleaning procedures between meetings and we ask that you sanitise your hands on entry and regularly throughout your visit at the sanitisation points provided. 	The Guildhall Trust and PCC Facilities Team to implement and monitor.	In place
Risk of transmission of virus - Hygiene and prevention		<ul style="list-style-type: none"> Although not a legal requirement attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that also protects us from other winter viruses. Wash hands for 20 seconds using soap and water or hand sanitiser. Maintain good hygiene particularly when entering or leaving. Hand sanitiser and wipes will be located in the meeting room. No refreshments will be provided. Attendees should bring their own water bottles/drinks. All attendees should bring and use their own pens/stationery. Attendees are requested to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting (requirement in place until the end of March 2022.) It is recommended that attendees should be double vaccinated and have received a booster. 	The Guildhall Trust and PCC Facilities Team to implement and monitor.	In place
Financial Risk	Staff, contractors and attendees	<ul style="list-style-type: none"> The council meeting may need to be cancelled at short notice if the Covid-19 situation changes due to local outbreaks, local sustained community transmission, or a serious and imminent threat to public health. Technology in place to move to virtual council meeting if required and permitted by legislation. 	Financial commitments minimised wherever possible.	In place

Updates

- This risk assessment is a live document and will be updated as new information becomes available.
- All managers should feel free to adapt the measures contained within this risk assessment when assessing the risks for their own department's work activities/ premises.

Further information

- Further government information on support during the coronavirus pandemic can be found [here](#)
- HSE guidance, on working safely during the coronavirus pandemic can be found [here](#)
- Staff wellbeing advice during the coronavirus pandemic can be found [here](#)

Agenda Item 3

CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Monday 14 February 2022 at 1pm at the Guildhall, Portsmouth

Present

Councillor Gerald Vernon-Jackson CBE
Suzy Horton
Chris Attwell
Dave Ashmore
Ben Dowling
Hugh Mason
Darren Sanders
Lynne Stagg

16. **Apologies for Absence (AI 1)**
Councillors Kimberly Barrett and Jason Fazackarley sent their apologies.
17. **Declarations of Interests (AI 2)**
No interests were declared.
18. **Minutes of the previous meeting. (AI 3)**

DECISION

The minutes of the meeting held on 8 February were not available.

19. **Port Masterplan (AI 4)**
Mike Sellers, Port Director introduced the report.

Councillor Vernon-Jackson noted that is important to diversify the port's activities and that with the changes in the commercial ferry service, the provision of facilities for trailers and cabs is essential. The profits go to defend public services and help keep our council tax lower than Southampton's.

DECISION

The Cabinet:

1. **Approved the principles outlined in the Development Master Plan and**
2. **Recommended that the report is presented to Full Council for endorsement; and**
3. **Delegated authority to the Port Director, in consultation with the Leader, s151 officer and City Solicitor to finalise and publish the Port Master Plan in line with the principles outlined in the Development Master Plan.**

Councillor Gerald Vernon-Jackson CBE
Leader of the Council

CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Monday 14 February 2022 at 1.10pm at the Guildhall, Portsmouth

Present

Councillor Gerald Vernon-Jackson CBE
Suzy Horton
Chris Attwell
Dave Ashmore
Ben Dowling
Hugh Mason
Darren Sanders
Lynne Stagg

20. Apologies for Absence (AI 1)

Councillors Kimberly Barrett and Jason Fazackarley sent their apologies.

21. Declarations of Interests (AI 2)

Councillor Gerald Vernon-Jackson declared a prejudicial interest in item 5 and will leave the room for that item.

22. Record of Decisions - Cabinet Sub-Committee meeting on 15 December 2021 (AI 3)

DECISION

The minutes of the meeting held 15 February were confirmed as a correct record.

23. The Council as company owner (AI 4)

James Berry, Companies Lawyer introduced the report.

The importance of Council owned companies making regular and proportionate financial reports to the Governance & Audit & Standards Committee at least annually was discussed.

In response to Councillor Cal Corkery's questions, Councillor Vernon Jackson explained that having the reports come to a public meeting where Opposition Councillors get a vote means that there is more cross-party engagement.

All the scrutiny panels, except the Health Overview & Scrutiny Panel are chaired by opposition Councillors who decide their work programmes and these can include both pre and post-scrutiny.

Action

Opposition party leaders will be informed when outside company reports are coming up and an invitation sent.

DECISIONS

Cabinet:

- 1. Agreed that there be a minimum requirement for a financial report come to the Governance & Audit & Standards Committee annually.**
- 2. Agreed that a standing quarterly item (in June, September, December and March) be reserved on Cabinet agenda to report on issues concerning the shareholder function in PCC company matters;**
- 3. Authorised the City Solicitor to engage the services of Local Partnerships to provide commercial advice to Cabinet in relation to Council owned companies going forward.**

24. Portico Shipping Limited (AI 5)

Councillor Ben Dowling chaired this item.

Mike Sellers, Port Director declared a non-prejudicial interest; he is responsible for the oversight of the port and sits on the board. He introduced the report and in response to a question explained that Cabinet has the authority to approve the articles of association.

DECISIONS

Cabinet approved the revised Articles of Association of Portico and delegated authority to the City Solicitor to take such action as shareholder that is necessary to communicate such decision to Portico.

25. Portsmouth Harbour Renaissance Limited (AI 6)

David Williams, Chief Executive stated that he did not have anything to add to the administrative report about the largely dormant company. He needs to talk with the other shareholders about its future.

In response to a question, it was explained that if this company is not needed, then it will be wound up.

Councillor Corkery was asked by the Leader if he was happy with that and nodded.

DECISIONS

- 1. Delegated authority to the Chief Executive, in consultation with the City Solicitor and s151 Officer, to discharge all shareholder functions of the Council in relation to PHRL save as they relate to recommendation 2; and**
- 2. Noted that the Chief Executive will initiate discussions with the other shareholder of PHRL in relation to the future of the company; and**
- 3. Requested the Chief Executive to report back to Cabinet as to any shareholder action that maybe required as a consequence of the discussions at recommendation 2.**

26. Magna Park Management Limited (AI 7)

Tom Southall, Assistant Director Property & Investment highlighted recommendation 2.

In response to a question, he explained that a breakdown of income from individual assets is confidential but would talk to Councillor Hugh Mason outside of this meeting about Magna Park and Springvale.

Cabinet

1. **Delegated authority to the Assistant Director Property & Investment, in consultation with the City Solicitor and s151 Officer, to represent the Council as shareholder in matters related to the operation of Magna Park Limited; and**
2. **To report no less than annually to the Cabinet on the performance of the company and any other relevant matters relating to it.**

27. North Harbour Estate Management Limited (AI 8)

Tristan Samuels, Director of Regeneration introduced the report.

Cabinet

1. **Noted the appointment of the Assistant Director Property and Investment to the board of NHEML;**
2. **Delegated authority to the City Solicitor to liaise with the company secretary of NHEML to obtain a copy of the terms of appointment of the Assistant Director Property and Investment;**
3. **Delegated authority to the Director of Regeneration, in consultation with the City Solicitor and s151 Officer, to take decisions as shareholder in matters related to the operation of NHEML;**
4. **To report no less than annually to the Cabinet on the performance of the company and any other relevant matters relating to it.**

28. Springvale Management Company Limited (AI 9)

Tristan Samuels, Director of Regeneration stated that he had nothing to add to this paper.

Cabinet

1. **Noted the appointment of the Assistant Director Property and Investment to the board of Springvale Management Company Limited (SMCL);**
2. **Delegated authority to the City Solicitor to liaise with the company secretary of SCML to obtain a copy of the terms of appointment of the Assistant Director Property and Investment;**
3. **Delegated authority to the Director of Regeneration, in consultation with the City Solicitor and s151 Officer, to represent the Council as shareholder in matters relating to the operation of SMCL; and**
4. **To report no less than annually to the Cabinet on the performance of the company and any other relevant matters relating to it.**

29. HCB Holding Limited (AI 10)

Julian Pike, Deputy Director of Finance and S151 Officer introduced the report and in response to questions, explained that the organisation has progressed quite a long way in achieving its banking licence.

The current timetable is:

The application for a licence to allow it to operate as an authorised bank with restrictions is expected to be submitted this month. Authority should be granted in July/ August. A full licence would then be granted in quarter 1 of 2023.

The timetable has moved since 2014 significantly because of delays in the company being able to submit its application due to a number of issues including recruitment of staff, level of diligence and changes to banking regulations.

During the discussion that followed, the following concerns were raised:

- This was endorsed by Cabinet on 10 July 2014, but the nature of shareholding totally changed in February 2015 when we moved from B to A class shares.
- In the material presented to Full Council on 15 July 2014 it was expected that this organisation would be fully operational by late 2015.
- We do not have any specific right to appoint directors, despite having a 65% shareholding of ordinary A class shares. Any nominations by the council, would be subject to the unanimous agreement of the company's directors and our nomination could be voted down because we only have 30% of the votes.
- Disparity between investment and the ability to influence this.

Action

A report be brought to a meeting providing an update on progress and share ownership options within a short period of time.

DECISIONS

Cabinet

1. **Noted the appointment of the s151 Officer to the board of HCB Holding Limited;**
2. **Revoked the delegations to those named in recommendation 3 of paragraph 2 of the cabinet report dated 14/7/2014 (referred to in part 3.2) and re-designates that authority to the Deputy s151 officer in consultation with the Leader and City Solicitor¹; and**
3. **Delegated authority to the Deputy S151 Officer in consultation with the City Solicitor and the Leader, to make decisions as shareholder in matters related to the operation of HCB Holding Limited.**

.....
Councillor Gerald Vernon-Jackson CBE
Leader of the Council

¹ Recommendation 3 was "Authority to approve a Capital Investment of up to £5 million in in the creation of Hampshire Community Bank and incur any necessary costs relating to the Due Diligence process is delegated to the Head of Financial Services and Section 151 Officer in consultation with the Strategic Director Regeneration"

Agenda Item 4



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet
Date of meeting:	22 March 2022
Subject:	Examine the need for Additional Licensing controls of HMOs in the City
Report by:	James Hill - Director for Housing, Neighbourhood and Building Services
Report Author:	Clare Hardwick - Head of Private Sector Housing
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1. To examine the need for additional licensing controls of Houses in Multiple Occupation (HMOs) in the city.
- 1.2. If a need is determined, to outline the process for undertaking a consultation on the formal introduction of such a scheme.

2. Recommendations

- 2.1. That Cabinet decide if the evidence presented is strong enough for the city council to undertake a consultation on the introduction of additional licencing scheme for HMOs.
- 2.2. Subject to recommendation 2.1, a proposed designation for additional licensing must be agreed and consulted upon. It is recommended that the basis for introduction of additional licensing would be in relation to the impacts to tenants of poor living conditions and poor management practices, as indicated by the evidence from the current Mandatory Licensing scheme. The designation should therefore seek to scale up the licensing of HMOs to provide inclusion for all tenants living in HMOs with a City wide designation.
- 2.3. Subject to recommendation 2.1, that the consultation starts on 23rd May 2022, as outlined within section 10 of this report.
- 2.4. Subject to recommendation 2.1, that the consultation includes the information outlined within sections 5, 6, 7 & 8 of this report.



- 2.5. Subject to recommendation 2.1, that following the completion of the consultation, officers return with a report which summarises the responses to enable a final decision on the implementation of a new additional licencing scheme.
- 2.6. In the event that Cabinet do not proceed with a consultation on the introduction of an additional licencing scheme for HMOs, a consultation should be held to introduce the proposed updated Space Standards document (Appendix 5) and the proposed updated enforcement policy (Appendix 6). This consultation should commence on 23rd May 2022.

3. Background

- 3.1. A property is a House of Multiple Occupation (known as an HMO) if at least three tenants live there, forming more than one household and facilities, such as bathrooms and kitchens, are shared with other tenants. This is defined in the Housing Act 2004.
- 3.2. The city council has no certain way of ascertaining the overall number of HMOs in the city. Currently there is no legal requirement for landlords of operational HMOs to make their properties known to the local authority, other than those which require a mandatory HMO license.
- 3.3. The total number of HMOs in the city is estimated to be approximately 6000. This is approximately 25% of the total private rental sector accommodation. This is based upon research which has combined the current known number of licenced HMO properties in Portsmouth, (1226 properties) and use data obtained by the Building Research Establishment (BRE) to indicate the total number of non-licensable HMOs in Portsmouth, believed to be 4700 properties.
- 3.4. All HMOs in the city must comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. This places a duty on the property manager to address and take responsibility of certain areas of an HMO.
- 3.5. All HMOs in the city must comply with the Licensing and Management of Houses in Multiple Occupation and other houses (Miscellaneous Provisions) (England) Regulations 2018. This legislation sets out prescribed minimum national standards for licensable houses in multiple occupation, including minimum bedroom sizes.
- 3.6. All HMOs in the city must also comply with the Housing Act 2004, including the need for properties to be free from serious hazards.
- 3.7. Many different people live in HMOs, and they provide much needed accommodation for those on low incomes in the city.
- 3.8. The city council's Private Sector Housing service already regulates HMOs through the mandatory licencing scheme. To supplement this, under the terms of the



Housing Act 2004, additional licensing can be introduced by a local authority if significant evidence is available showing that a large proportion of HMOs in the city are poorly managed and are having a significant adverse impact on members of the public.

- 3.9. The city council previously operated an additional licensing scheme for HMOs from 27 August 2013 to 27 August 2018. This meant that all HMOs, regardless of size, within postcode areas PO1, PO4 and PO5 were required to have a license issued by the Council's Private Sector Housing service. Over the five-year period of the scheme, 2184 licences were issued to landlords of HMOs. Legally, any renewal of additional licensing required evidence that it had failed to deal with the problem that led to its introduction in the first place. This evidence was inconclusive at that time and therefore the scheme ceased in August 2018.
- 3.10. In October 2018, two months after the end of the additional licensing scheme, The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 changed the statutory criteria for Mandatory Licensing of HMOs, meaning that more properties were required to be licenced. This was reported to the Cabinet on 04 December 2018.
- 3.11. Since 2018 the city council has operated the statutory licencing schemes only for HMOs, with oversight from the HMO (now PRS) Governance Board. Throughout this time the board, and officers, have monitored the reports of issues within HMOs.
- 3.12. More information on the licencing regime surrounding HMOs can be found in Appendix 2 of this report.

4. Understanding the impacts of HMOs in the city

- 4.1. Detailed data on the impacts of HMOs in the city on tenants, landlords and resident is captured in Appendix 3 of this report. Appendix 4 contains the detailed data from a public survey carried out by the city council to understand perception of the issues. The following sections of the report provides a summary of that information.
- 4.2. To understand the impacts of HMOs upon the city, officers have used two forms of information.
 - 4.2.1. National and local data from demand place upon private sector housing, other council services and feedback from external agencies, and
 - 4.2.2. A public survey, undertaken in December 2021 and January 2022.
- 4.3. Impacts of HMOs upon tenants
 - 4.3.1. Complaints received from HMO tenants can range significantly. However common complaints received concern property standards, disrepair, improper management and security of properties.
 - 4.3.2. Within the last two years the city council's Private Sector Housing Service has received 1346 complaints, 22% of which relate to HMOs. This is approximately in line with the proportion of HMOs in the PRS. However, similar to the limitations



of some of the other data presented, this only captures issues which have been reported to the city council.

- 4.3.3. HMOs are the cheapest rental option in the PRS and those living in them are often on the lowest incomes. National studies have shown tenants on a low income and living in poor conditions are unlikely to report disrepair issues to the local authority due to fear of retaliatory eviction, the financial strain this could cause in potential rent increases or having to find alternative accommodation, and the sense that they cannot afford better conditions elsewhere. This is reflected in the HMO survey recently conducted by the council, as outlined in 4.3.6 - 4.3.12 below.
- 4.3.4. National data from the English Housing Survey 2020-21 indicates that approximately 12% of properties in the private rental sector have Category 1 hazards. Data from the council's own inspections on licensed HMOs shows a higher percentage of properties identified with category 1 hazards, with 32% of licensed properties inspected from 2018 - 2020 showing a category 1 hazard in accordance with the Housing Health & Safety Rating System (HHSRS). Currently only 20% of total estimated HMOs in the city are licensed. Based on the data the Council has found with poor property conditions in licensed HMOs it is likely that a significant proportion of the 80% of HMOs which are currently unlicensed would have significant hazards in accordance with the HHSRS.
- 4.3.5. It is well known that HMO accommodation is often used by students living in the city. It is estimated that there are just over 800 student occupied HMO properties in Portsmouth, of which approximately 50% are currently licensed.
- 4.3.6. The survey for HMO tenants suggested that a third of respondents expected to continue living in HMO accommodation during the next 5 years, indicating that a notable portion view this as their long-term housing option.
- 4.3.7. The data also showed that most HMO tenants surveyed were over the age of 35, with a significant portion between 45 - 54 years old.
- 4.3.8. Just over half of HMO tenants said they could not afford to move if they wanted to. However 46% indicated they had plans to move out of HMO accommodation in the next 5 years. This data suggests a lack of choice amongst many HMO tenants regarding their housing options, relying on HMOs as an affordable option for them.
- 4.3.9. The survey told us that tenants overall felt positive about the relationships they had with their housemates and neighbours. However many gave a neutral answer regarding their relationship with neighbours. This may indicate that HMO tenants do not know their neighbours well, or not feeling a sense of community.
- 4.3.10. Only 17% of HMO tenants who responded said that they had needed to contact the city council regarding the conditions or management. Approximately half indicated they were satisfied with conditions, safety, standards and management generated more positive responses. However, a third said they were unhappy with property conditions, standards and managements. Similar responses were given regarding confidence in landlords to carry out repairs on time. 23% of HMO tenants who responded indicated they would not be happy to report repairs or problems to their landlord due to concerns of repercussions such as eviction or rent increases. Survey results showed that tenants of licensed HMOs showed similar concerns to non-licensable.

4.3.11. The majority of tenants said they had a good landlord and most, especially non-licensed HMO tenants, expressed a confidence in ability to report disrepair issues to their landlord. This is perhaps reflected in the low percentage who told the council they had needed to escalate complaints to the city council. Additional licensing can positively impact poor property standards and poor management of HMOs. The thresholds for introducing additional licensing to tackle poor housing and management is subjective, there is no nationally prescribed threshold, and therefore members are asked to consider the above data and decide if this warrants introduction of further HMO licensing controls to tackle the issues reported by tenants.

4.3.12 The University of Portsmouth Student Union provided a response to the findings of the survey which can be found in Appendix 10.

4.4. Impacts of HMOs upon landlords

4.4.1. Whilst many landlords will be aware of their responsibilities, a significant number, including those letting HMOs, may not be fully aware of all current legislative requirements and how to manage their properties accordingly.

4.4.2. This is reflected in the data held by the city council in relation to compliance of landlords for the existing Mandatory Licensing scheme. Since 2018 the Private Sector Housing team have had to issue 1397 written letters to 653 separate landlords to chase up late certification. Furthermore, in the same period 188 separate HMO properties have had special license conditions applied. This indicates that 15% of HMOs currently licensed were deficient in amenities, or over-occupied, which would not have been identified if they had not been licensed.

4.4.3. The city council has the ability to take action where a licence holder fails to comply with the conditions of the licence, including providing safety certification on time. However it rarely has the need to resort to taking formal enforcement action regarding breach of licence conditions, including any special conditions added onto the licence. This is because, in most cases, these conditions are adhered with. In nearly all occasions of poor compliance, this initial informal approach is enough to satisfy the licence conditions are met.

4.4.4. Few civil penalties or prosecutions have been made against landlords operating unlicensed HMOs, although investigations into these form a regular part of officer's work. This suggests that overall compliance with the current mandatory licensing scheme is good, with licence applications being submitted where needed.

4.4.5. Similarly, the city council's Planning Enforcement team issue very few notices regarding HMOs properties breaching of planning regulations, such as operating an HMO without proper planning permission.

4.4.6. From the public survey, landlords generally expressed a view that the council should not intervene more with HMOs, although a large number were neutral on this question. Respondents also said that they would like to see more action taken against "bad landlords".

4.4.7. Landlords believe they had a good relationship with their tenants and just over half said their tenants lived in their properties for a long period of time; both of these were reciprocated in tenant's responses. This indicates an overall view that tenants are able to meet their responsibilities as per their tenancy



agreement. This view is also highlighted in the low number of landlords who told the council they had need to evict tenants from HMOs.

4.4.8. Landlords said their most important factors were: property conditions, good relationships with tenants and security of income.

4.5. Impacts of HMOs upon local residents

4.5.1. Data collected from January 2017 - October 2021 shows that the city council has consistently received a disproportionately high number of noise complaints related to HMOs in the city. Noise complaints from HMOs account for between 10-14% of all noise complaints received, whereas HMOs represent approximately 6.5% of the overall tenure in the city. Licensed HMOs account for a higher percentage of these noise complaints compared with small non-licensed HMOs.

4.5.2. Data obtained from the police regarding reported incidents of Anti-Social Behaviour (ASB) shows that the areas of the city with the highest incidents of ASB correlate to areas with shopping precincts and night-time economy. There is no clear link between police recorded ASB and HMOs.

4.5.3. Recorded waste issues received to the city council's Private Sector Housing and Safe, Clean and Tidy services demonstrates a disproportionate volume of issues are identified from HMOs in the city.

4.5.4. It is clear from the survey data, and responses given at public drop in events, that residents feel the most negatively impacted by HMOs as a group.

4.5.5. Residents responded in the survey that the main areas where they felt negatively impacted were: parking, noise nuisance, anti-social behaviour and waste/rubbish. Residents attributed these issues towards the volume of HMOs in Portsmouth, which they felt was too high and that this had created an imbalance within their communities.

4.5.6. Residents responded to the survey to say that they wanted to see more done to tackle bad landlords and tenants, and wished to see the university do more to tackle problem students.

4.5.7. The results of the survey showed that 97% of residents who responded were impacted by HMOs. Of those who experienced issues with HMOs 53% reported these, with most reports being made to the council, tenants, landlords and the university.

4.5.8. Similar findings were seen regarding student HMOs and the impacts these can have on residents. 53% of residents told the council they were impacted by student HMOs, with 61% of those affected reporting these issues. Issues experienced from students resemble other HMOs, however a bigger impact from noise nuisance can be seen.

4.5.9. The overall theme from residents suggests that behaviours of some HMO tenants, such as noise nuisance, antisocial behaviour and waste issues, have a negative impact on local residents and communities.

4.5.10. Whilst additional licensing can be introduced where impacts from HMOs are evident, it is important to consider how licensing can help to address these impacts. Additional licensing can help with implementing multi-agency approaches to severe ASB, noise and other crime. However, whilst residents reported being affected by noise and ASB in the recent HMO survey, data shows that these issues do not meet the thresholds of criminal activity, nor the city



council's thresholds for noise abatement notices. Introduction of licensing to deal with these issues would therefore be ineffective in tackling these incidents which do not meet required thresholds for formal action. Similarly licensing would not address issues with parking, or control the number or location of HMOs in the city.

4.5.11. Licensing also cannot stop a HMO from operating, but it can refuse to license an individual who is not considered a "fit and proper" person to manage a HMO. In these circumstances an appropriate alternative manager must be appointed, or the city council can consider temporarily taking over the management of a HMO through a Management Order until an appropriate alternative person can be appointed to take responsibility for the management of the property.

4.6. As outlined above, additional licensing cannot resolve all issues related to HMOs. When considering the introduction of further licencing schemes for HMOs in the city, the city council must consider whether it can be confident of introducing an additional licencing scheme which would:

4.6.1. Be proportionate

4.6.2. Correctly target areas of high concentration of HMOs

4.6.3. Deliver benefits for tenants, landlords and residents, and

4.6.4. Stand up to scrutiny and/or legal challenge

4.7. It is recommended that the city council's Cabinet decide on whether it believes that the evidence is compelling enough for a consultation on a licencing scheme. If it does not believe so then a scheme cannot proceed. If it does believe that the evidence points to the need for an additional licencing of HMOs, the information detailed in Appendices 5,6,7, and 9, and summarised in the following sections of the report, outline the additional information that would be part of that consultation.

4.8. Consultation on an additional licencing scheme does not mandate the city council to proceed with such a scheme. The results of any consultation would return to the city council for a final decision before a scheme can be introduced.

5. Private Sector Housing Space & Amenity standards

5.1. The proposed updated space and amenity standards document is contained within Appendix 5 and summarised within this report.

5.2. The city council's space and amenity standards aims to:

5.2.1. Provide guidance on some of the requirements for privately rented residential dwellings.

5.2.2. Give information on the requirements for functional space, available amenities such as kitchens and bathrooms and other design matters such as lighting and ventilation.

5.2.3. Where these requirements vary for different types of accommodation, guidance has been provided based on dwelling type.



5.2.4. The guidance aims to provide an overview of standards and legislation applicable to certain types of accommodation to assist landlords, property managers and other stakeholders.

5.2.5. This guidance will also provide tenants with information regarding adequate space and amenity standards in their home.

5.3. The updated standards aim to simplify the existing space and amenity standards document and provide information which was previously not included, such as information regarding bedsit HMOs.

5.4. No fundamental changes have been made to the current space standards, with exception of where no standards had been previously produced.

5.5. The HMO space and amenity standards are made clearer. This is especially seen in the communal requirement for open plan living space, which has become increasingly more common. Where previously these requirements relied on a complex calculation, these have now been displayed in a series of easy-to-read tables.

5.6. The standards also now include a fire risk assessment template which can be used by landlords or managers as a tool to aid them in risk assessing their properties. Standards have been split into three main groups: single household dwelling, HMOs and bedsitting HMOs.

6. Private Sector Housing Enforcement Policy

6.1. The proposed updated private sector housing enforcement policy is contained within Appendix 6 and summarised within this report.

6.2. The city council's current private sector housing enforcement policy is currently in force and available via the city council website.

6.3. Amendments to this policy were made in response to the COVID-19 pandemic, and can be found via the city council website.

6.4. The proposed updated private sector housing enforcement policy aims to make the following changes to the existing policy:

6.4.1. Clarify in more detail the types of enforcement action that may be used under the Housing Act 2004, and when the council will exercise enforcement action under this act.

6.4.2. Introduction of a new financial penalty matrix - The updated policy outlines the framework for establishing instances where a financial penalty will be considered, as well as the amount of financial penalty, and any mitigating factors that may reduce the level of penalty. The value of civil penalties is based on guidance and legislation and is increased dependant on the nature of the offence, culpability of the offender, and the resulting harm.

6.4.3. Inclusion of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, which came into force on June 2020.

7. Financial appraisal of an additional licencing scheme

- 7.1. The proposed licence fee model is contained within Appendix 7 and is summarised within this report.
- 7.2. Any HMO licensing scheme, including a designation of additional licensing, requires a fee payable by the licence holder to cover the city council's costs for operating the scheme. This fee will take into account all costs incurred by the authority in carrying out their functions and any costs incurred in carrying out a management order, as outlined in The Housing Act 2004.
- 7.3. The proposed licence fee would range from £829.00 to £883.00 for a 5 year license depending on the exact size of designation and number of HMO applications.
- 7.4. This will be processed as two payments, a payment of approximately 15% of the total fee on application and a final payment on receipt of full licence.
- 7.5. Where properties are sold and purchased within the term of an additional licensing scheme and continue to operate as an HMO, fees will be scaled accordingly based on the remaining term of the scheme designation.
- 7.6. This fee is based on a five-year designation. The fee model includes costs for administration, inspections, enforcement, training and other costs such as office requirements and management support.
- 7.7. When conducting a financial appraisal into the proposed license fee model, the council looked to other local authorities where different models had been used.
- 7.8. Based on estimated numbers of HMOs across the city, to deliver the scheme the city council will be required to employ more staff resource. Estimated requirements based on a city-wide designation indicate that an additional 18.5 FTE will be required to deliver the scheme in year one, reducing to 11.5 FTE in years two to five.
- 7.9. Due to the estimated volume of applications officers estimate a period of 52 weeks will be required to process all of the licences received. This will include the processing of applications, issuing drafts and full licenses and completing verification checks on those properties with licence holders unknown to the council or where additional checks are needed to assess the suitability of a property to operate as a HMO.
- 7.10. If a designation is made, HMOs will be able to continue to operate if an application has been submitted to the council. In addition the city council's existing refunds policy regarding HMO applications will apply, should a designation of additional licensing be made.

7.11. A programme of inspections for all licensed HMOs in this scheme would be spread out over the five year designation period.

7.12. It should be noted that there is a financial risk of not knowing the exact number of HMOs in the city, and the cost modelling is based on the estimated number of HMOs in the city-wide designation area. If the number of HMOs transpires to be significantly less than the estimated number, the city council could over resource for the number of license applications and would not recover these costs through the licensing fees.

8. Proposed licence conditions

8.1. The proposed licence conditions are contained within Appendix 8 and summarised within this report. It should be noted these are the same standard licence conditions applied to all current mandatory licenses in Portsmouth.

8.2. A licence holder is required to adhere with these "standard conditions" when operating a licensable HMO. The purpose of these conditions is to ensure the suitable management and health and safety of the HMO is in place.

8.3. The conditions cover areas of health and safety compliance, such as providing copies of fire alarm testing, fire risk assessment, emergency lighting and gas safety certification. These must be provided to the council on or within two weeks of their anniversary date.

8.4. The licence conditions will specify the occupancy level for the property based on the suitability and size of the property.

8.5. A series of documents must be made available to the occupants such as, the licence and its conditions, the managers contact details and the procedure for notifying the manager of an emergency or any complaints concerning the property.

8.6. Licence holders or property managers are expected to attend the property at frequent intervals to ensure proper management, compliance and that the property is suitably maintained.

8.7. Conditions which relate to complaints regarding the behaviour of occupants can be seen in conditions 19 and 20, namely the licence holder will work proactively with the council in response to antisocial behaviour (ASB) and take reasonable steps to prevent ASB and is required to undertake a detailed investigation into complaints.

8.8. The city council, through its private sector housing team, will administrate each licence application and may include additional "special conditions" on a license based on the management or property requirements. These could be, for example, a condition that requests additional facilities or amenities be provided within the HMO, such as an additional toilet or cooking facilities.



8.9. The licence holder may contest any licence conditions applied by the city council within 21 days of the draft licence being provided, the council will then give consideration to these variations and respond to the licence holder.

8.10. The licence holder will be responsible for adhering with any final conditions, breaching these may result in a financial penalty being served.

9. Consultation process

9.1. The statutory consultation plan can be seen in Appendix 9 and is summarised in this report.

9.2. If a designation of additional licensing is made, the council will need to conduct a formal consultation for a minimum of ten weeks under section 56(3) of the Housing Act 2004.

9.3. The purpose of this consultation is to inform those likely to be affected by the designation and consider any representations made.

9.4. The consultation will aim to seek the views of those affected by the proposed designation, along with an opportunity to present the council's proposal, aims and objectives of the scheme. This will include a wide range of stakeholder groups as outlined in the plan.

9.5. The city council will utilise its resources, such as its Marketing and Communication team, to support with the consultation to ensure each of the identified groups has opportunity to give their views. It will also conduct drop-in days and open forums with targeted groups. An Officer will also be available on nominated dates at community buildings such as libraries with paper copies available.

9.6. Social media release, press release and targeted leaflet drops in affected areas will all take place as part of the consultation. A full advertisement will be made in Flagship magazine.

9.7. Information within the statutory consultation will include:

9.7.1. Description of the proposed scheme and areas affected

9.7.2. Explanation of why the area has been selected for licensing

9.7.3. Map of proposed area showing any boundaries

9.7.4. Evidence of why the scheme is necessary, how it contributes to the council's overall housing strategy and how this will improve the area

9.7.5. Explanation of what the proposed scheme involves, including information on the housing stock, percentage and expected number of HMOs that will be licensed

9.7.6. Proposed fees and potential licence conditions

9.8. The detail in the statutory consultation can only be finalised by officers once a final decision is made regarding a designation for additional licensing.

9.9. Staff resources required to deliver a statutory consultation will likely be from the council's Private Sector Housing team, with support from the city council's Communications and Marketing team. Prioritisation of his work may mean that some business as usual work, such as providing tenant and landlord workshops, may be delayed.

9.10. In addition to use of staff resources, an estimated costs for the promotion, research, data analysis and design of a statutory consultation are £21,250.00. There is no identified budget within the Private sector Housing cash limit for this survey work.

9.11. Whilst the consultation process can legally begin during purdah, it is recommended that the consultation starts on 23rd May 2022.

10. Integrated impact assessment

10.1. See Appendix 1

11. Legal implications

11.1. Under Part 2 of the Housing Act 2004 the Council, as a local housing authority, is required to licence certain HMOs under a Mandatory HMO Licensing scheme. Section 56 of the Act enables a local housing authority to also designate the whole or part of its area for Additional HMO Licensing in relation to a description of HMOs specified in the designation which are not covered by the mandatory scheme. The designation can be made if the Council considers that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively to be likely to give rise to particular problems either for those occupying the HMOs or for members of the public. Whilst at this stage, no formal decisions are being sought in respect of the introduction of an additional licensing scheme, it is helpful for the decision maker to understand the basis upon which such a scheme may be introduced prior to taking any further steps.

11.2. Prior to making a designation for additional licensing, the local housing authority must take reasonable steps to consult persons who are likely to be affected by the designation and consider any representations made in accordance with the consultation and not withdrawn. This requires the council to produce a draft proposal identifying what is to be designated and its consequences. The consultation should last for a minimum 10-week period and be informative, clear and to the point so that the proposal can be readily understood by local residents, landlords, letting agents and businesses. The content of this Report and its appendices will ensure those consulted understand the proposals fully.

11.3. The recommendations set out in paragraph 2 of this Report are within the Cabinet Member's powers as set out in the City Council's Constitution.

12. Director of Finance's comments

- 12.1 There are no direct financial implications because of approving the recommendations within this report.
- 12.2 The costs of the consultation on Additional Licensing will be met from existing cash limited resources.
- 12.3 If proposed licence fee model as contained within Appendix 7 is adopted following the consultation, the net effect to the Cash limit will be zero as fees are set at a level that allows the Council to recover its cost associated with the scheme only.
- 12.4 As the main body of the report states if costs are greater, or the amount of applications are lower this could mean that the costs of the scheme may not be met, in which case the scheme fees would need to be revisited and a further report brought back to this committee.

.....
Signed by: James Hill, **Director of Housing, Neighbourhood and Building Services**

Appendices:

- Appendix 1: Integrated Impact Assessment
- Appendix 2: Powers available to local authorities to control HMOs
- Appendix 3: Understanding the impacts of HMOS
- Appendix 4: HMO Survey results
- Appendix 5: Proposed updated Private sector Housing Space and Amenity Standards for consultation
- Appendix 6: Proposed updated Private sector Housing Enforcement Policy for consultation
- Appendix 7: Financial; appraisal for an Additional licensing scheme of HMOs
- Appendix 8: HMO Licence conditions
- Appendix 9: Statutory Consultation plan
- Appendix 10: HMO Survey response from the University of Portsmouth Students Union

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Private rental sector strategy	Private Rental Sector Strategy for Portsmouth 2021- 2026
Housing Act 2004	Housing Act 2004 (legislation.gov.uk)
Management of HMOs 2006	The Licensing and Management of Houses in Multiple Occupation and Other Houses



	(Miscellaneous Provisions) (England) Regulations 2006 (legislation.gov.uk)
Licensing of Houses in Multiple Occupation Regulations 2018	The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (legislation.gov.uk)
Electric Safety standards in the private Rented Sector 2020	The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (legislation.gov.uk)

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:



Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & - Diversity - This can be found in Section A5

Directorate:

Housing, Neighbourhoods, and Buildings

Service, function:

Private Sector Housing

Title of policy, service, function, project or strategy (new or old) :

Additional Licensing of Houses of Multiple Occupation (HMOs)

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

To review the need for additional licensing control of HMOs in the City, with a view to conducting a formal public consultation.

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

The proposal is to consider a formal consultation for additional licensing of HMOs, where HMO tenants, landlords, and other residents of the city will be invited to share their views on proposals to introduce an additional licensing scheme.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A1-Crime - Will it make our city safer?

In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Currently the data does not indicate a strong correlation between HMOs and police reported crimes, therefore at this stage it is not anticipated that this proposal will have an impact on crime in the city.

However the data from a survey conducted in Dec 2021-Jan 2022 does indicate that there many residents who live near HMOs believe that they experience issues related to ASB, parking and waste as a result of HMOs

How will you measure/check the impact of your proposal?

A future survey could be undertaken to assess the changing views of residents towards HMOs

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?

In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The proposal is to consider a formal consultation on additional licensing of HMOs. The data currently available to the council indicates that HMOs may not be managed very effectively by some HMO landlords. If it is determined

that further controls of HMOs is required this could result in more HMOs being licensed and inspected, which is likely to improve the living conditions for tenants living in poor quality HMOs in the city.

How are you going to measure/check the impact of your proposal?

If additional licensing controls are proposed as a result of the public consultation, measures will be put into place to record the inspections of HMOs and the outcomes of these inspections.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?



In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The proposal is to consider a formal consultation for additional licensing of HMOs. The data currently available to the city council indicates that HMOs may not be managed very effectively by some HMO landlords, this includes waste issues from HMOs, and potentially some landlords not meeting their legal obligations for managing HMOs such as having annual gas safety checks. If it is determined that further controls of HMOs is required this could result in more HMOs being licensed and inspected, which is likely to improve the living conditions for tenants living in poor quality HMOs in the city, and address some issues experienced by the local community such as waste problems (where HMOs aren't adequately storing waste and putting their waste out for collection on the correct days for example - this can be managed through HMO licence conditions).

How are you going to measure/check the impact of your proposal?

If additional licensing controls are proposed as a result of this, measures will be put into place to record the success of such a scheme in address these issues.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?



In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?

In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?

In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?

In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Triston.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

<https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding?

In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?

In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?

In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?

In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

Is your policy/proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?

In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?

In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?

In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

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Is your policy/proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?

In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

Q8 - Who was involved in the Integrated impact assessment?

Clare Hardwick - Head of Private Sector Housing

This IIA has been approved by: Paul Fielding

Contact number: 023 9283 4223

Date: 04/02/2022

Powers available to the local authority to control HMOs in the city

Officers have considered the legislative framework around the licencing of Houses in Multiple Occupation (HMOs) and identified within this appendix.

The following powers already exist for the Local Authority to control HMOs in the City:

Houses in Multiple Occupation (HMO) Licencing

Houses in Multiple Occupation are properties rented out by at least three people not from one household (such as a family) but share facilities such as a bathroom or kitchen.

Planning permission is often required for an HMO and this is handled by the council's Planning Service. Therefore it, through the application of the HMO Supplementary Planning Document (SPD) and related guidance, can determine if a property can become a HMO and therefore, in effect, how many HMOs are in an area (planning permission is not required retrospectively, meaning that long-established HMOs do not require planning permission). The City Council's Private Sector Housing (PSH) Service is responsible for ensuring that HMOs meet the relevant standards, including space standards.

Some HMOs are already required to be part of a mandatory licencing scheme through the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018

HMO Licencing is intended to ensure that:

- the landlord of an HMO is a fit and proper person (or employs a manager who is).
- each HMO is suitable for occupation by the number of people allowed under the licence (overcrowding is eliminated).
- the standard of management of the HMO is acceptable.
- vulnerable tenants are protected.
- high-risk HMOs can be identified and targeted for improvement (such as fire safety).

In 2013, the City Council's brought in an additional licencing scheme for all qualifying HMOs. Such a scheme could only be introduced for a maximum period of 5 years and evidence had to show a need for additional controls over HMOs locally, and that suitable alternative options have been explored. Consultation with local landlords, tenants and residents would be required as part of this process.

Licence conditions could be used to stipulate the condition of a property, but the inspections of licensed properties can allow for any poor conditions to be identified and acted upon by the inspecting officer. It required all HMOs with three or more occupants to be licensed in postcode areas PO1, PO4 & PO5 (the areas of the city with the highest concentrations of HMOs at the time). In the five years of the additional licencing scheme the council had issued licences to 2184 properties in the PO1, PO4 & PO5 areas.

Under the relevant legislation any renewal of additional licensing required evidence that it had failed to deal with the problem that led to its introduction in the first place. That evidence was not available, therefore the scheme ceased in August 2018.

However, in October 2018 the government introduced changes to the mandatory HMO licensing criteria, meaning that all HMOs occupied by five or more tenants now require a mandatory license, whereas previously only HMOs with five or more tenants and consisting of three more storeys did so. This change in criteria meant that the number of HMOs in the City which required a mandatory HMO license rose from 552 properties, to 1220 properties on 1st October 2018.

Currently HMOs with three or four tenants in the city do not require a license; any potential reintroduction of additional licensing would therefore focus on the licensing of some or all of those properties not currently covered by mandatory HMO licensing criteria. Licensing is required to be cost-neutral by setting the licensing fees to cover the cost of running the scheme.

Powers under the Housing Act 2004 to target small geographic areas for proactive inspection

Local authorities can use their powers under the Housing Act 2004 to select small geographical areas where they have reason to believe (based upon evidence) that, for example, there may be poor property conditions or Anti-Social Behaviour (ASB). All privately owned properties could be inspected in the area, with a particular focus on private rented sector (PRS) but with an opportunity to also include working with owner/occupiers and empty property owners to make improvement to their properties also. This would need to be funded and resourced by the City Council's general fund, rather than through licensing fees, but any enforcement charges levied against poor landlords identified in this way could be used to offset the cost of the resources required to undertake this element work.

This approach would only be suitable if there is evidence that problems with HMOs is specific to only very small geographical areas of the city, such as a few selected roads.

The Management of Houses in Multiple Occupation (England) Regulations 2006

Management Regulations apply to all HMOs under Part 1 of the Housing Act 2004, whether they are licensable or non-licensable. These regulations mean that a manager (landlord, letting agent or similar) is responsible for the health and safety of the HMO: including areas such as fire safety, maintenance and repair, gas and electric, buildings structure and installations. The Management Regulations also include providing adequate waste facilities and collection.

HMO governance Board

The City Council agreed the creation of the Houses of Multiple Occupation (HMOs) Governance Board in 2018 which consists of representatives from the University,

Students Union, local landlord association, Council officers, Cabinet member for housing and Preventing Homelessness and opposition spokespeople on housing and it has met to understand issues surrounding HMOs. Some of the learning of this group has been used in this information report.

In October 2021 this HMO governance board was extended to include the whole Private Rental sector in response to the City Council's Private Rental Sector Strategy which was agreed in January 2021.

Whilst this Governance Board will continue to examine the impact of HMOs in the city, the scope is now much wider and the focus is no longer purely on HMOs.

Other Methods of Management Available to Portsmouth City Council

When considering a designation of Additional Licensing, section 57 of the Housing Act 2004 asks local authorities to consider what other means of management regarding HMOs is available.

Since Additional Licencing was last introduced in Portsmouth a number of changes, such as new legislation and a restructure of the PSH Service have been brought in which aim to support the private rented sector, including HMOs.

The PSH Service employ a full time Landlord and Tenant Support Officer. The main elements of this role include -

- Arranging and facilitating targeted and proactive resident groups in areas where there are high levels of impact from HMO's, or other types of privately rented properties.
- Arranging and facilitating educational workshops for both landlords & tenants, to advise them of their responsibilities and how to seek further support
- Advising residents of the correct procedures to follow to make noise or rubbish complaints, sign posting to the relevant services
- Co-ordinating and organising events such as student housing events, to proactively educate tenants on what to look for when choosing a property, as well as how to have a positive impact on the local community
- Co-ordinating and organising events such as resident engagement events in HMO 'hotspot' areas, to improve street scenes and initiate community bonds
- Decide if issues raised by residents require further involvement from agencies, and organise and facilitate multi-agency meetings where appropriate
- Updating the Portsmouth City Council website with useful and relevant information for tenants and landlords
- Producing a landlord newsletter, which includes key updates in legislation as well as seasonally relevant information which may help them and their tenants meet their obligations

The PSH Service are currently undergoing a pilot scheme with Portsmouth Mediation Service (PMS), whereby tenants, landlords and residents can be referred to mediation to help resolve issues.

PMS already provide a restorative service for residents who get caught up in disagreements and disputes. This independent and impartial service is envisioned to become the future gateway for any landlord/tenant problems in the city. The service already receives referrals from the police and local authority housing officers, as well as self-referrals from residents seeking community mediation to work through conflicts they are facing.

Several landlords from the Portsmouth and District Property Landlords Association (PDPLA), many of whom manage Houses in Multiple Occupation (HMO's), have recently collaborated with PMS to undergo restorative training. The collaboration equips landlords with a personal restorative tool kit to help conversations to continue when problems arise, with an aim to prevent homelessness and stressful legal action.

It is intended that this training will also be rolled out to tenant and resident groups, as well as other landlords. This independent and impartial service will help facilitate communication and defuse escalating problems, enabling compromise and agreement instead of entrenchment and anxiety.

Source - <https://portsmouthmediationservice.org.uk/2021/07/new-restorative-scheme-is-plain-sailing-for-portsmouth-property-landlords/>

PSH's Housing Regulation Team receive and act upon complaints about housing conditions from various stakeholders, including but not limited to

- Adult and Children's Social Care
- Police
- Hampshire Fire and Rescue Service
- Planning Enforcement
- The NHS Mental Health Team
- Housing Needs, Advice and Support
- Advice Portsmouth
- Councillors
- Solicitors
- Members of the public

Residents can make reports to the service via telephone, email, or using 'Report It' forms on the City Council's website. The team will adapt their approach depending on the individual circumstances of the case, use the various pieces of legislation at their disposal when needed, and work to educate and support landlords and tenants to understand their respective obligations.

Requirements for introduction of an Additional Licencing scheme

Under the terms of the Housing Act 2004, the Council could license more HMOs than captured by the current Mandatory Licencing scheme. This is called Additional Licencing and can be introduced by a local authority in England if significant evidence is available showing that a large proportion of HMOs are poorly managed and are having a significant adverse impact on members of the public.

As per sections 56 - 60 Housing Act 2004, to introduce such a scheme the Council must consider whether a significant proportion of the HMOs are being managed ineffectively, based on evidence it receives. Section 57 of the Act asks that local authorities consider whether there are any other courses of action available to them that might provide an effective method of dealing with the problem or problems in question. The current courses of action were outlined in a report to the Housing and Preventing Homelessness decision meeting on 20 September 2021.

To do this the Council must produce evidence on the extent of problems attributed to non-licensable HMOs and give detail on why existing measures are ineffective at managing these. Any Additional Licencing scheme will be required to be reviewed on a regular basis and can be revoked at any time by the Council. A designation of additional licencing must cease to have effect no later than five years after the date it came into force.

Under "general consent" approved by Government in 2015, councils are able to make a designation for Additional Licencing without the need to seek approval from the Secretary of State. Councils are still required to follow the evidential requirements and consultation process prior to making a designation.

The Council, through its Private Sector Housing Service, would be required to assess the properties management and health and safety of the property. The licence holder would be required to undergo a fit and proper person test and the management of the property would be reviewed.

Each licence would require supporting documents to be submitted when these are due, such as gas and electrical safety certificates. The licence holder would be required to adhere to licence conditions and may face enforcement action if they fail to do so.

[The Licencing of Houses in Multiple Occupation \(Mandatory Conditions of Licences\) \(England\) Regulations 2018 \(legislation.gov.uk\)](#)

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Understanding the impacts of Houses in Multiple Occupation (HMOs) in Portsmouth

This document explores the current data available to Portsmouth City Council with a view to understanding the impacts of HMOs, both on the tenants living in HMOs, and also the local community living close to shared houses.

What is a House in Multiple Occupation (HMO)

A property is known as a HMO if it is occupied by 3 or more people forming more than one household, where the occupants also share amenities such as a kitchen or bathroom. This is defined as such by the Housing Act 2004.

Mandatory Licensing of HMOs

The City Council, through its Private Sector Housing team, currently regulate Mandatory Licensable HMOs. Currently HMOs with 5 or more occupants are legally required to have a licence, which identifies the person who manages the property, and place certain conditions on that person. Licences are issued typically for 5 years, and are inspected at least one during the license period. Upon expiry of the license period, the property manager is required to renew their license. Currently HMOs with fewer than 5 persons do not require a license in Portsmouth.

Number of HMOs in Portsmouth

The City Council has no certain way of ascertaining the overall number of HMOs in the City. Currently there is no legal requirement for landlords of HMOs to make their properties known to the local authority, other than those which require a mandatory HMO license.

The City Council's Council tax team collect information from student occupied households as properties which are 100% occupied by students in full time education are exempt from Council tax payments. However, the Council Tax team does not collect data which specifically identifies HMOs in the city, as a HMO occupied by non-students has no bearing on the Council tax charging model.

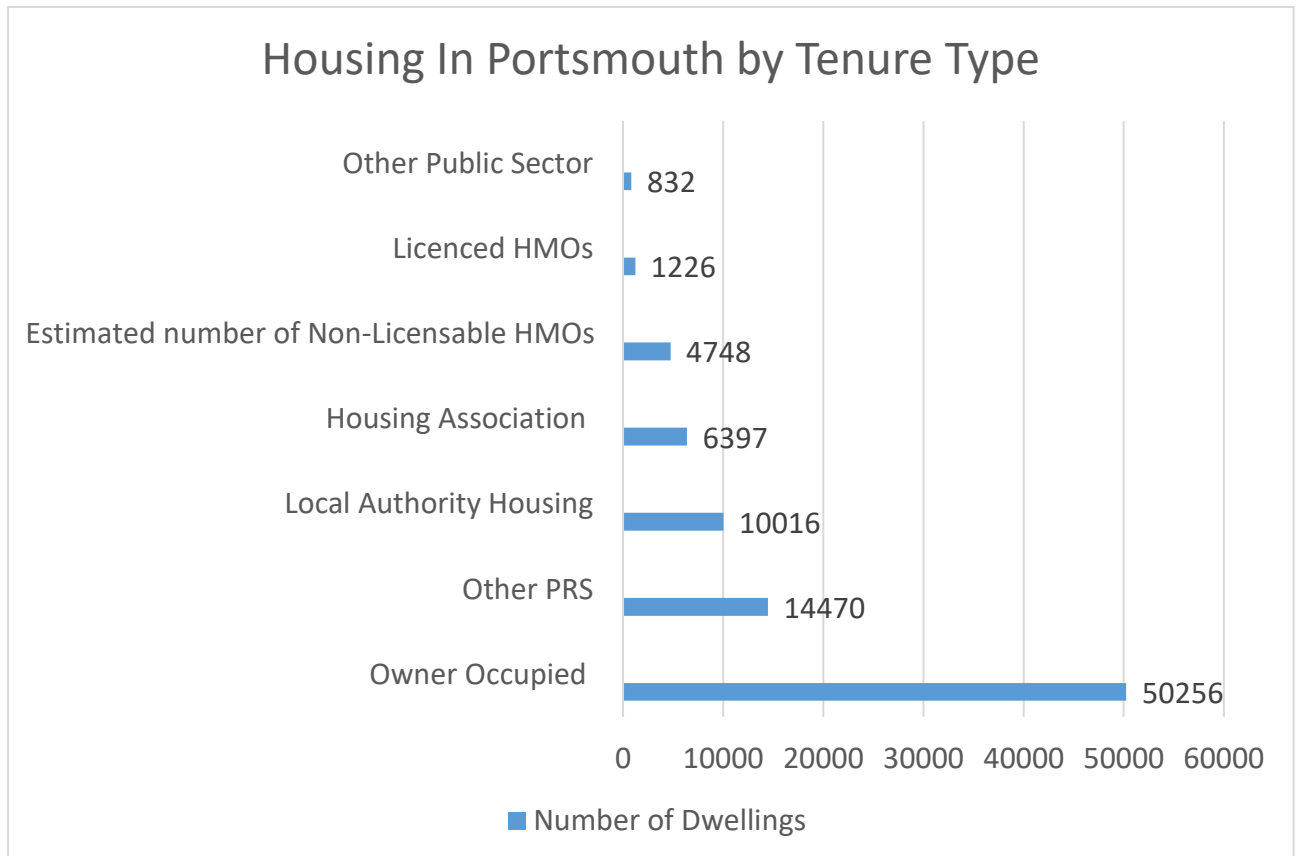
The City Council's Planning Enforcement team have a database of HMO's in the city, however as Landlords are not legally required to declare their HMO to the local authority, this list only includes HMOs which the City Council have been able to identify through various datasets and is not therefore a definitive list of HMOs in the city.

Non-licensable HMOs are occupied by fewer than 5 unrelated persons forming more than one household, sharing amenities such as a bathroom or kitchen.

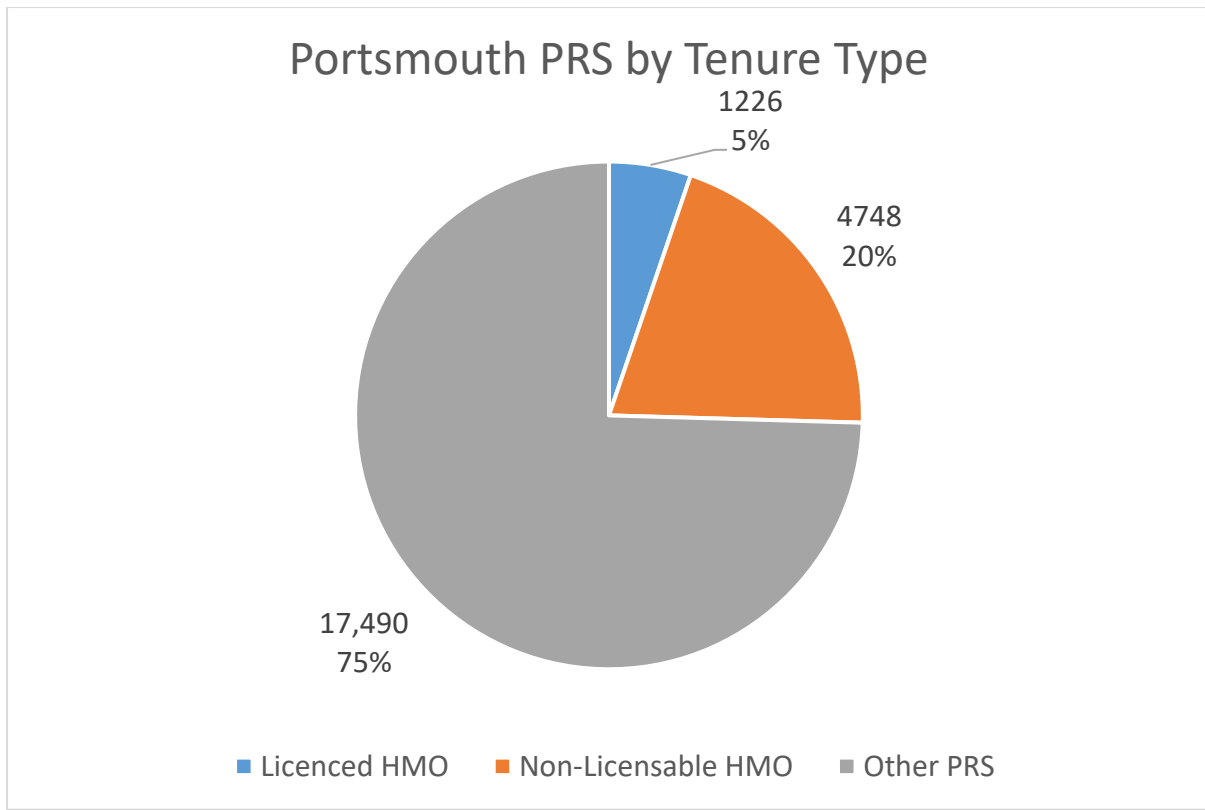
All the figures in the data presented below are based on the current known number of licenced HMO properties in Portsmouth, currently 1,226 properties, and uses data obtained by the Building Research Establishment (BRE) to indicate the total number

of non-licensable HMOs in Portsmouth, believed to be 4,700 properties. The total number of HMOs in the city is therefore believed to be approximately 6,000.

The following table shows the breakdown of the tenure types in Portsmouth.

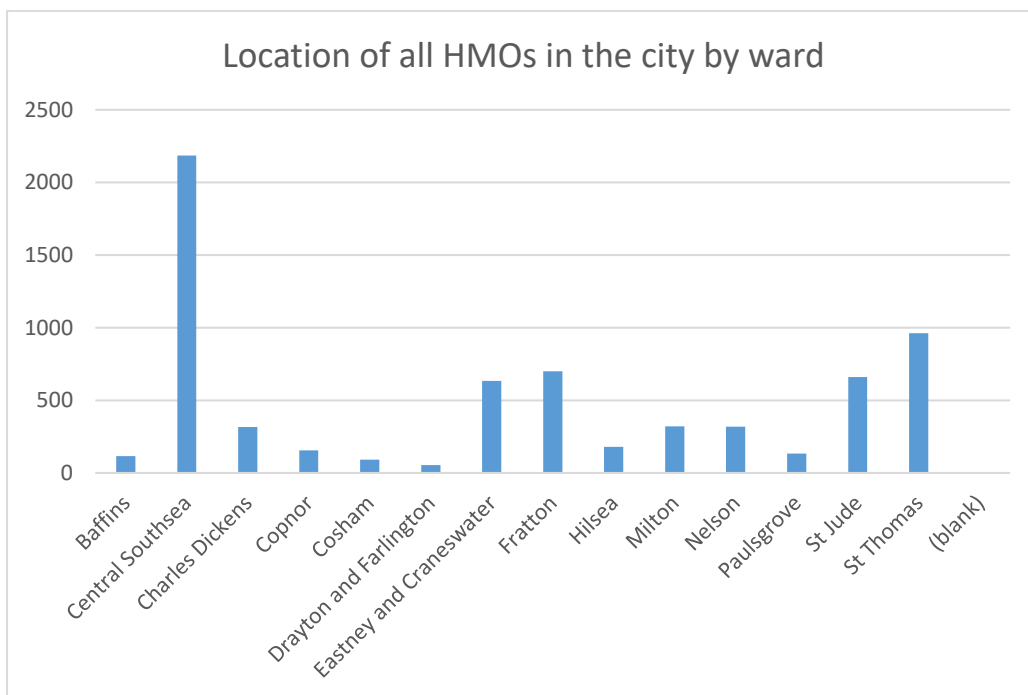


HMOs account for approximately 25% of the total Private Rental Sector (PRS) in Portsmouth.



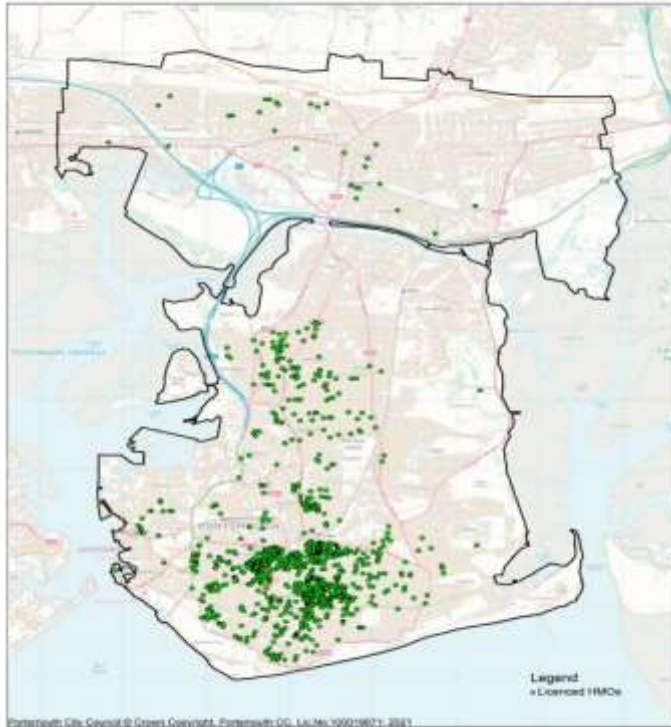
Of the total Private Rental Sector 5% is made up of Licensed HMOs, and 20% are HMOs which currently do not require a mandatory license. It is estimated that 80% of HMOs in the city do not currently require a license.

Location of HMOs in the City

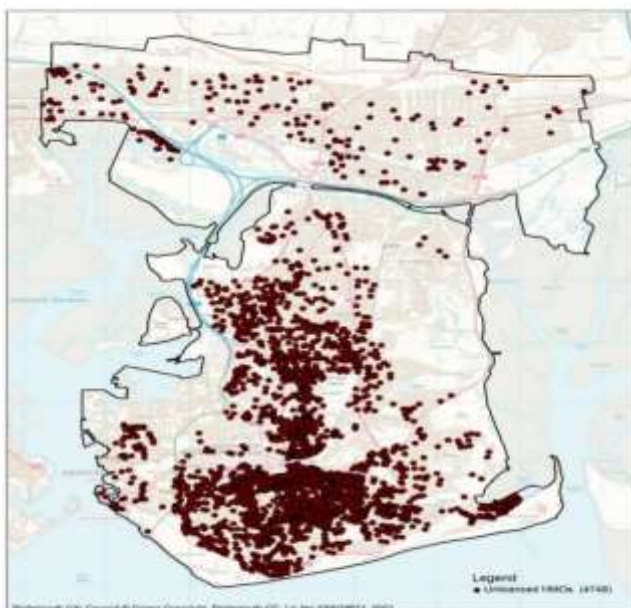


The wards with the highest numbers of HMOs in the City are Central Southsea, St Thomas, Fratton, St Jude, and Eastney and Craneswater.

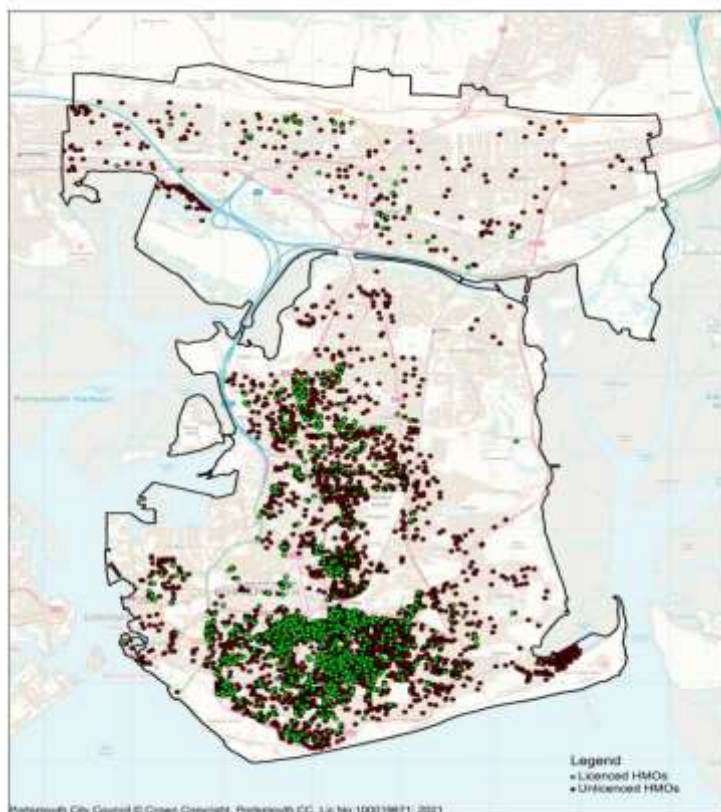
The following maps show a visual representation of the location of HMOs in City. The first map shows the location of current mandatory licensed HMOs in the city.



The second map shows the location of estimated non-licensable HMOs in the city.



The following map provides a combined visual location of all HMOs in Portsmouth.



Student HMOs

Approximately 28,000 students attend The University of Portsmouth, some of whom live in the private rented sector in Portsmouth, including HMOs. It is not possible to ascertain the exact number of students who live in the PRS in Portsmouth as the university do not collect data on the tenure of housing that every student lives in.

It is possible to identify the number of student occupied HMOs in city, although there are some limitations to this. The majority of HMOs occupied by students are solely occupied by students, and in these cases the property will have a council tax exemption and are therefore identifiable through council tax data. However, some HMOs will contain a mix of students and non-students. In this situations, it is only possible to identify a HMO as being student occupied when the property is occupied by only one person who is not full time student, as the Council tax team in this scenario record the property as student occupied, with a single person discount. Any HMOs occupied by 4 students, and 2 tenants who are not full time students for example, cannot be identified through council tax records.

To count as a full-time student, if the student is 20 years of age or over, the course must involve at least 21 hours study per week and last at least 24 weeks of an academic or calendar year. If a student is studying a qualification up to A level and is

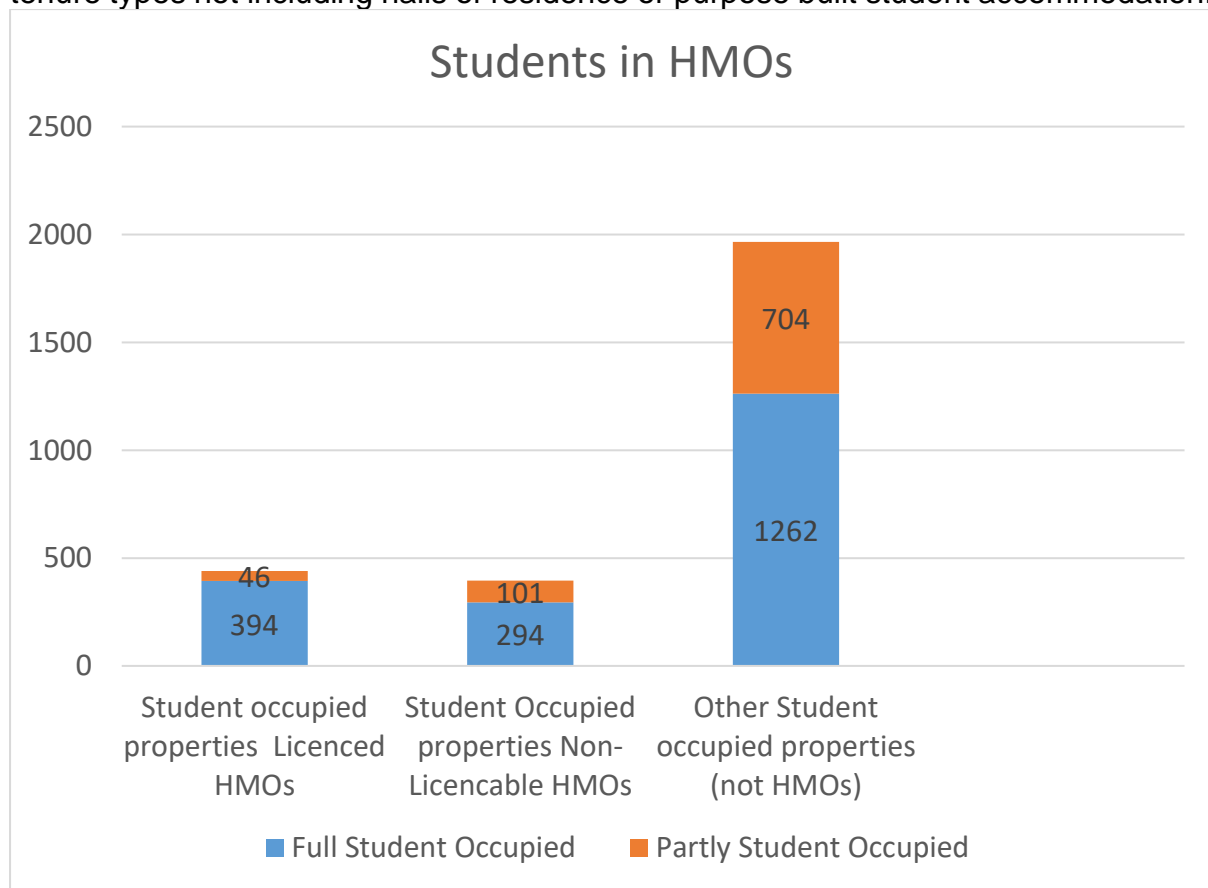
under 20 years of age, the course must: last at least 3 months and involve at least 12 hours study per week.

Information obtained from the University shows the below number of students who reside in halls of residence:

2018/19: 4272
 2019/20: 4314
 2020/21: 4030
 2021/22: 3262

"It may be helpful to note that the statistics provided for the current year to date will not include students who arrive in January and reside in halls from January to June, who are included in the other years listed above. It may also be helpful to note that these figures include all students who resided in halls, whether for the full academic year or a shorter duration".

The below graph shows the number of properties in the city identified through Council tax records as being student occupied HMOs in Portsmouth, compared with other tenure types not including halls of residence or purpose built student accommodation:



Source: Council Tax Student Exempt and Discounted Data October 2021

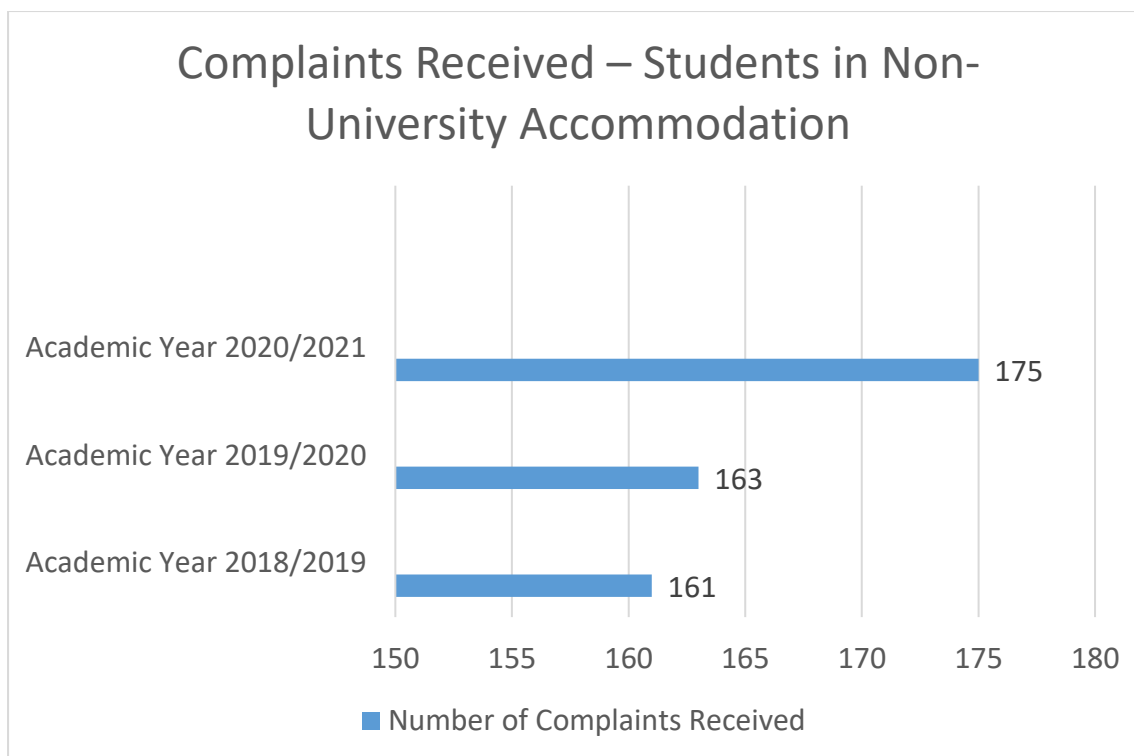
According to Council Tax data regarding student occupied dwellings, not including halls of residence or purpose built student accommodation, there are 2801 student dwellings in Portsmouth. Of the 835 student occupied HMOs, 53% are currently

licensed through the Councils mandatory licensing scheme. Overall student occupied properties represent approximately 3% of the total housing tenure in the city.

The following map provides a visual representation of the location of HMOs occupied by students in the city.



The below graph shows complaints received to the University of Portsmouth regarding students living in private sector accommodation, not including halls of residence or purpose built student accommodation:



Complaints received in the last academic year were made against just under 5% of the total student population living in private sector accommodation in Portsmouth, based on Council Tax data. The data provided is the number of individual student properties in the private sector which have received one or more complaints. This data does not include the number of individual complaints received against a property.

Of the current licenced HMOs in Portsmouth, data received regarding Council Tax indicates that approximately 32% of licenced HMOs are student dwellings or contain a mix of students and non-students.

Proportionately, non-licensable HMOs tend to have fewer students occupying them compared with larger licenced HMOs. The majority of students living in Portsmouth do not live in HMOs, they live in properties such as halls of residence.

Complaints made to the University regarding students living in the PRS have increased since 2018, although not significantly. The University are able to take punitive action against students regarding their behaviours and how these may impact on the public. The toughest sanctions applied can result in expulsion from the University, but is reserved only for the most serious cases.

A Freedom of Information (FOI) request was submitted to the University in November 2021. The findings of this FOI request were that the University does not hold data regarding how many students reside in the private rented sector, nor any other type of tenure. The university does not hold a record of any complaints regarding conditions or management in HMO properties and as a result are unable to give any indication on how many issues are experienced by students or the surrounding community regarding HMOs. The Student Housing team investigates noise, disturbances, anti-social behaviour, and neighbour disputes within recognised student properties in the

private sector. The Student Housing team will investigate reported property issues but we do not hold statistics on the number of complaints.

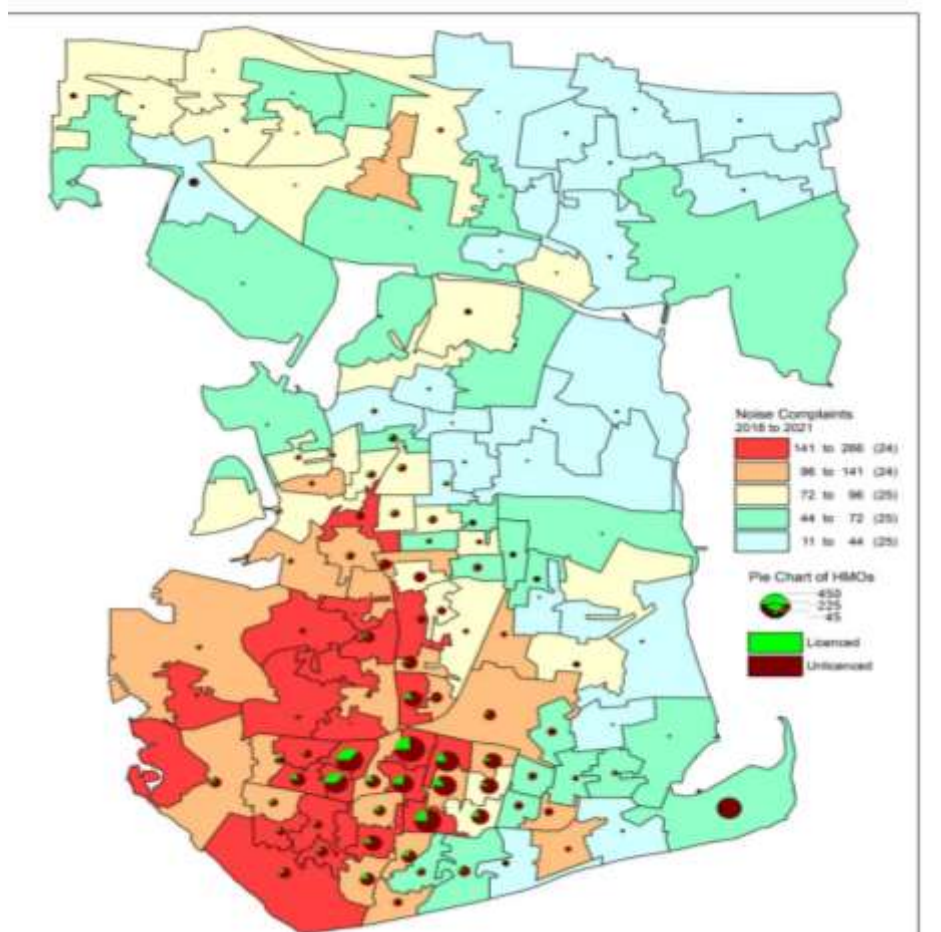
Impacts of HMOs on the local community

The following data explores the impacts of HMOs in the local community in Portsmouth, broken down by type.

Noise

Data collected from January 2017 - October 2021 shows that the City Council has consistently received what can be considered disproportionately high complaints from HMOs in the city, both from Licensed and non-licensable HMOs. Noise complaints from HMOs account for between 10-14% of all noise complaints received, whereas only HMOs represent approximately 6.5% of the overall tenure in the City. A likely contributing factor toward this is a conflict in lifestyle which can often be seen in areas of high HMO density, for example students in full time education living amongst working age families.

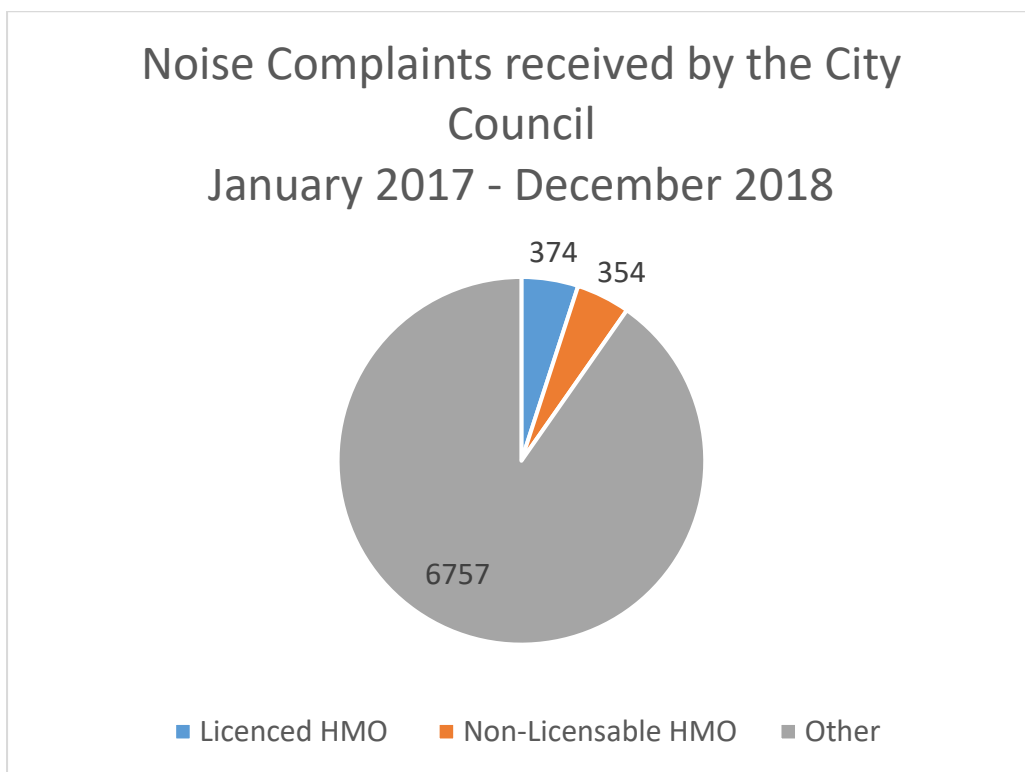
The below map shows a visual representation of the location of noise complaints received by the City Council for the period January 2018 to September 2021.



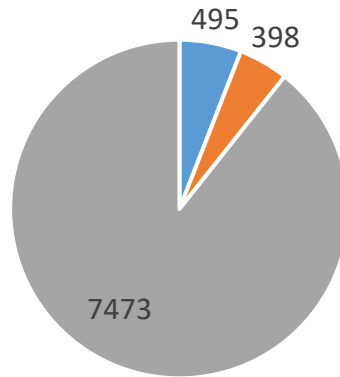
The above map suggests that HMOs can be associated with a higher level of Noise complaints received. The data also indicates a high demand of noise complaints in entertainment areas where there is a high volume of bars and restaurants.

Licensed HMOs produce a similar amount of noise disturbance to non-licensable, although licensed HMOs only account for 20% of HMOs in Portsmouth. This suggested that licensed HMOs create more demand per property than non-licensable HMOs. This may be due to the more people living in these properties, generating more noise disturbance.

The below data shows noise complaints made to Portsmouth City Council's, broken down into licensed HMOs, non-licensed HMOs and other dwellings:

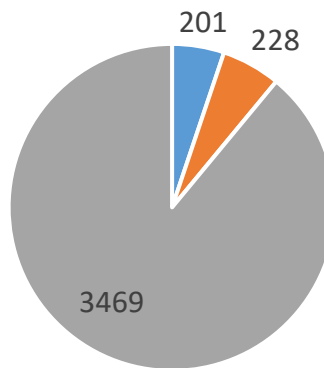


Noise Complaints received by the City Council
January 2019 - December 2020



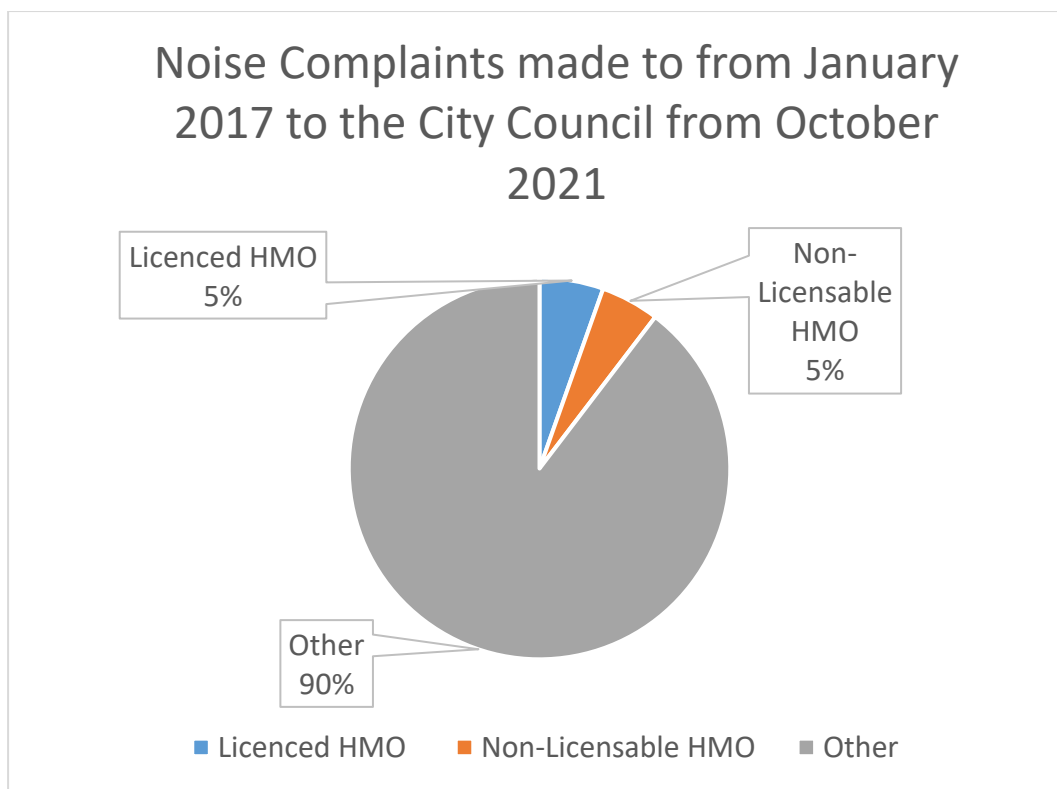
■ Licenced HMO ■ Non-Licensable HMO ■ Other

Noise Complaints received by the City Council
January 2021 - October 2021



■ Licenced HMO ■ Non-Licensable HMO ■ Other

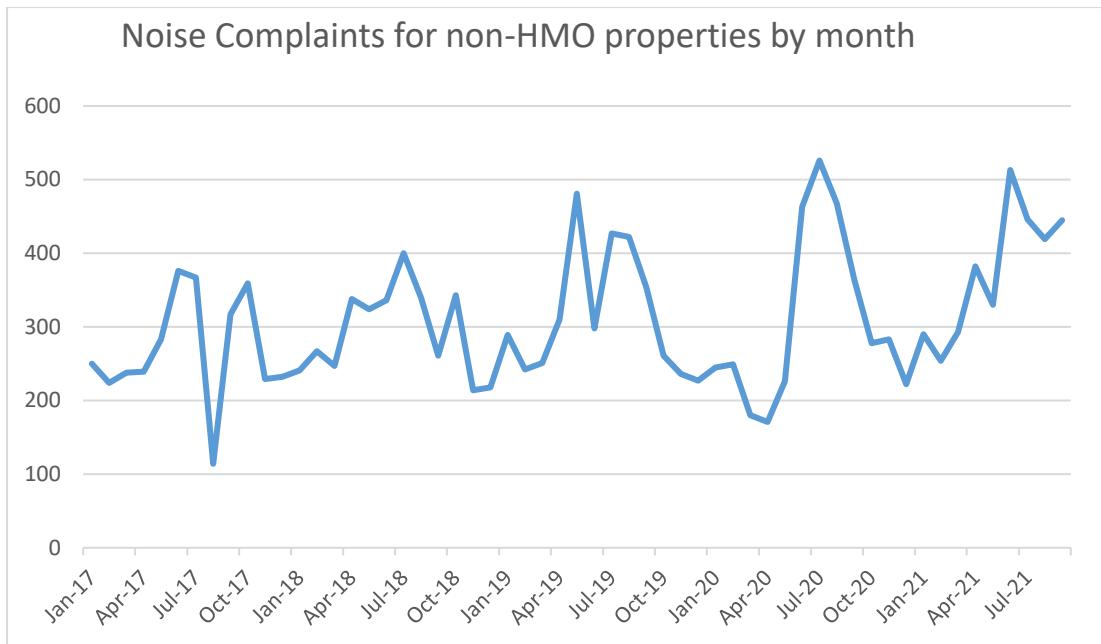
Note: Data regarding 2021 specifically relates to 01st January 2021 - 13th October 2021



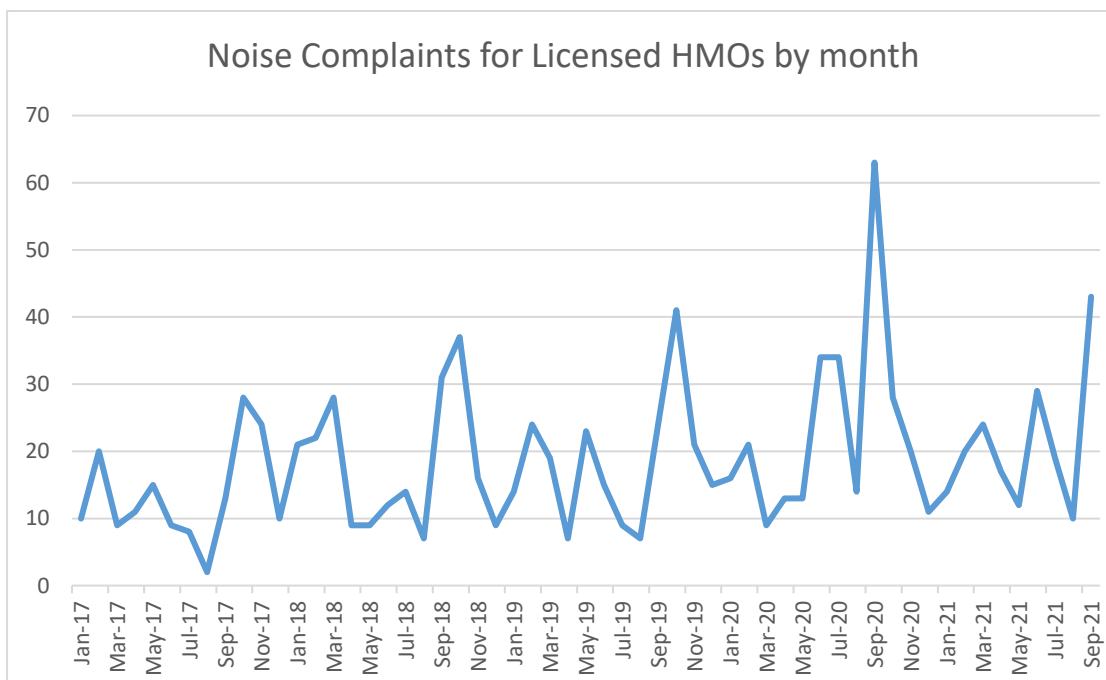
The above data suggests that variance each year regarding noise complaints concerning all HMO dwellings is minimal. HMOs make up 6.5% of total housing stock in Portsmouth which indicates that HMOs account for a higher share of noise complaints compared with other tenure types.

Noise nuisance is investigated through the Council's Regulatory Services team. Regulatory Services can take enforcement action against perpetrators of excessive noise nuisance via the Environmental Protection Act (Section 79). A common enforcement tool is to issue a Noise Abatement Notice where this threshold is met. To meet this threshold the nuisance must be considered unreasonable and shown to be having a clear impact, proven through evidence gathered such as noise monitoring equipment or Officers witnessing the offence.

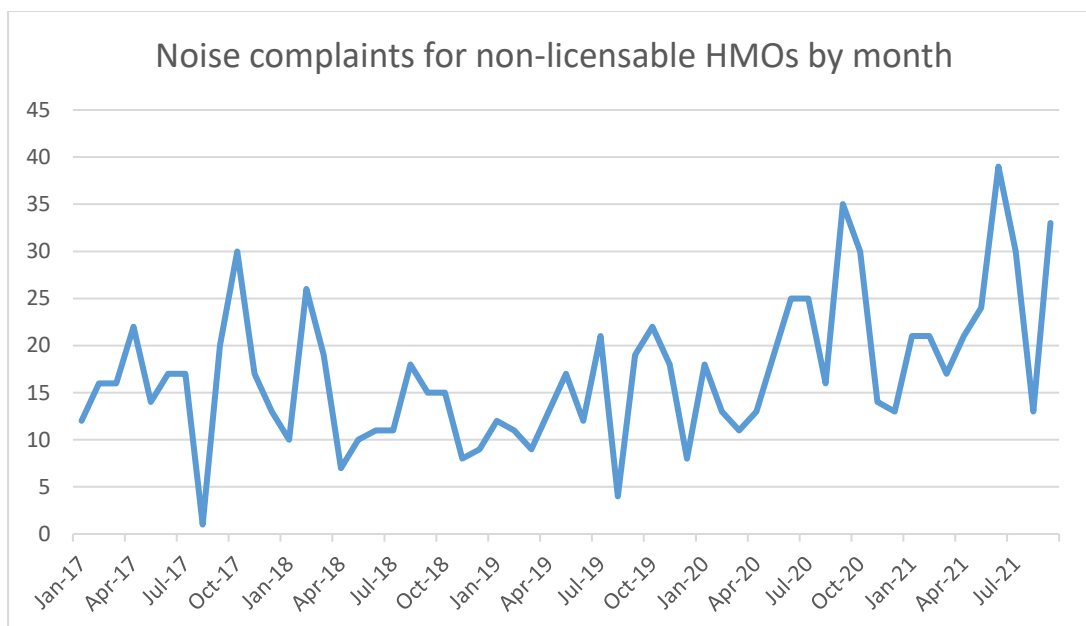
In 2021, a total of 67 Noise Abatement Notices were served on individuals, relating to 42 properties. None of the 42 properties were HMOs.



The data shown in the above graph shows an increase on average from 287.9 complaints per month in March 2017 up to 354.1 complaint per month from April 2020 for non-HMO properties in the city.



The average number of complaints regarding licenced HMO properties has remained consistent with an average of 18.5 complaints made per month.

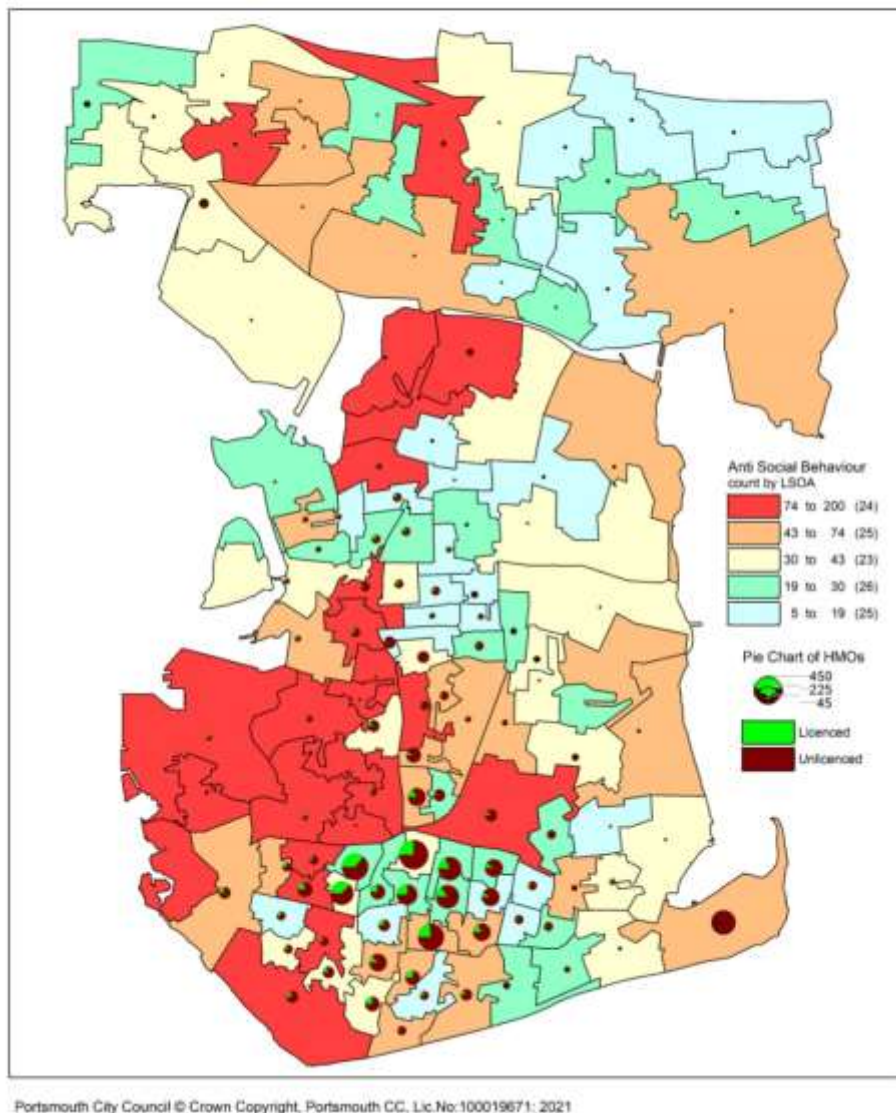


An increase can be seen in the average number of complaints received regarding non-licensable HMOs, from 14.5 per month in 2017 to 19.2 per month at present.

Anti-Social Behaviour

Data obtained from the police regard reported incidents of Anti-Social Behaviour (ASB) shows that the areas of the City with the highest incidents of ASB correlate to areas with shopping precincts and night time economy. There is not a clear link between ASB and HMOs from this data. However, it is possible that residents who repeatedly experience ASB due to neighbouring HMOs have stopped reporting this due to a perception that it will not be resolved. No data is available regarding non-reported incidents of ASB in the City, so the true impacts of them cannot be measured.

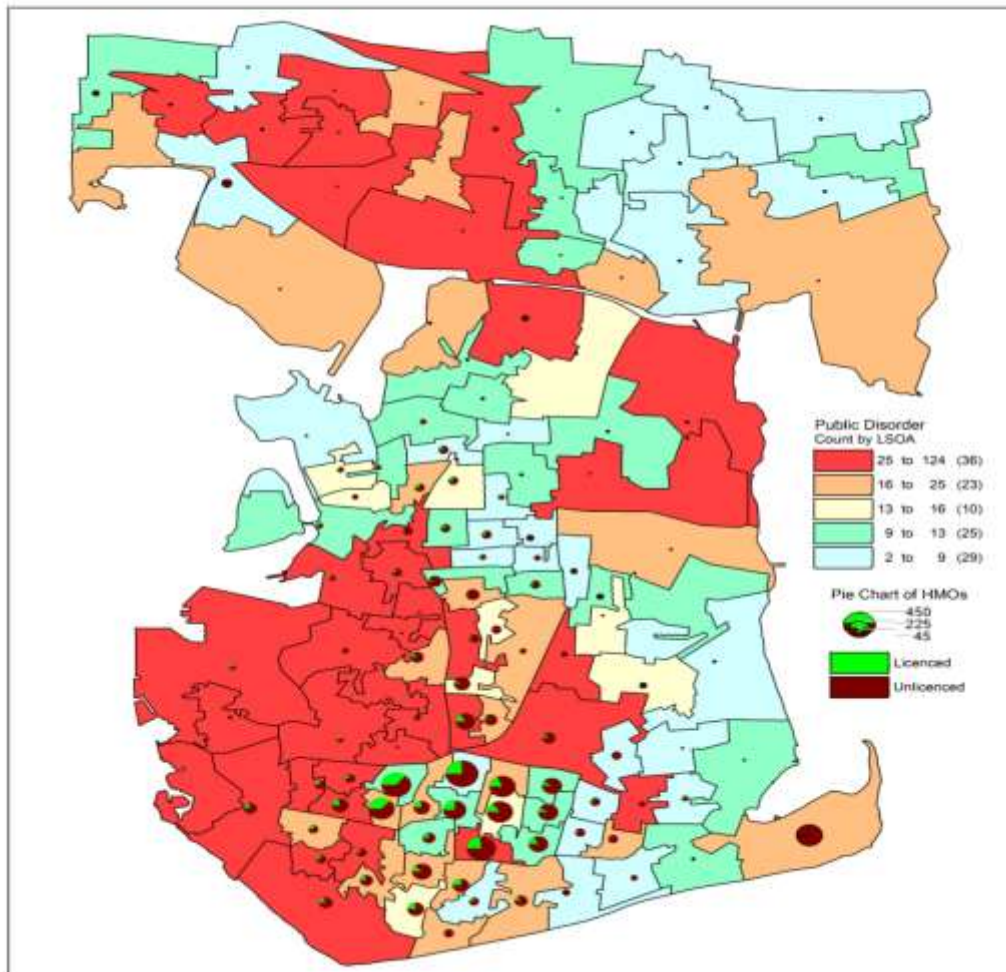
The below data map gives a similar indication regarding Police recorded ASB, loosely defined as those acting in a way likely to cause alarm or distress. ASB is subjective and may also include nuisance behaviour; such as littering, noise disturbance and graffiti.



Other Police data

Data from the Police also included Police recorded Criminal Damage offenses and Public Order Offences. There was no clear correlation between the geographical hot-spots for these reported criminal offences, and the location of HMOs in the city.

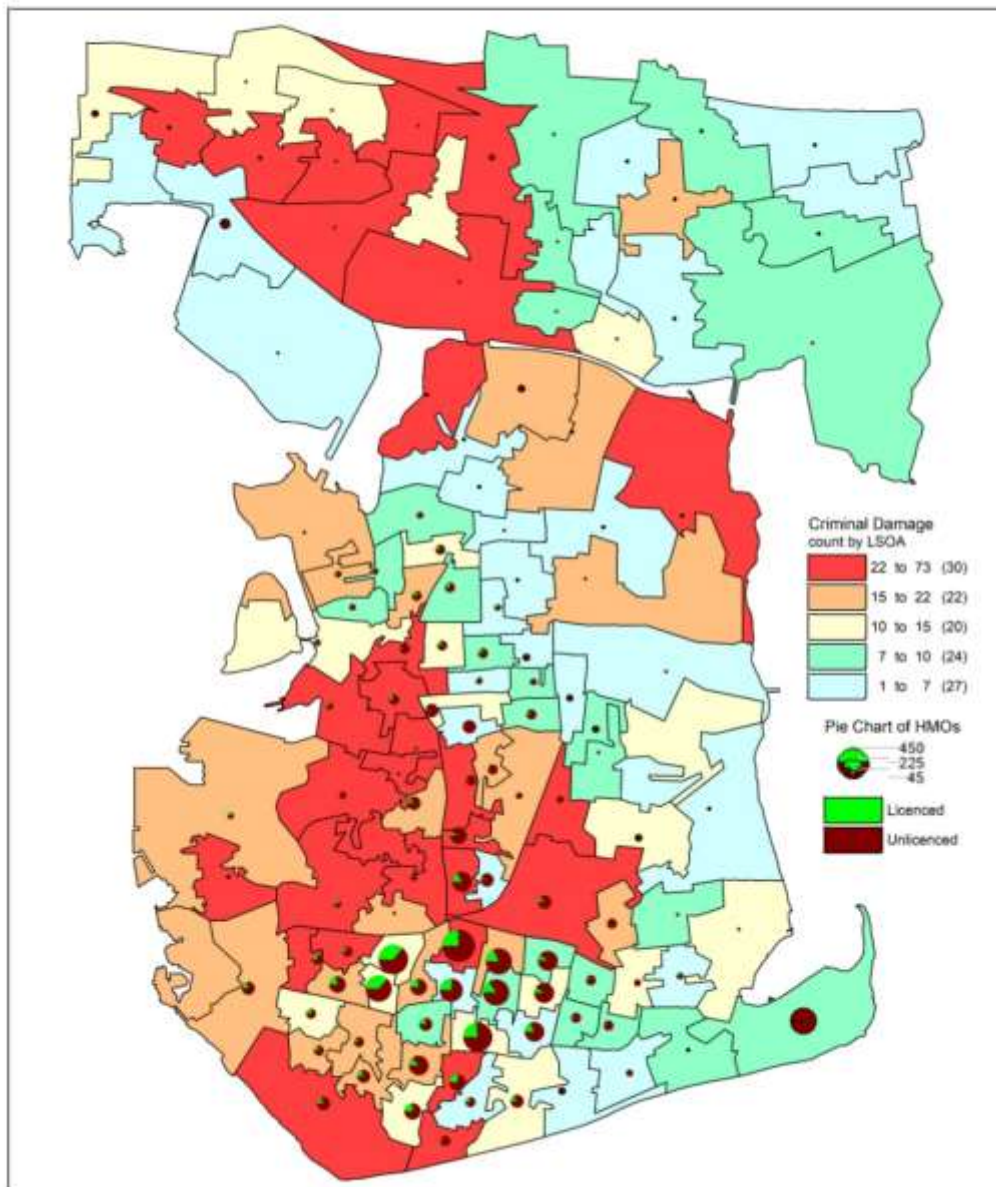
The below map shows Police recorded Public Order Offences, deemed as the use of threatening behaviour often through violence or intimidation, with high crime density areas coloured red and low crime areas coloured pale blue:



Portsmouth City Council © Crown Copyright, Portsmouth CC, Lic.No:100019671: 2021

The above data map indicates that areas of high HMO density, central and southern parts of the city, do not generally correlate with areas of high rates of Public Order offenses.

The following data map gives a similar indication regarding Police recorded Criminal Damage offenses, defined as someone who, without lawful excuse, damages or destroys property not belonging to them:



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Each of the data maps illustrated above suggest that areas of high density HMOs do not directly correlate with high crime or ASB areas in Portsmouth, which are more likely to be seen in shopping districts or highstreets or night time economy areas and main thoroughfares.

Incidents of Burglary

A report produced by the City Councils Partnership & Strategy Team in May 2017 title

"Houses in Multiple Occupation: The current picture in Portsmouth" stated that areas of the city most densely populated by HMOs tended to have the highest incidence of burglaries in the city. The report stated "in Portsmouth, most types of crime and anti-social behaviour do not appear to be associated with the density of HMOs, with the exception of burglary". The report indicates that higher incidents of burglaries are associated with areas of high density HMOs.

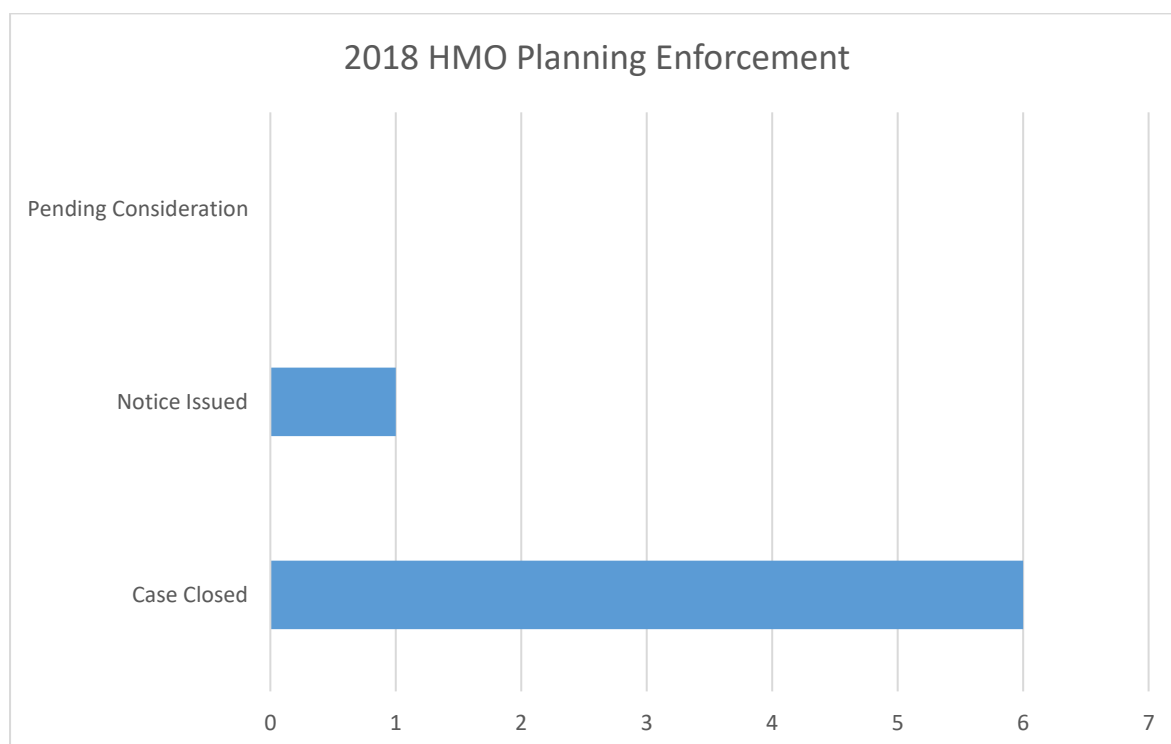
The report also states "There are some areas of medium to high density HMOs which are crime and anti-social behaviour hotspots. These specific areas are characterised by HMOs rented to vulnerable tenants or which are poorly managed".

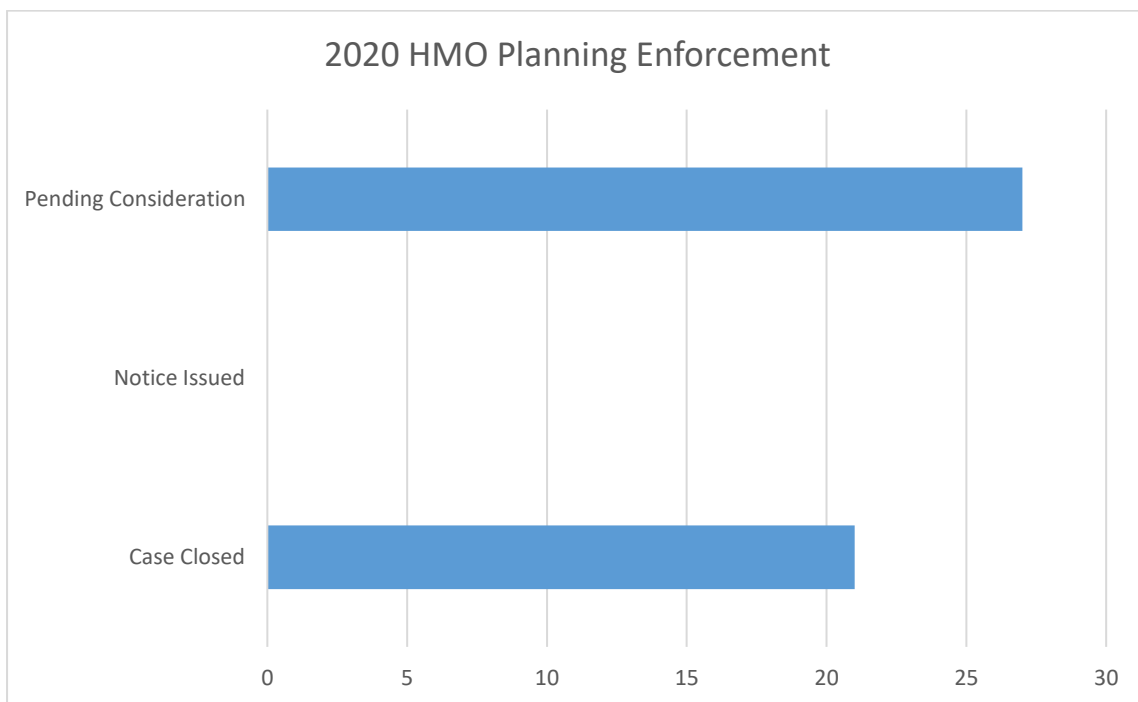
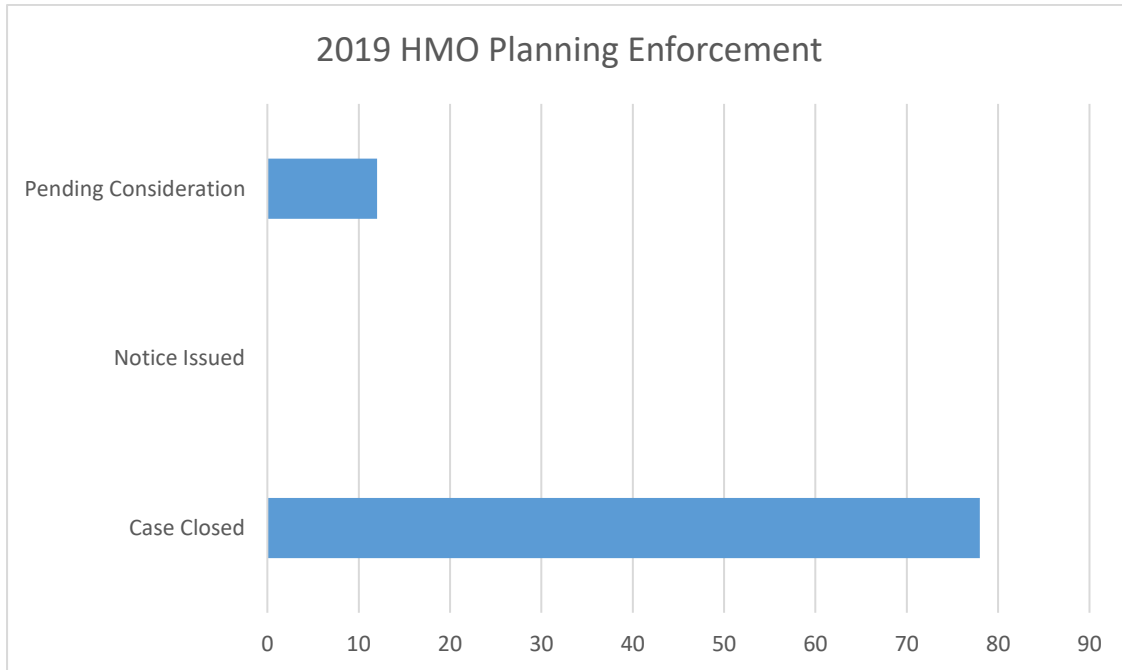
The report concludes "It is recommended that the relevant services within the community safety partnership engage more effectively with landlords who are poorly managing their properties, to address specific areas which have become(or are at risk of becoming) crime and anti-social behaviour hotspots".

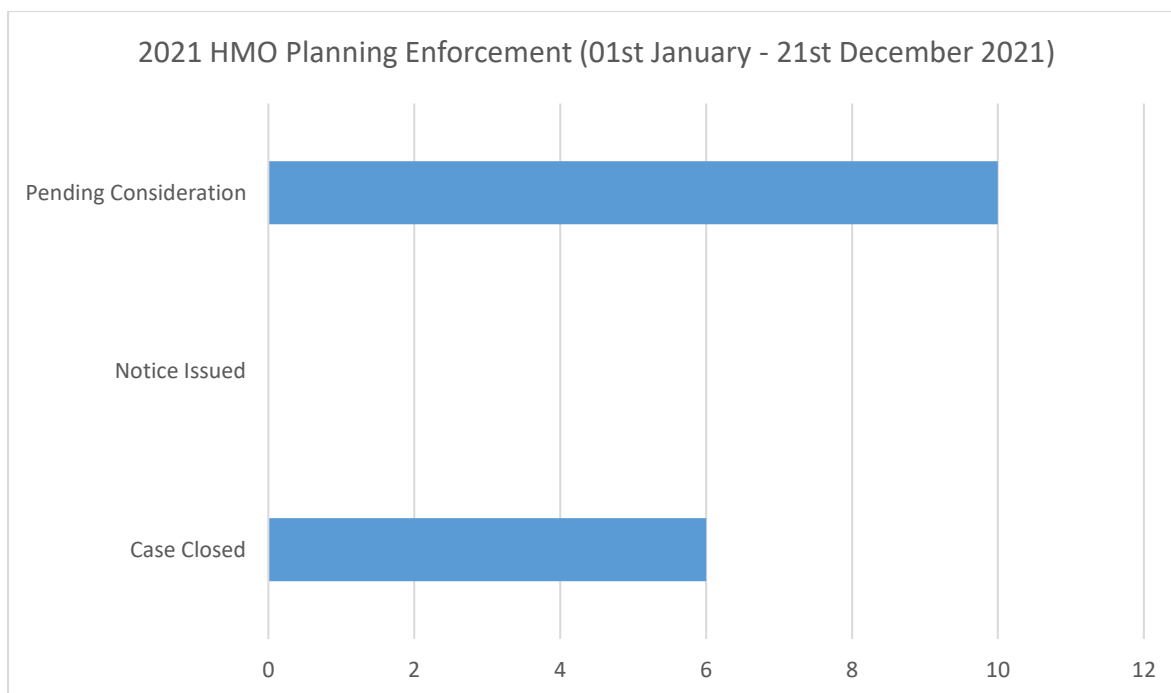
Planning Enforcement Data

The council's Planning and Planning Enforcement teams are responsible for investigating complaints of alleged breach of planning, such as operating a HMO without proper planning approval, and receiving applications for change in use for properties to operate as a HMO.

The below data concerns cases reported to the council Planning Enforcement team regarding HMO properties from 2018 until December 2021:







The above data indicates a low volume of notices issued resulting from complaints received to Planning Enforcement. Typically cases are closed, although a number of cases from 2020 and 2021 are still under consideration. Only one notice has been served in connection to a HMO breaching planning regulations since 2018.

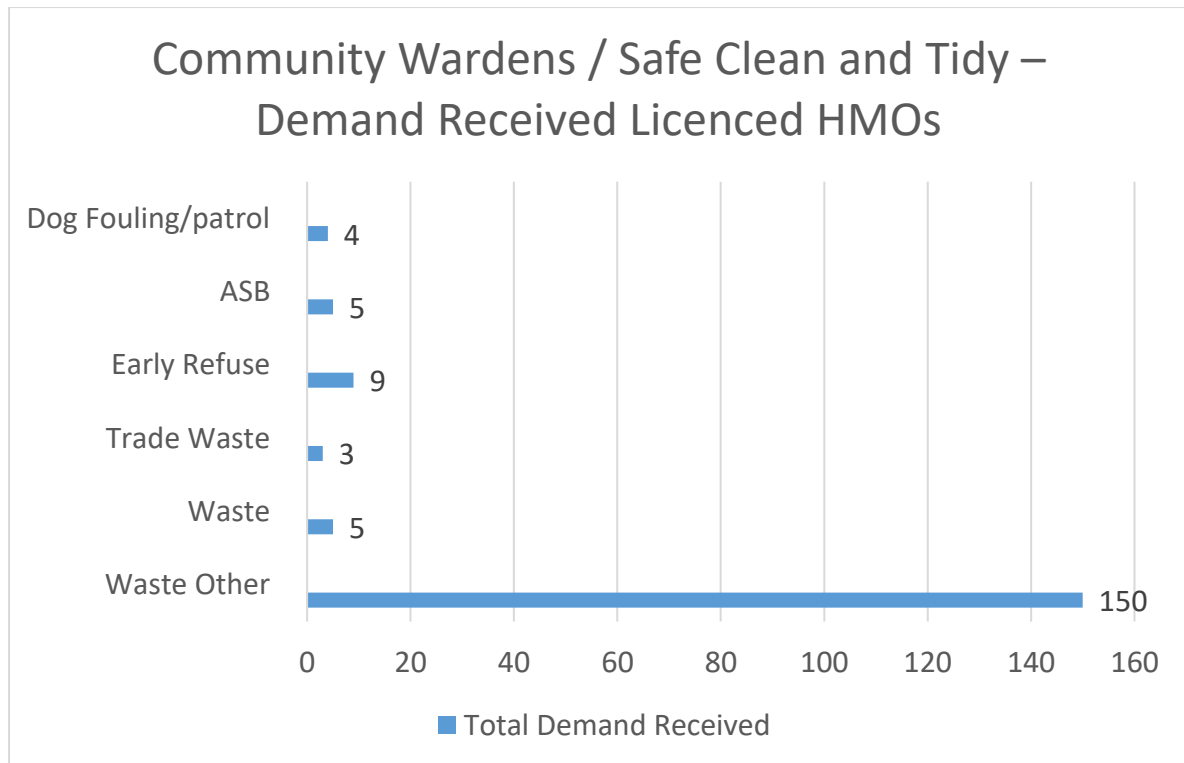
The COVID-19 pandemic has likely had an impact on the operations of the council Planning Enforcement teams during 2020 and 2021. However, data over the past three years suggests that compliance with planning regulations regarding HMOs is good, with few cases resulting in enforcement action taking place.

Waste

The City Council receives complaints about waste through the Safe Clean and Tidy team and the Private Sector Housing (PSH) Team.

Reports of waste issues, dog fouling and community ASB can be reported to Portsmouth City Councils Safe, Clean and Tidy team who can respond to complaints of ASB outside a property such as a public place or street.

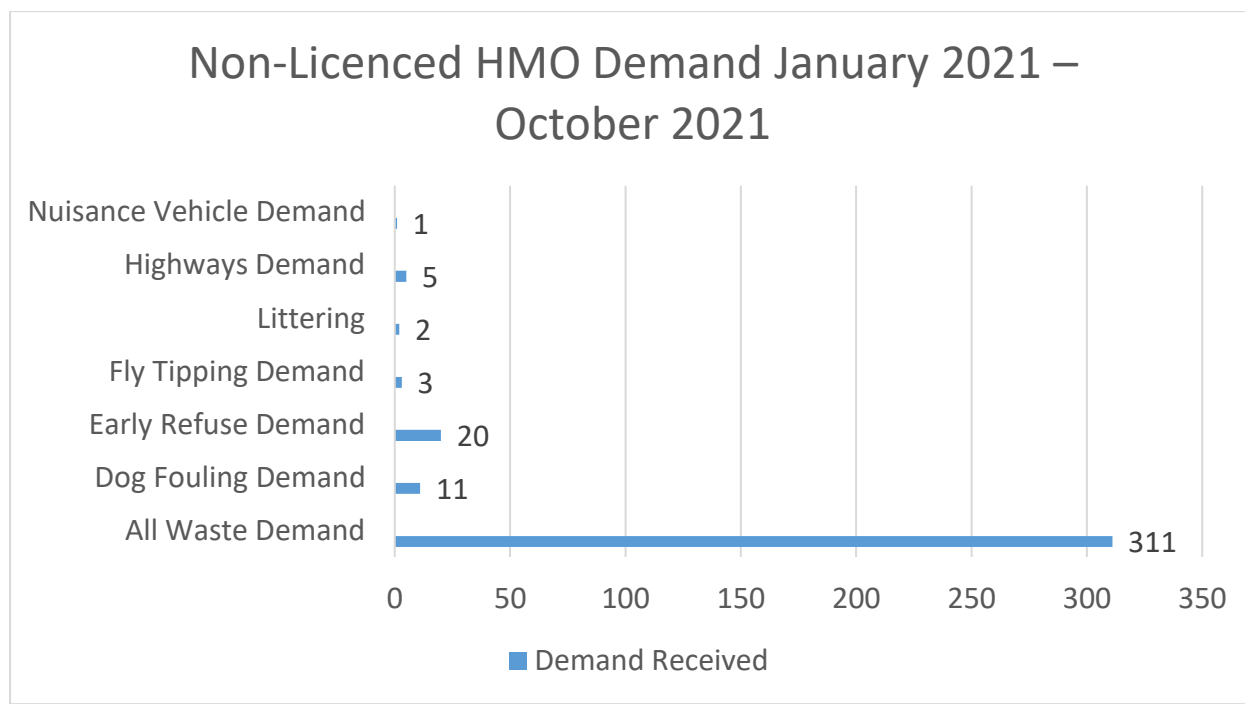
Data available from 1st January to 1st October 2021 regarding licenced HMOs in Portsmouth can be seen below



This shows that the majority of waste demand is categories as "waste other", which is defined as waste issues highlighted via Wardens during a patrol, rather than problems reported to the team by members of the public.

This data suggests that the majority of waste issues concerning licenced HMOs are identified via wardens during their patrols and not via complaints received from members of the public.

The below data shows demand received to safe, clean and tidy regarding non-licenced HMOs:



More varied demand types and a higher volume of demand has been received regarding non-licensed HMOs to the safe, clean and tidy team compared with licensed HMOs.

Overall 8.5% of the cases handled by the Safe Clean and Tidy team were generated by HMOs. Of the 531 cases which related to HMOs, 67% were from non-licensed HMOs. Proportionately non-licensed HMOs are believed to make up 79% of all HMOs in Portsmouth, meaning that non-licensed HMOs contribute less proportionately when compared with licensed HMOs.

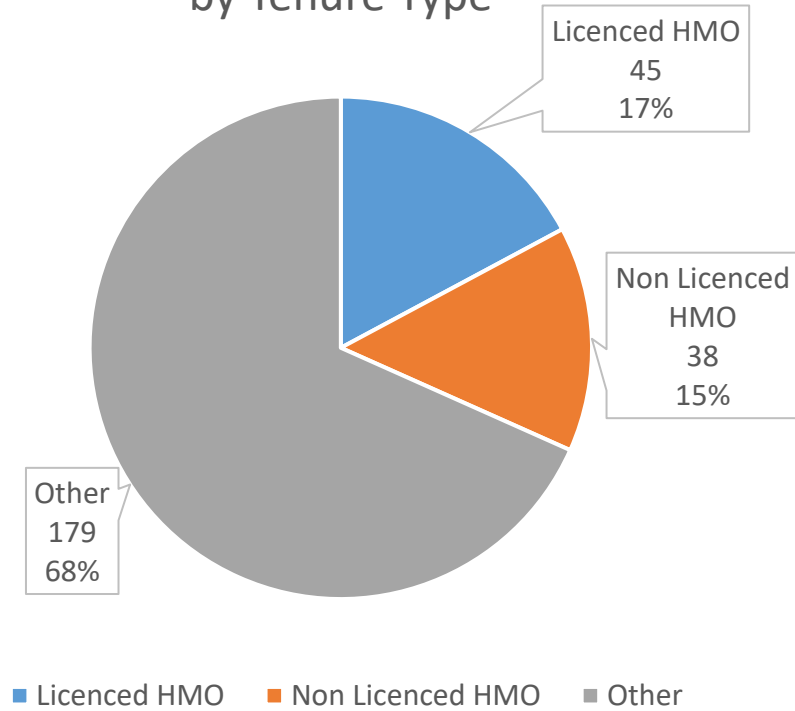
Most notably though, 87% of these cases were identified by the community wardens patrolling and identifying the issues themselves, rather than being reported to the council by members of the public. This suggests that residents living next to these problems are not routinely reporting them to the City Council.

From June 2021, the Council's Private Sector Housing (PSH) team receive complaints concerning waste accumulation in rear garden areas only. Complaints are investigated and efforts are made to contact the person/s responsible in order to resolve them promptly.

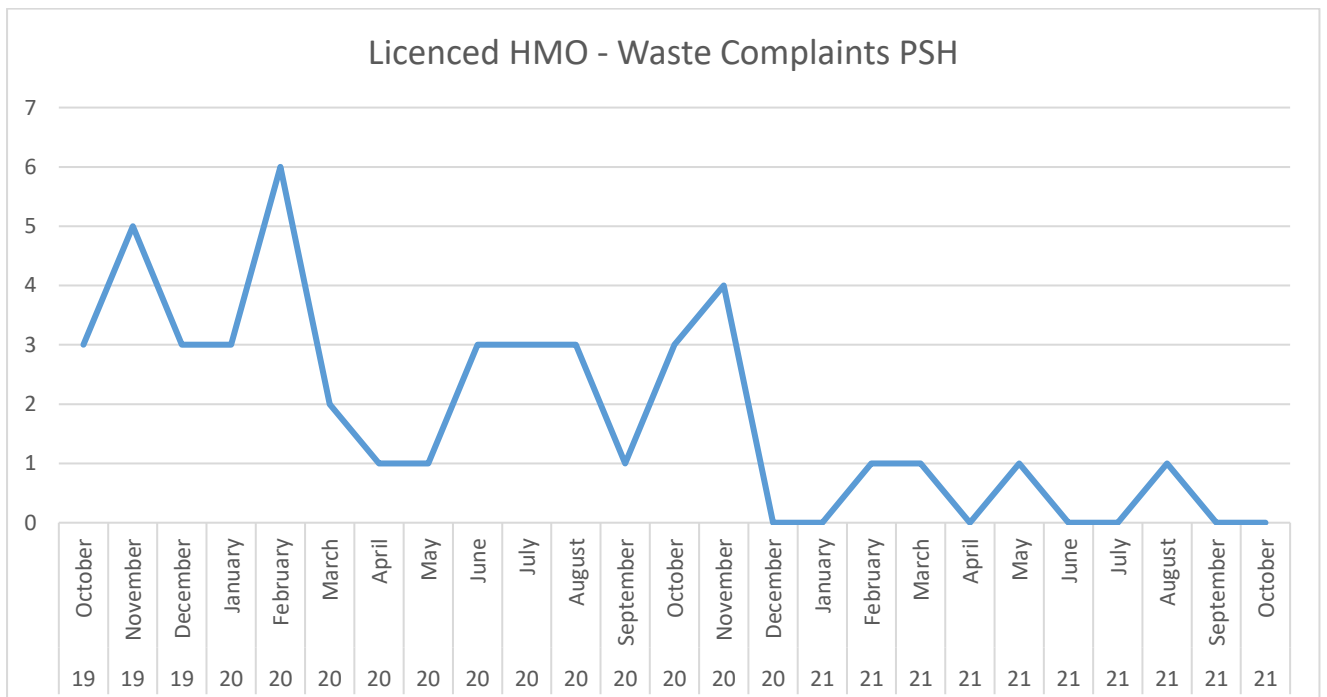
In the majority of cases issues are resolved informally, however in some cases enforcement action may be necessary.

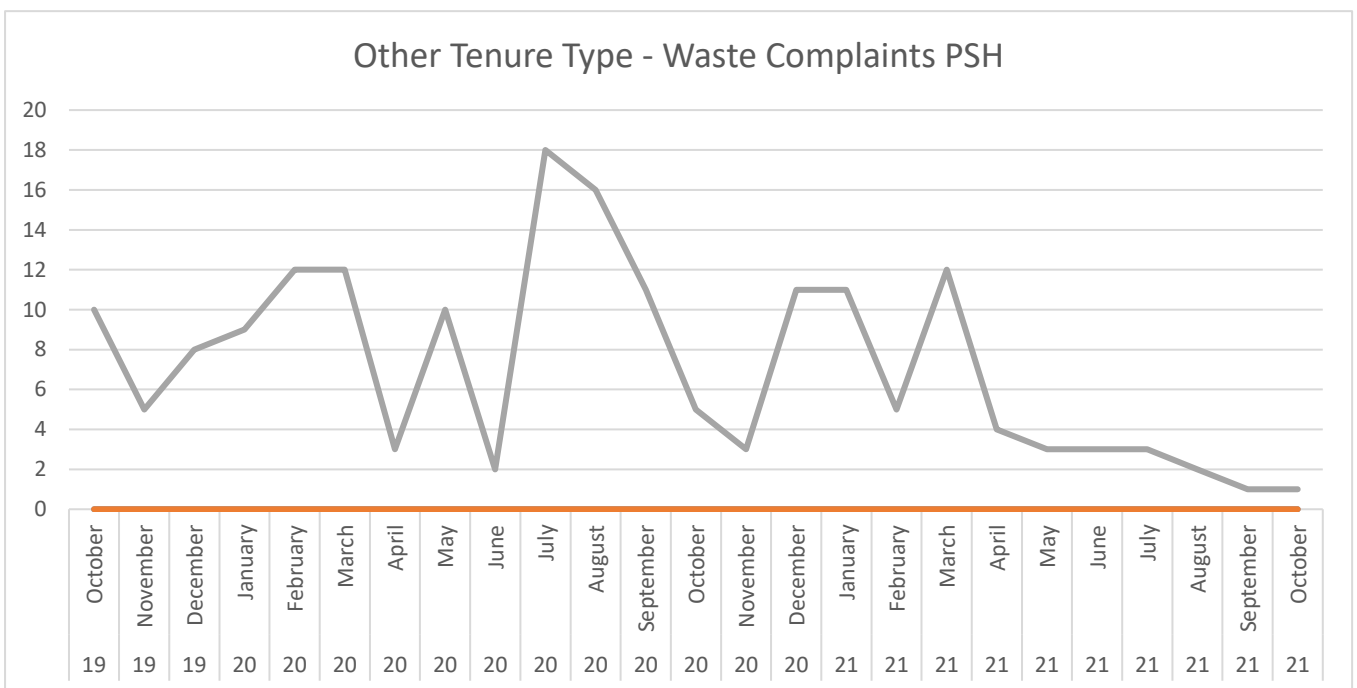
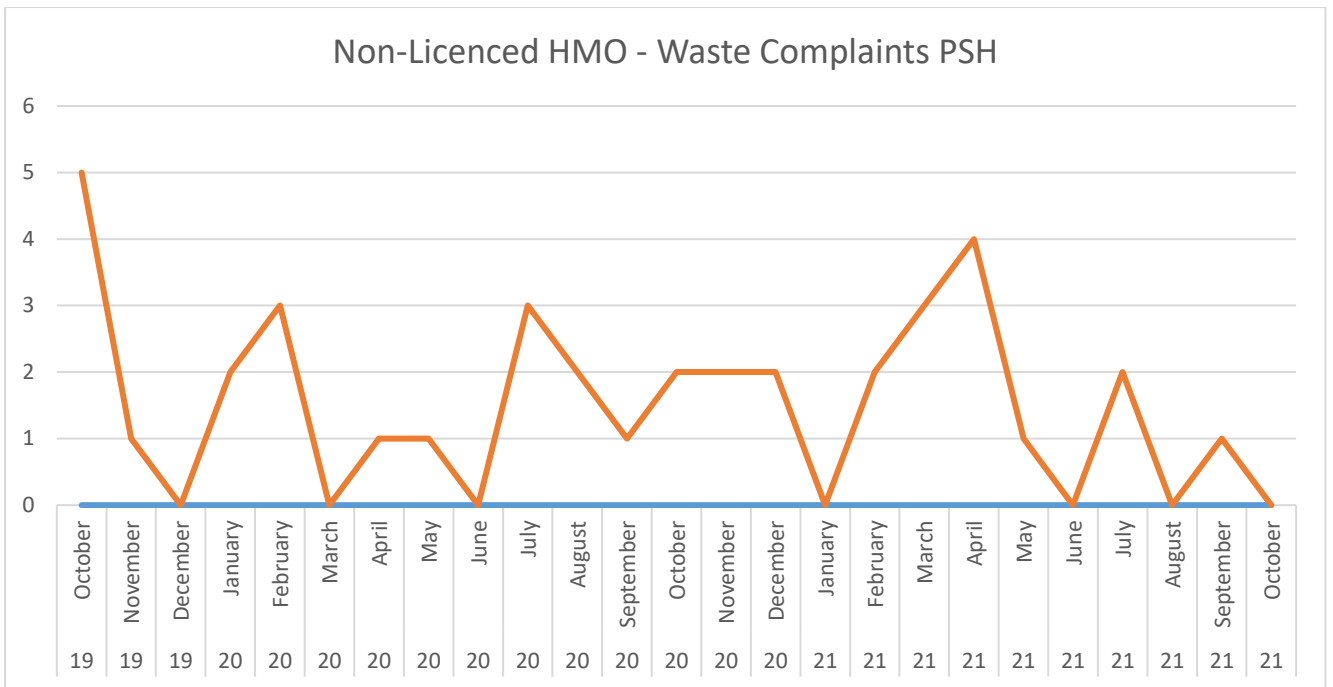
The below data shows complaints of waste accumulations received and investigated during the last two years (October 2019 - October 2021):

Waste Accumulation Complaints Received to PSH by Tenure Type



- The below graphs show waste complaint demand received to PSH from 2019 - 2021, split into Licenced HMOs, Unlicensed HMOs and other PSH:





The above data shows that of the complaints received by the Councils Private Sector Housing team, 32% are regarding HMOs. When considered that HMOs account for 25% of the PRS, the volume of complaints received against HMOs suggests they are accountable for a higher proportion of issues surrounding waste accumulations.

In this data licenced HMOs receive a higher proportion of complaints, despite only accounting for approximately 20% of HMOs in Portsmouth. This is likely due to the size of some of the licenced HMOs in Portsmouth, which are typically occupied by more people than most other dwellings. It is likely that properties with more occupants

will generate more waste, and are more likely to receive a complaint from a neighbour regarding this. Some waste issues may be seen seasonally, for example when students move property and leave behind unwanted household items.

[What could Additional Licensing do to resolve this?](#)

Waste:

Some evidence can be seen that compliance with waste storage and disposal is poor among HMOs. License conditions request:

The licence holder must comply with any waste management scheme, introduced by the local housing authority in respect of the storage and disposal of the household waste from the property pending collection.

This condition is a mandatory under Housing Act 2004 and is also reflected in Management of Houses in Multiple Occupation (England) Regulations 2006. The council's Waste Department allow the following allocations:

Amount of bedrooms in HMO	Size of refuse bin needed	Size of recycling bin needed
3	180 litre	240 Litre
4 to 5	240 litre	240 Litre
6 to 7	360 litre	360 Litre
8 to 10	360 litre + 140 litre	360 Litre
10 to 12	360 litre + 240 litre	360 Litre + 240 litre
12+	2 x 360 litre	2 x 360 litre

Waste complaints are typically dealt with informally with very few formal notices served under Civil Penalty Notices, Prevention of Damage by Pests Act or breach of Management Regulations. These powers are available to the council and could be used against HMOs regardless of licence status.

The council's Safe Clean and Tidy team are best placed to receive and respond to complaints of forecourt waste accumulations. Data from the council's Community Wardens suggests that enforcement action is rare and nearly all complaints are resolved informally.

Of the waste issues identified and responded to, the majority are found by council staff and responded to without involvement from the local neighbourhood. The perceived impact of waste issues, contributed to by HMOs, is difficult to measure in this report

due to the comparative low volume of public complaints received and the proactive nature of identifying these issues.

Since June 2021 the Community Wardens have included HMOs in their proactive patrols, prior to this the council's Private Sector Housing team responded to these complaints. Engagement from the Community Wardens has meant that more waste issues are dealt with prior to a complaint being received from a neighbour. Since June 2021 they have responded to 80 forecourt waste accumulations, not specific to HMOs, all of which were resolved without the need to issue an enforcement notice.

Additional licensing may have an influence on the compliance with waste provisions under licence conditions, although current data suggests that few HMOs are given a special condition on the licence when inspected due to failure to adhere with the council's waste provisions. Similarly, formal enforcement action is very low against HMOs with waste accumulation issues, evidencing that strict punitive measures are rarely required when tackling waste issues.

Noise:

Current license conditions which relate to noise nuisance are:

The licence holder will work pro-actively and responsibly with all enforcement agencies in response to anti-social behaviour caused by tenants within the curtilage of the property and take all reasonable steps to prevent anti-social behaviour from within the boundaries of the property.

This licence condition related to Section 67 of the Housing Act 2004, which says:

"(1)A licence may include such conditions as the local housing authority consider appropriate for regulating all or any of the following—

*(a)the management, use and occupation of the house concerned, and
(b)its condition and contents.*

(2)Those conditions may, in particular, include (so far as appropriate in the circumstances)

(b)conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;"

The licence holder and, where appropriate, their nominated managing agent are required to undertake a detailed investigation of any complaints which have been made either directly to them, or via the Local Housing Authority, regarding their tenants and keep a written record.

Antisocial behaviour (ASB) is defined in The Crime and Disorder Act (1998) 'Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant).' Noise nuisance can be considered a type of ASB however this is not always the case. The council, through its Regulatory Services department, investigates reports of noise nuisance and can take enforcement action where needed.

If notified of the complaint, private sector housing will notify the landlord or agent of the alleged noise nuisance and request this be managed. If the nuisance is substantiated and the landlord believes this to be a breach of tenancy condition they may choose to take eviction action. If the property is a licensed HMO, the council will ask to see evidence that the licence holder is actively engaging in resolving the nuisance.

At present the council's Landlord and Tenant Support Officer will engage with all landlords and agents in Portsmouth regarding reports received to private sector housing of ASB, include noise nuisance. This service is not restricted to licenced HMOs. The purpose of this is to work with tenants and landlords to resolve complaints of ASB which have an impact on neighbours. Since introducing this role in April 2021 and working in this way, private sector housing have dealt with 9 complaints concerning ASB or noise.

Whilst HMO licensing does not play a lead role in managing ASB or noise nuisance, Officers are able to work collaboratively with other agencies, such as Regulatory Services, Community Wardens and Police, to help resolve these. However, this will only take place when the nuisance is deemed serious enough to warrant enforcement action by these services. Data regarding noise nuisance showed that no Noise Abatement Notices were issued against HMO tenants in 2021 despite there being a high number of noise complaints. The councils regulatory services team therefore did not deem these to meet the threshold for formal noise abatement notices.

A designation of Additional Licensing will likely have little impact on the management of noise nuisance, as this is a function of the council's Regulatory Services team. License conditions only go so far as to requests landlords and agents engage with the council in resolving these complaints, and are only likely to apply when the noise is of a threshold to warrant formal action, which did not apply to any noise complaints related to HMOs in the city in the last year. The council do not have powers to select who can occupy a licensed HMO nor instruct a landlord to take eviction action against bad tenants.

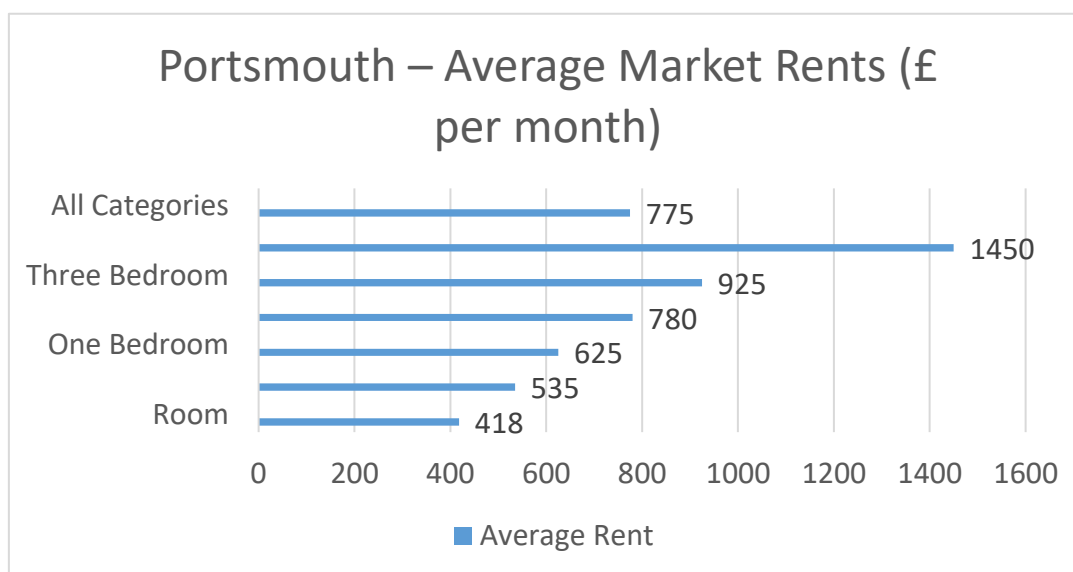
[Living conditions for HMO tenants](#)

HMOs provide an essential accommodation option for a variety of people and are required for a variety of reasons. Typically, the following groups of people may live in a HMO:

- Students (including further education, undergraduates, postgraduates, overseas and language schools)
- Unemployed people - either single or couples/ families
- People who move to an area for work, seasonal or transient/contract workers
- Residents in hostels/refugees
- People with special social needs- with live in carers or social workers
- Migrant workers
- Older house sharers who cannot afford to buy or rent their own property
- Lodgers
- People on bail/ fleeing domestic violence/refugees

- Newly homeless people/people who are being re-habilitated back into the community
- Local Housing Allowance (housing benefits) claimants
- Staff supplied with accommodation as part of their job, for example hotel, restaurant or hospitality workers
- Trainee and recently qualified medical staff
- Young professionals and recent graduates
- Young non-professionals

The following table shows the average market rents in Portsmouth.



Source: Valuation Office Agency – (Lettings Information Database, Office for National Statistics.) Median monthly private rental price in England, by local authorities and bedroom category, 1 April 2020 to 31 March 2021

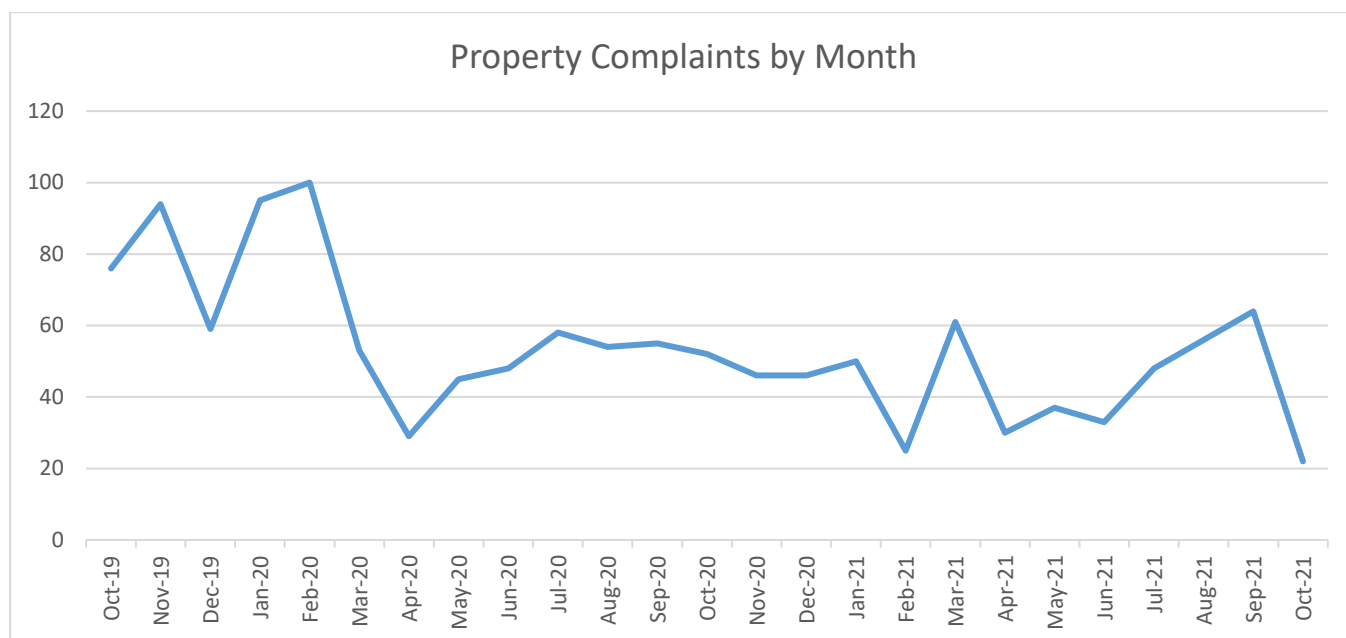
HMOs are the cheapest rental option in the PRS and those living in them are often on the lowest incomes. National studies have shown that tenants on a low income and living in poor conditions are unlikely to report disrepair issues to the local authority due to fear of retaliatory eviction, the financial strain this could cause in potential rent increases or having to find alternative accommodation, and the sense that they cannot afford better conditions elsewhere. This reluctance to report poor living conditions in the lowest income properties means that the true extent of disrepair in non-licensable HMOs is unknown.

[Disrepair complaints](#)

Complaints received by the councils Private Sector Housing team can range significantly, however common complaints received concern property standards, disrepair, improper management and security of properties. Those approaching Private Sector Housing are always asked whether the landlord or person responsible for the property has been made aware of the issues first, to allow them to resolve the problem before needing the City Council to intervene.

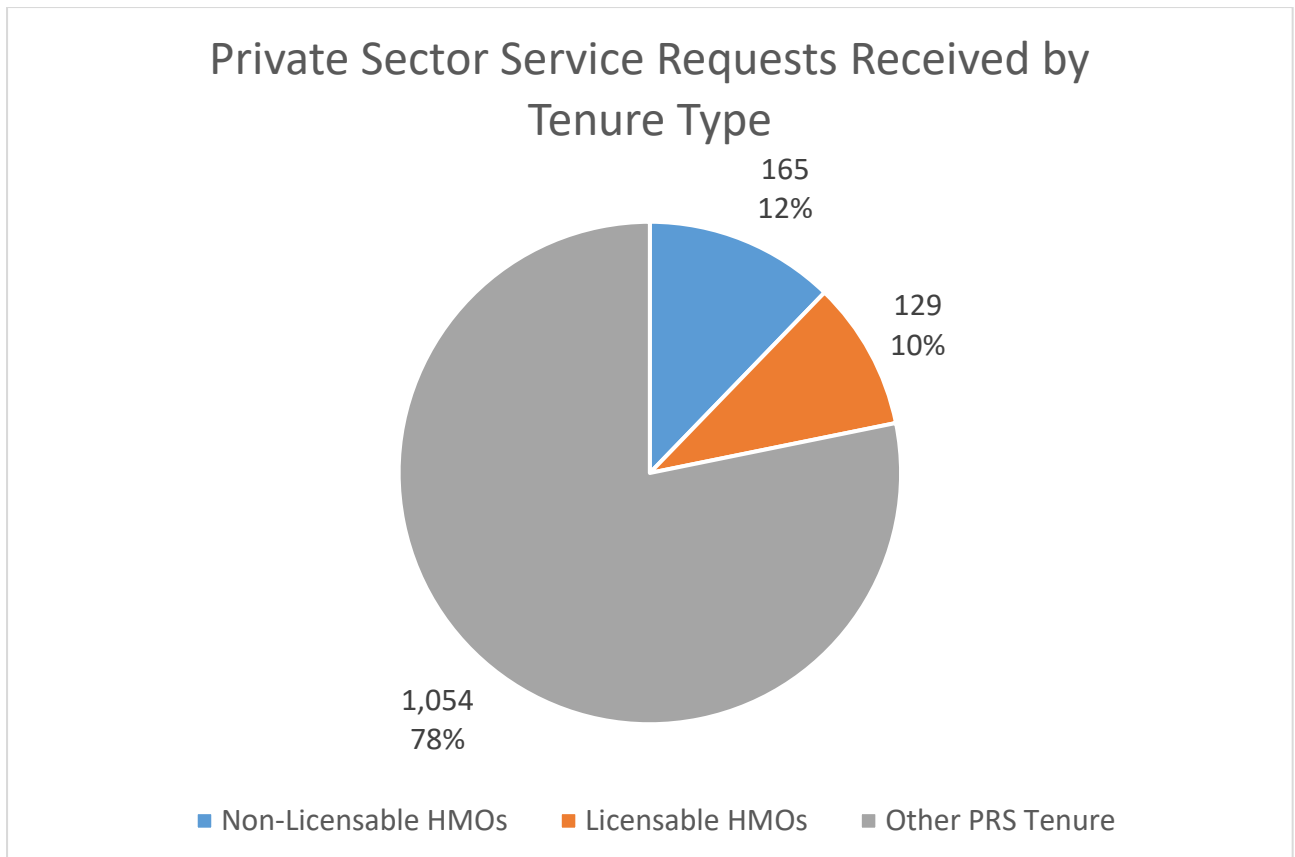
Within the last two years the Private Sector Housing team has received 1346 complaints, 22% of which relate to HMOs. This is roughly in line with the proportion of HMOs in the PRS. However, similarly to the limitations of some of the other data sets presented, this only captures issues which have been reported to the City Council.

- This data is mostly made up of complaints regarding properties in the Private Rented Sector, however in some cases may include owner-occupier properties, such as drainage complaints. Private Sector Housing do not collect data on whether these complaints are owner-occupied or privately rented, as these cases are dealt with in the same way. We have however been able to cross-reference the complaints data with data on estimated HMOs in the city to identify which of them appear to relate to HMOs.
- The graph below shows the complaints received to PSH from 2018 - 2021 regarding all property types:



This shows little variation in the number of service requests made to PSH, with an average of 53.4 received per month. Some seasonal variation can be seen, with more complaints received in the winter months likely due to increased risk of damp and mould within these colder months. Reduced demand over winter 2020/2021 was likely impacted by the COVID 19 pandemic. A general reduction in volume of complaints can be seen between 2019 and 2021.

The chart below gives a breakdown of service requests received by tenure type:



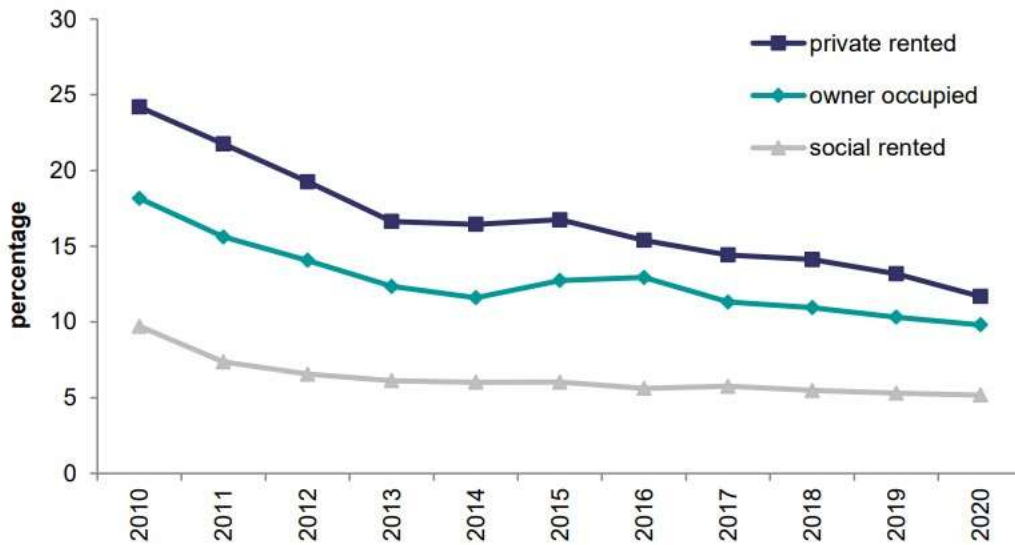
When considered that licenced HMOs account for a smaller share of HMOs in total, this data suggests that more property complaints are received regarding licenced HMOs than those non-licenced. Complaints received regarding HMOs are generally less, by proportion of their share of the private rented sector, when compared with other private sector housing.

The reasons for this increase in demand from licenced properties may be due to those tenants being more aware of PSH services through licensing, and so are more likely to contact the Council to request support with an issue in their home.

Hazards Identified in HMOs

National data from the English Housing Survey 2020-21 indicates that approximately 12% of properties in the private rental sector have Category 1 hazards.

English Housing Survey 2020-21
Homes with Category 1 Hazards, by tenure, 2010 to 2020



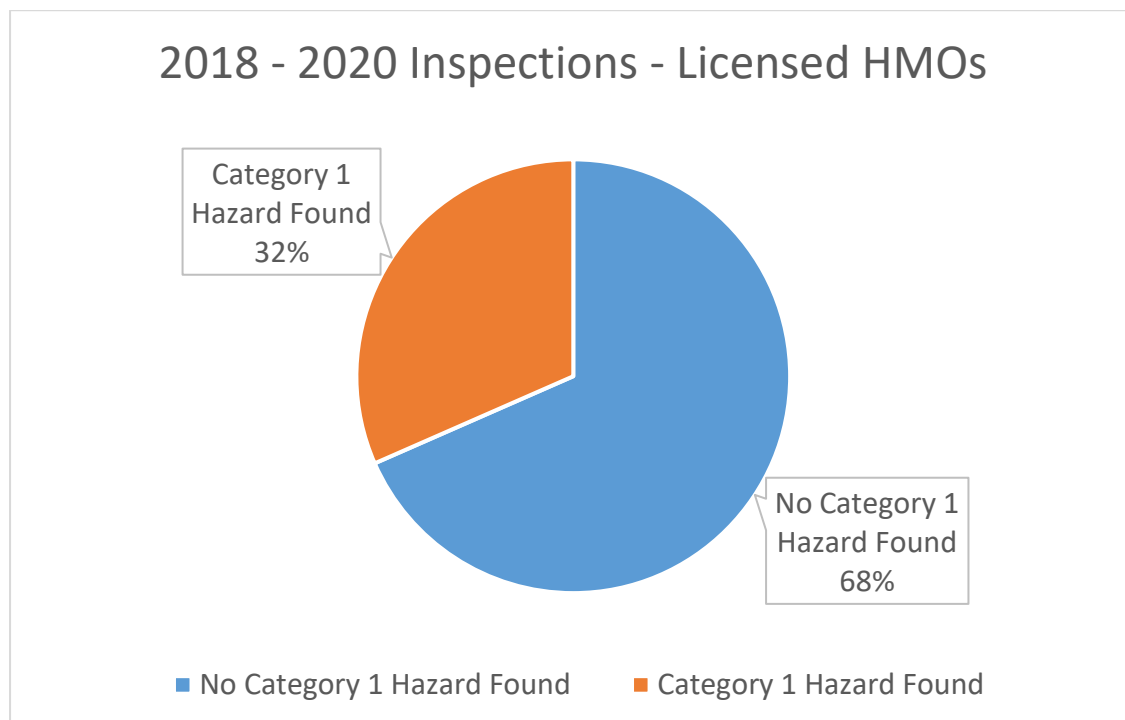
Notes:

- 1) 2020 figures are estimated based on 2018 and 2019 figures
- 2) Underlying data are presented in Annex Table 2.4

Sources:

- 2010-2019: English Housing Survey, dwelling sample
- 2020: English Housing Survey, modelled data including vacant dwellings

Findings from the councils Private Sector Housing teams inspections for mandatory licensed HMO, based on inspections taken place between 2018 and 2020, suggested that a significantly higher percentage of Category 1 hazards have been identified in licensed HMOs in the city:



This data suggests a higher proportion of hazards are likely to exist in HMOs in the city compared with other PRS properties. Currently only 20% of the estimated number of HMOs in the city are licensed. Given the economics of scale, significant hazards are likely to be identified in the other 80% of HMOs in the city not currently licensed, particularly as a large majority of these non-licensed HMOs will have had no inspection by the council before.

Enforcement

Civil Penalties and Prosecutions

Under section 249A Housing Act 2004 the council are able to issue civil penalties in relation to housing offenses committed. The main parts of this section, which apply to HMOs, include penalties under section "(b) section 72 (licensing of HMOs)" which applies to breach of license condition and operating an unlicensed HMO and section "(e) section 234 (management regulations in respect of HMOs)" which relates to the required satisfactory standards of management of HMOs. Management regulations of HMOs apply to all HMOs, regardless if these are licensable or not.

Since 2019 the council have served 11 civil penalties in relation to offenses under Part 2 of the Housing Act 2004. Four of these have been served due to the operation of an unlicensed HMO, with seven served due to a breach of licence conditions. The council's Private Sector Housing team have not criminally prosecuted any landlord since 2017. Civil penalties are widely considered a more consistent and appropriate sanction for housing offenses.

This suggests that enforcement action against HMOs by the council is low, proportionately against the number of HMOs in the city. Where suitable, the council will work informally with landlords and managers to resolve any issues identified in a property. Where a property is licensed a special condition may be placed on a license to resolve a property or management issue.

Energy Performance Data

Energy performance in homes is rated via an Energy Performance Certificate. These indicate how energy efficient a building is and give it a rating from A (very efficient) to G (inefficient). This will suggest how costly it will be to heat and light a property, including what the carbon emissions are likely to be. EPC's also include information on how improvements could be made to improve efficiency.

Data received from the Energy Performance of Buildings Data England and Wales provides information regarding properties Energy Performance Certificate (EPC). The data is limited due to the legal requirement to complete an EPC only being introduced in 1st October 2008, meaning some properties which were let before this date may not have an EPC. Any properties let after 1st October 2008 must have an EPC. From 1st

April 2020 the Minimum Energy Efficiency Standards (MEES) regulations introduced a minimum EPC rating of "E" on all privately rented properties. Some HMOs may not have a current EPC due to the following exception:

An EPC is not required for an individual room when rented out, as it is not a building or a building unit designed or altered for separate use. The whole building will require an EPC if sold or rented out.

Current EPC data for Portsmouth indicates that 82% of private rented properties hold a band "D" or above EPC rating, with 13% indicated to have a band "E" rating and 5% indicated to hold a rating lower than "E". Data from the Building Research Establishment (BRE) indicates that HMOs are comparable with this although overall less efficient, with 65% indicated to be band "D" or above EPC rating, with 30% indicated to be a band "E" and 5% indicated to be lower than a band "E". Both of these are in line with the national EPC average rating, which is band "D".

This data suggests that HMOs are generally at or above the minimum energy efficiency requirements (band "E"), although may not have the same requirement to adhere to this regulation unless the property is sold or rented as single use.

Landlord compliance

Based on national data, it is estimated that there are 11,000 landlords operating in Portsmouth. We know from research included in the City Councils Private Rental Sector Strategy, approved in January 2021, that the vast majority of landlords rent their properties on a small scale and are not a landlord as a main profession.

A survey of landlords conducted as part of the PRS strategy found that 57% of landlords in Portsmouth own just 1 or 2 properties and have invested in them for what they describe as a "pension-plan". 18% of landlords describe themselves as becoming landlords through circumstance, perhaps through inheritance or merging of two families, sometimes referred to as "accidental" landlords. A further 18% of landlords described themselves as a "one man band" business. Only 5% of landlords who responded to the survey identified themselves as running on a large scale commercial basis.

It is likely therefore that a significant number of landlords in the city, including those letting HMOs, may not be abreast of all current legislative requirements and how to manage their properties accordingly.

This is reflected in the data held by the City Council in relation to compliance of landlord for the existing mandatory Licensing scheme.

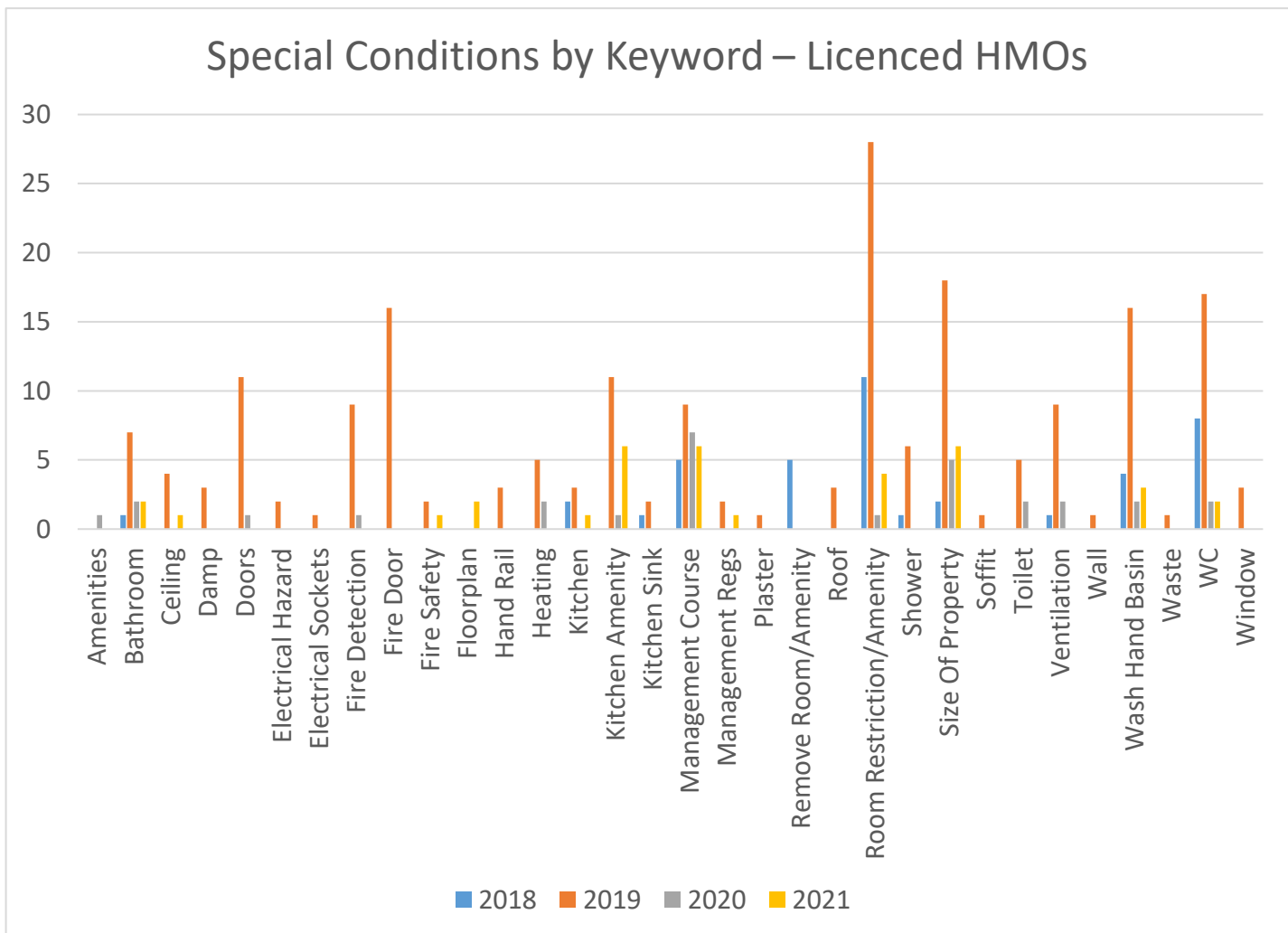
HMO licenses are issued with a number of conditions attached to them. These conditions include the need for Landlords to provide certification such as gas safety certificates to the council on annual basis. Since 2018 the Private Sector Housing team have had to issue 1397 formal written letters to landlords to chase up late certification. These relate to 929 separate HMOs out the 1226 which are currently licensed, and

relates 653 separate landlords, indicating that their management and compliance is poor.

Furthermore, where a property or its management do not meet the required criteria at the time a HMO license is applied for, the PSH team can impose special conditions onto the licence. An example of this would be to add a condition to provide additional amenities or facilities, or to restrict the number of occupants where it is over-occupied for size and layout of the property.

Since 2018, 306 special conditions have been applied to Licenced HMOs, relating to 188 properties out of a total 1226 Licenced HMOs. This indicates that 15% of HMOs currently licensed were deficient in amenities, or over-occupied, which would not have been identified if they had not been licensed.

The below graph demonstrates volume and types of special conditions applied to Licenced HMOs based on keywords from October 2018 to October 2021:



The above graph indicates that the majority of special conditions applied to licenced properties relate to room restrictions, lack of amenities or size of the property. Typically

these special conditions will be applied based on the need to restrict the use of a room regarding how many occupants the licenced HMO can adequately house based on its size or amenities.

From June 2019 to December 2020, 11 Civil Penalties were issued by the PSH team in relation to licensable HMOs, largely due to failure to apply for a HMO license where it was required or due to breach of license conditions.

Issues experienced by the council regarding compliance could be summarised as: frequently providing late certification often after reminders have been issued and some properties not being wholly suitable when the application is made. Based on the levels of enforcement taken in relation to these, it can be seen that typically this informal approach is suitable when addressing issues of non-compliance. It is seen that in most occasions conditions of licenses are met, negating the need to escalate towards more punitive action. Typically, special conditions placed onto licenses are adhered with once in place with very few civil penalties are issued against breach of license conditions.

Similarly, low rates of penalties against unlicensed HMOs may suggest that where a license is required for a HMO landlords and managers are generally aware of this and submit applications.

[Small HMO landlords known to the council:](#)

The council operated an Additional Licensing scheme from 2013 until 2018. In 2017 the council had 1221 registered licence holders under Additional Licensing. As of December 2021 the council has 621 licence holders through its Mandatory Licensing scheme. Of the 1221 registered licence holders in 2017, 226 still hold licences with the council in 2021 under its Mandatory Licensing scheme. This suggests that 37% of licence holders from the Additional Licensing scheme in 2017 still hold a licence with the council.

The above is based on 2017 data and is limited in that the council have no way of knowing how many HMO properties from Additional Licensing in 2017 have been bought and sold since the scheme ended in 2018.

The scheme, which ended in 2018, was contained to the PO1, PO4 and PO5 postcode areas and does not reflect a city wide designation, although did focus on the areas of highest HMO density.

[Conclusion](#)

Evidence within this document suggests that the reported impact HMOs have on Portsmouth residents are mainly seen in noise nuisance and waste issues. The data shown indicates that HMOs contribute towards both of these issues disproportionately when compared with other tenure types.

This is perhaps unsurprising when considered HMOs are properties made up of more than one household (three or more), resulting in a less cohesive living situation when

compared with a family. The consequence of this can be more waste being generated in these properties.

It has also been observed by the council that some students, who typically reside in HMOs for short periods of time, have contributed to known issues regarding waste accumulations outside and near to HMOs. This has been typically observed by the council when students vacate a property at the end of term, creating demand for the council's waste department to address this issue.

Waste issues impact on the communities near HMOs in that they damage the image and reputation of those streets and can bring pest issues through harbourage in soft furnishings.

Similarly, noise complaints are described in this report as being disproportionately high from HMOs. As with waste, this is perhaps unsurprising when considered the multiple household nature of HMOs, resulting in more adults sharing the property space. A difference in lifestyle, between those occupying HMOs and those living in single or family households, when in close proximity can also lead to noise disturbance being experienced by neighbours.

Other information gathered in this report finds little evidence regarding issues of crime and antisocial behaviour. Some correlation can be made between areas of highly concentrated HMOs and burglaries, however this data is limited to simply highlight that a burglary is more likely to occur in these areas. Areas of HMOs do not seem to correlate with other criminal behaviour or police reported antisocial behaviour.

Complaints data received to Private Sector Housing does indicate that non-licensable HMOs present some concern regarding their standards of repair or condition. As highlighted in this document, this may be due to a reluctance from HMO tenants to report issues with their homes, due to concerns of eviction or other repercussions. One of the aims of the public survey regarding HMOs was to provide a safe and anonymous space for HMO tenants to voice these concerns if applicable. See Appendix 4 - Public Survey Results.

Most notably though, the council have found through the current mandatory licensing scheme that 32% of HMOs inspected have had Category 1 hazards, far higher than the national PRS average of 12% having Category 1 Hazards, indicating that HMOs in the city have significantly poorer property conditions. The mandatory licensing scheme has also found that 15% of licensed HMOs have been deficient in amenity standards or over-occupied and have therefore required special license conditions. Around half of licensed landlords have required chasing to comply with their license conditions. This indicates that HMO landlords may not be managing their property affectively.

Currently only 20% of the estimated 6,000 HMOs in the city are licensed. Given the economics of scale it is likely that a significant proportion of those currently unlicensed will have Category 1 hazards, or landlords who are not managing their properties effectively.

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Houses in Multiple Occupation Survey 2021-22

The city council conducted a public survey between 6th December 2021 and 16th January 2022. The purpose of this survey was to capture the views and experiences of people regarding Houses in Multiple Occupation. The survey was split to capture the views of three key groups: tenants, landlords and residents or local community groups.

How the survey was run

As with any survey, there are limitations on the methods and data that it can provide. Officers from the City Council's Private Sector Housing (PSH) team worked to provide a survey that was accessible by as many people as possible, and that awareness of the survey was with as many people as possible who may realistically be considered as wanting to respond.

The survey was not mandatory, and was completed by those tenants, landlords and residents who wanted to complete it. This should be taken into consideration when considering the value of the responses given. It should also be considered that the survey outcomes are based upon the respondents and cannot necessarily be assumed to represent the whole population of the city, or even of tenants, landlords and residents living near HMOs.

The public survey was conducted in the following ways:

- An online survey promoted through the City Council's usual media and social media channels, as well as directly to key stakeholders, including landlords groups and the University.
- Open events held in community venues across the city to enable members of public to provide feedback in person.
- Targeted leaflet drops to key postcodes in the city with estimated high levels of relevant HMO properties.
- Targeted advertising to key audiences including seldom heard groups in Portsmouth.
- Posters advertising the survey set up in local community centres and libraries.

Drop-in events took place at four locations during the week commencing 10th January 2022 where members of the public could complete a paper survey and provide comment to council staff hosting the drop-in events. This feedback has been captured in this report.

The survey investigated the following themes:

HMO tenants:

- Actual and perceived safety within their HMO (may be the physical attribute of the property such as fire safety, or security).
- Actual and perceived problems of disrepair, and how their landlord deals with these issues.
- Perceived relationship with neighbours and other people living in the HMO.

- Duration and intention to use HMOs as a long term housing option and level of choice in housing.

Community:

- Experience of antisocial behaviour, noise, or waste issues which they believe are caused by a nearby HMO.
- Perceived relationships with HMO landlords and tenants.
- Ability to report problems caused by nearby HMOs.
- Were these issues being reported, and if so to who.

HMO landlords:

- Confidence in understanding their legal responsibilities as a HMO landlord.
- Where to seek advice on how to run their HMO safely and legally.
- Experiences operating a HMO.
- Views on what the council could do to support landlords.

Using various channels of marketing and communication the survey attracted 613 responses. Responses were gathered from:

"I live in an HMO" - 16.48%

"I own or manage an HMO" - 9.14%

"I am part of the wider community who lives or works near HMOs" - 74.39%

Unfortunately the survey had lower responses than expected. Nevertheless, this volume of responses ensures a 95% confidence level with a margin of error of 10%, based on estimated numbers of HMOs, landlords/property managers and residents or community groups in Portsmouth. This is within acceptable parameters and whilst a 10% margin of error should be applied to the responses received, these figures are still indicative of the respondent groups.

Feedback from public drop-in events

As part of the public survey the City Council held a number of public drop in events, in order to allow those without access to the internet the ability to complete a paper survey and capture comments and experiences from member of the public regarding HMOs.

Four sessions in total were completed around Portsmouth. These drop-ins allowed officers from PSH to listen to comments from members of the public and build an understanding of typical themes regarding their concerns. These were:

- 1) Number of HMO's: The majority of members of the public that attended drop-in events said that there are too many HMO's in the city. In Southsea it was highlighted that some roads are 80% HMO properties and some people said they felt boxed in by them. Some residents that live in Southsea feel that more should be done by planning to remove the HMO status of a property once it is sold in areas with such a high density of HMO's.
- 2) HMO expansion: A number of residents raised concerns that many HMO's are increasing in size. They said that the smaller HMO properties have less impact on them compared with larger properties; due to more noise from the properties and more waste generated, which is often not stored or presented for collection correctly. Excessive building work was raised as an issue.
- 3) Parking: Some residents feel that the number of HMO properties impacts heavily on them being able to park due to more adults with cars sharing a property.
- 4) Noise: Some residents discussed issues of noise disturbance, mainly emanating from what they believed to be student properties. Comments regarding noise from car doors late at night, maintenance work taking place and the general living noise were described as having an impact on residents.
- 5) University: Residents expressed that they would like to see the University do more to educate students on how to live in a community and respond more proactively regarding complaints made.
- 6) Landlords: Some residents expressed a want for landlords to educate their tenants regarding noise and waste issues to reduce the impact on local residents.

The overall theme from these drop-in events concerned the volume of HMOs in particular parts of the city, with an emphasis on larger HMOs or HMOs undergoing development to house more occupants. Some difference could be observed in Southsea, where the number of students living in HMOs was a concern due to experiences with noise and parking.

Attendance at these drop-in events was mostly from local residents. However one landlord and one HMO tenant attended. One HMO tenant attended to express his positive experience of living in an HMO and having a good relationship with his landlord. One landlord that attended had a licenced HMO and expressed her positive relationship with her tenants. This landlord expressed a desire for the council to not

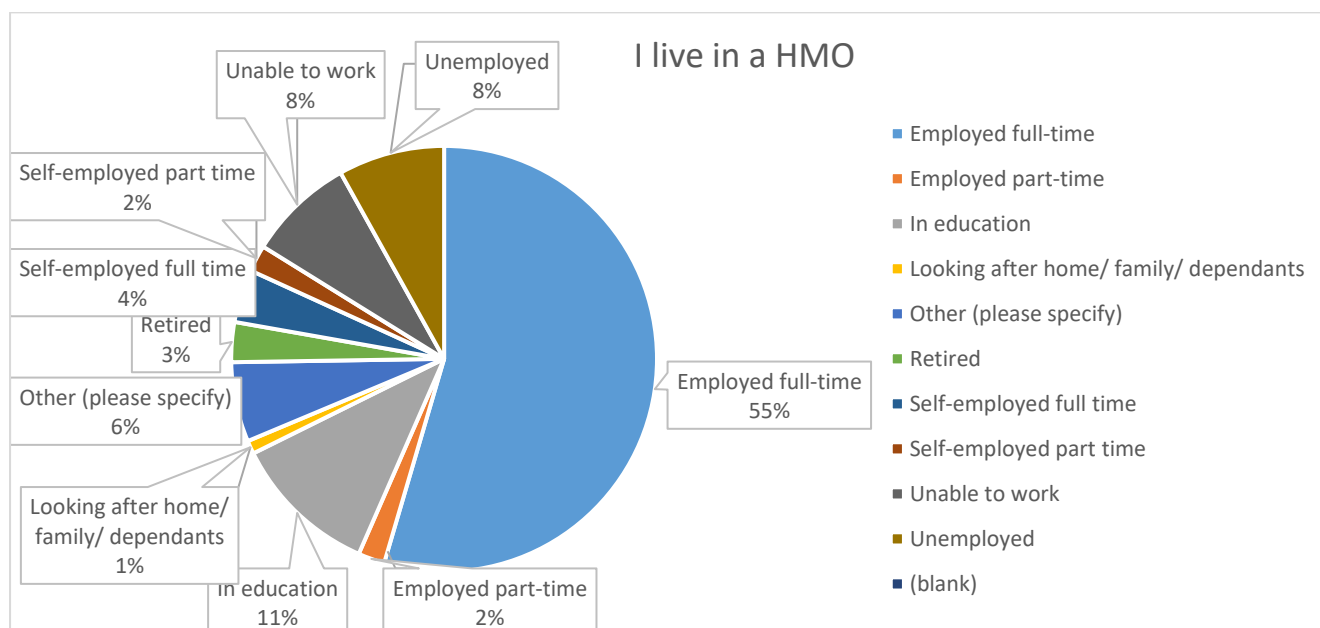
associate all landlords with "bad landlords" and pursue those that give a bad reputation.

Shared Housing Survey Results

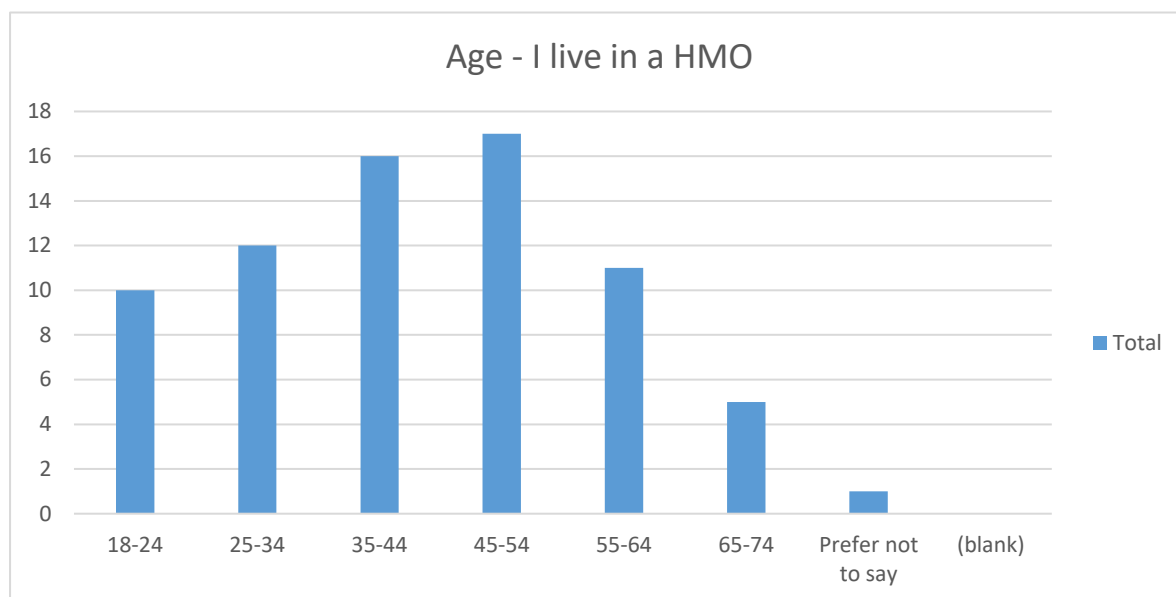
The results of this survey are summarised below into each respondent group, along with main conclusions and findings from this data.

Part 1 - I live in an HMO: Data Summary

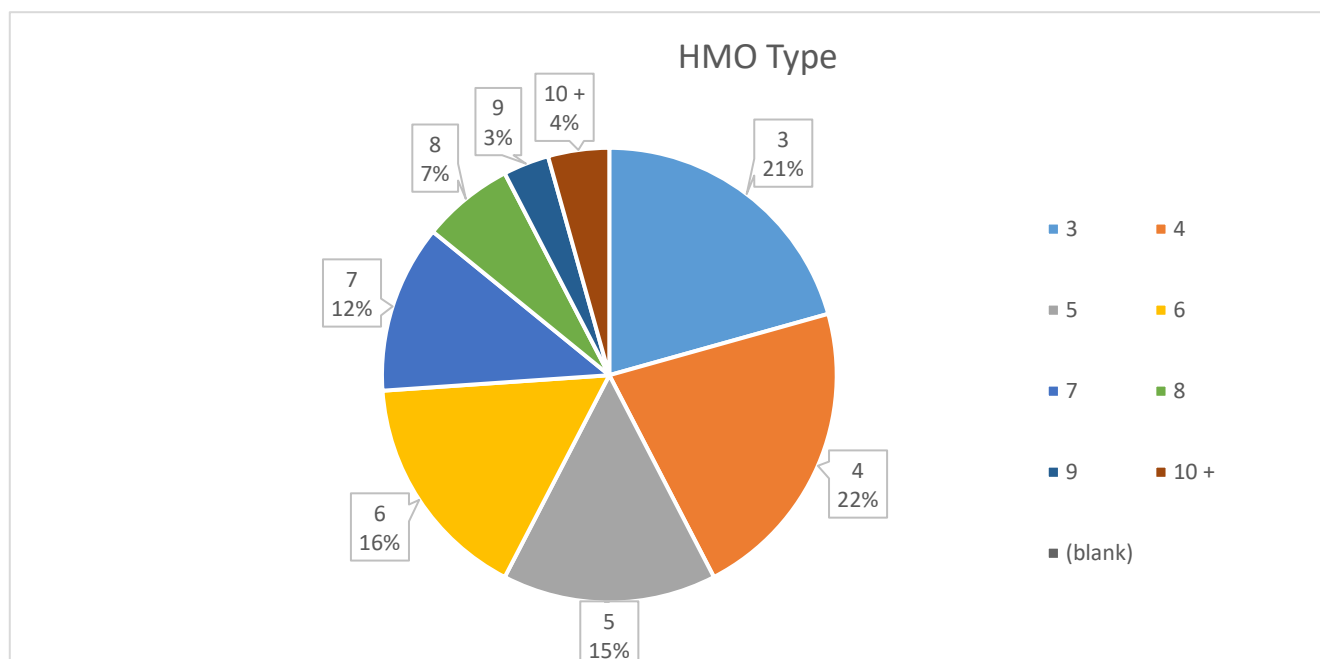
Demographics of respondents can be seen in the table below:



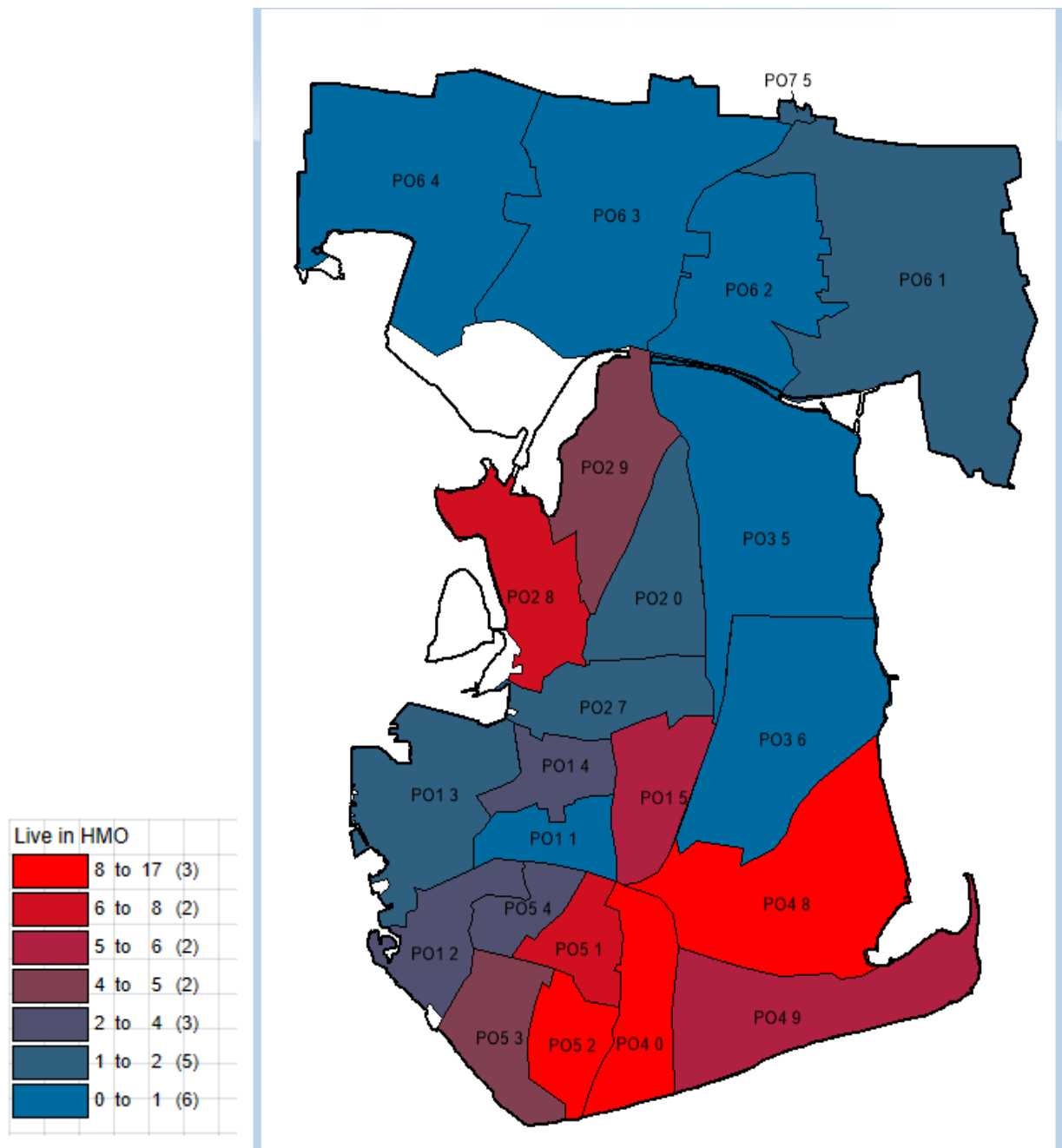
As seen above, the majority of respondents told the council they were in full time employment with the second largest single respondent group coming from those in education.



The demographics of those who responded to the survey show that 68% of tenants who responded were over the age of 35, with 15% between the ages of 55 and 64.

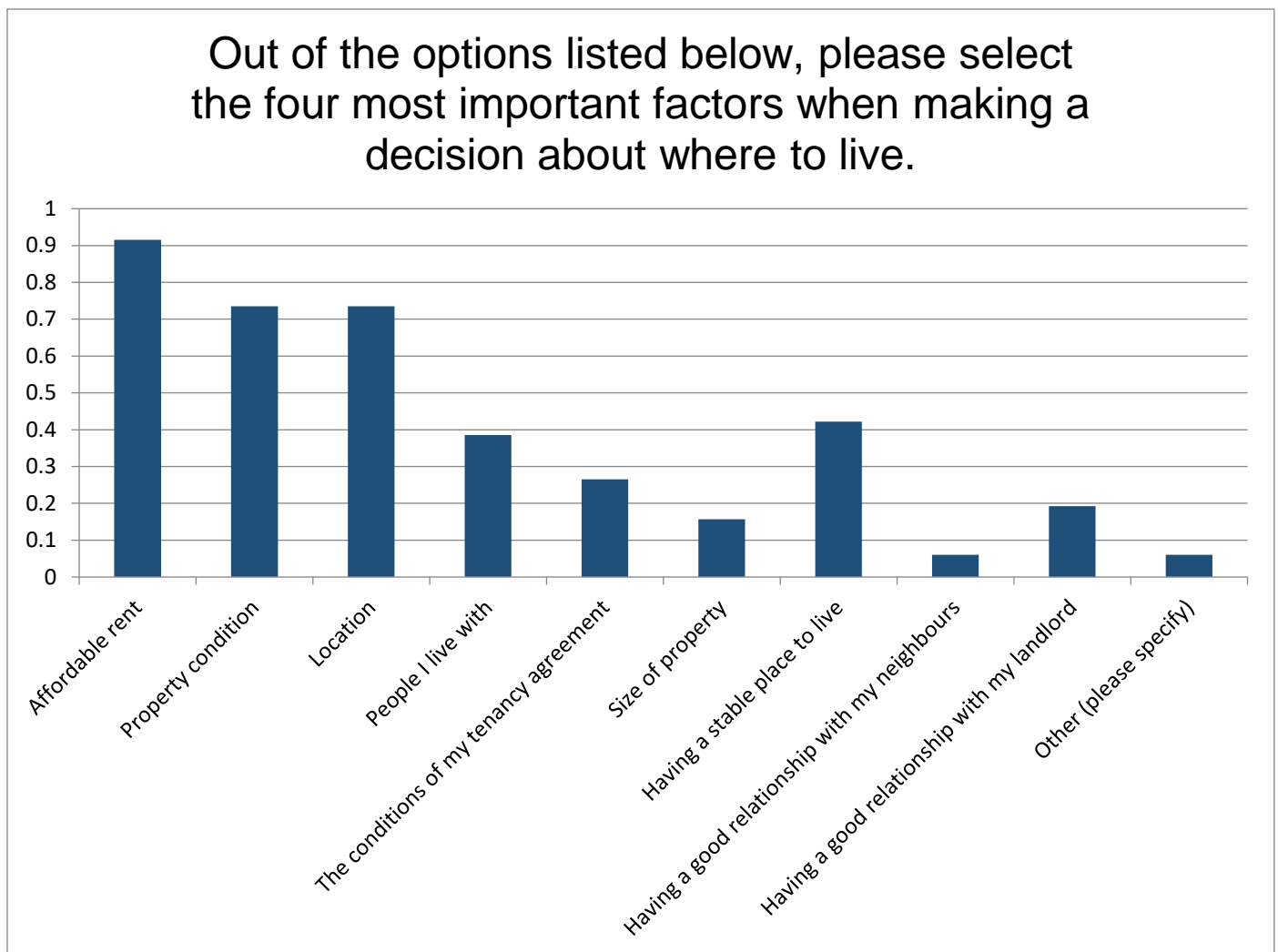


43% of respondents told the council that they lived in properties with fewer than 5 persons in total, falling outside the mandatory licensable HMO category. 73% of respondents told the council that they did not use Housing Benefit or Universal Credit to assist them with rent payments.

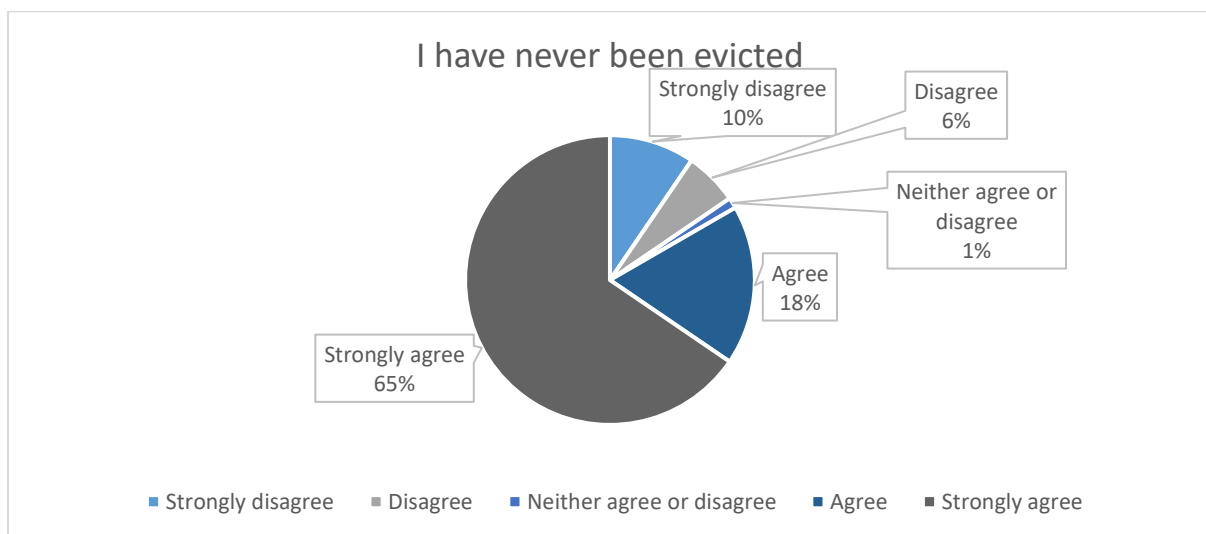
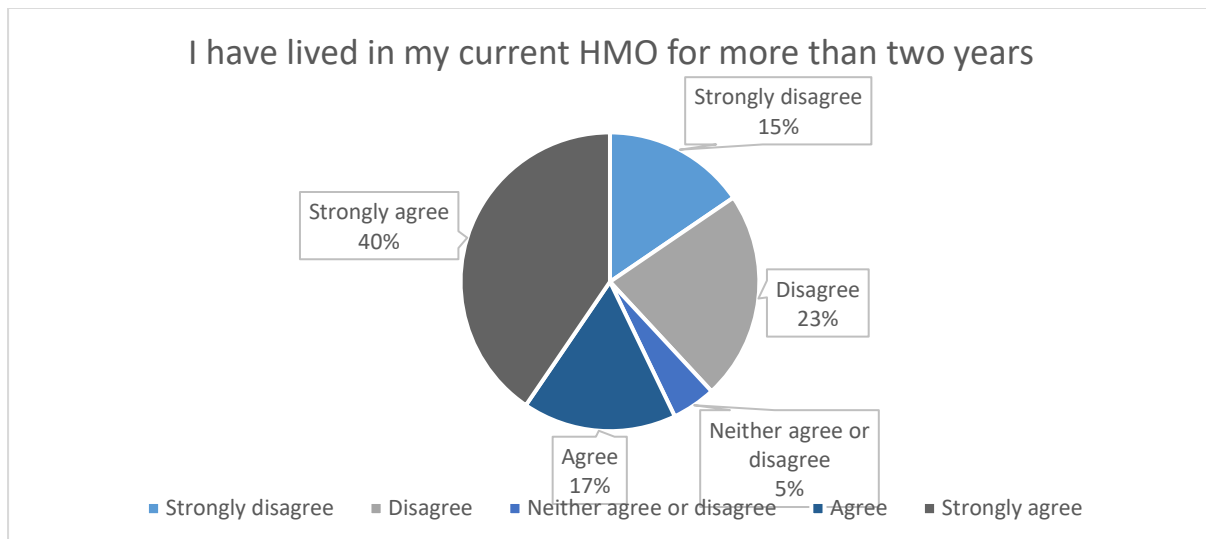
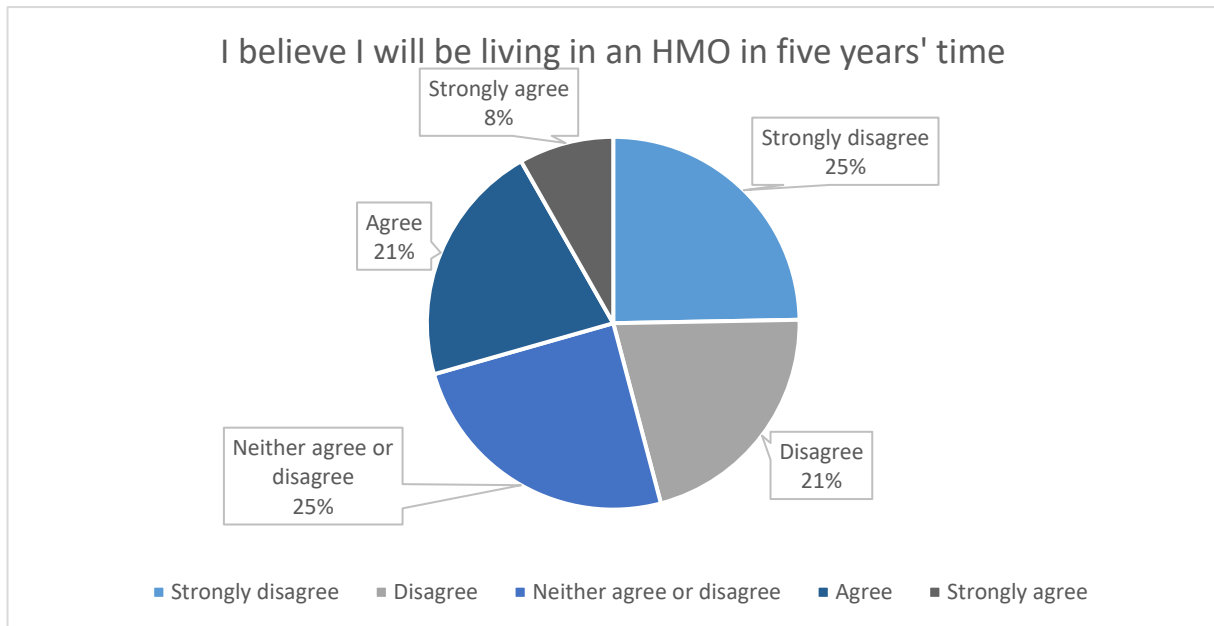


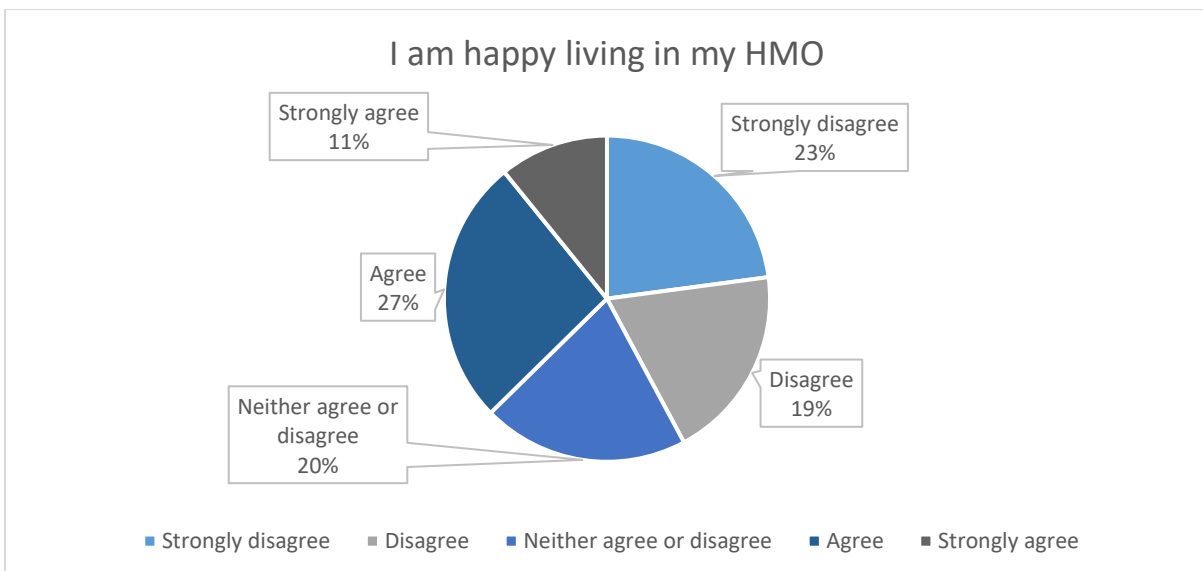
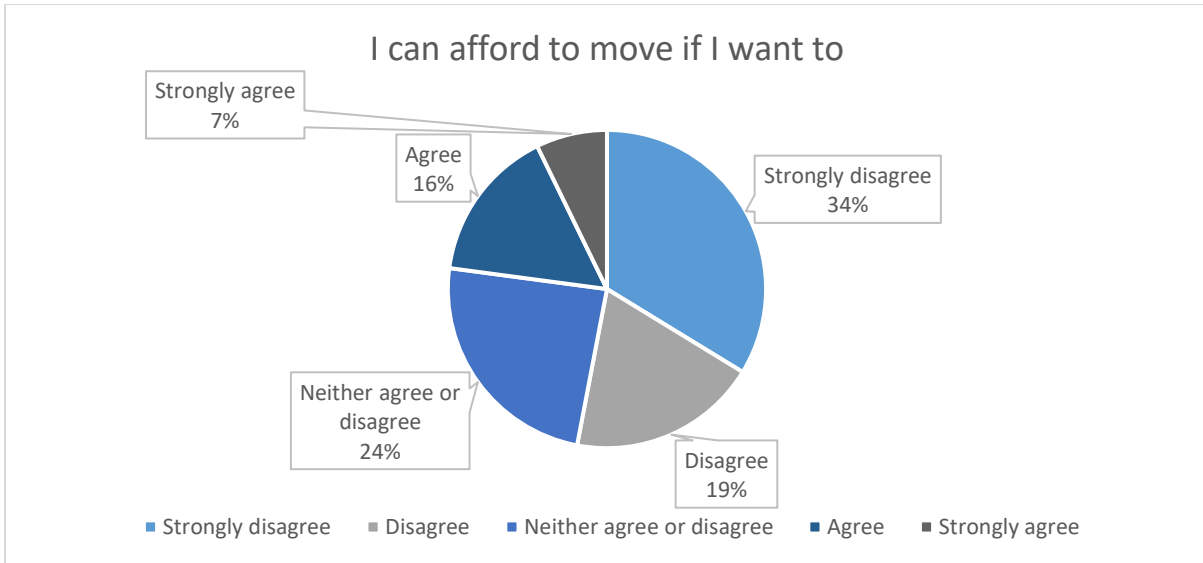
The above chart shows where the highest levels of responses to the surveys from tenants were, with the highest seen in some PO4, PO5 and PO2 areas.

The below chart illustrates which factors are most important when choosing where to live, according to tenants. Some of the comments captured in the "other" category included rent and bills inclusive and allowing pets.



The data below is from a range of questions asked to tenants regarding experiences, beliefs and feelings regarding HMOs.

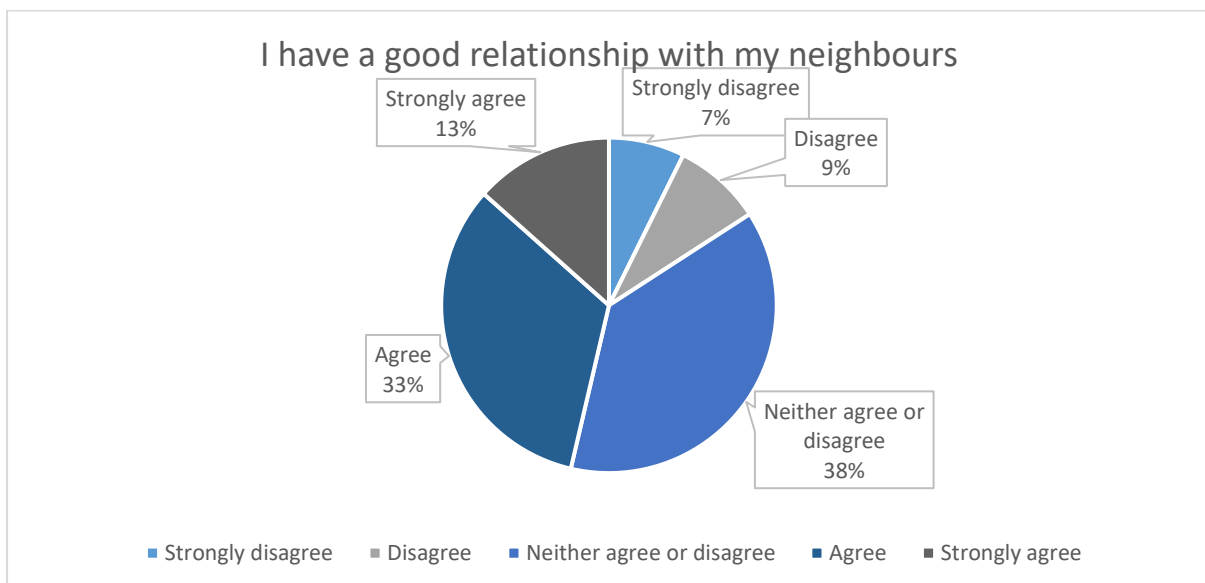
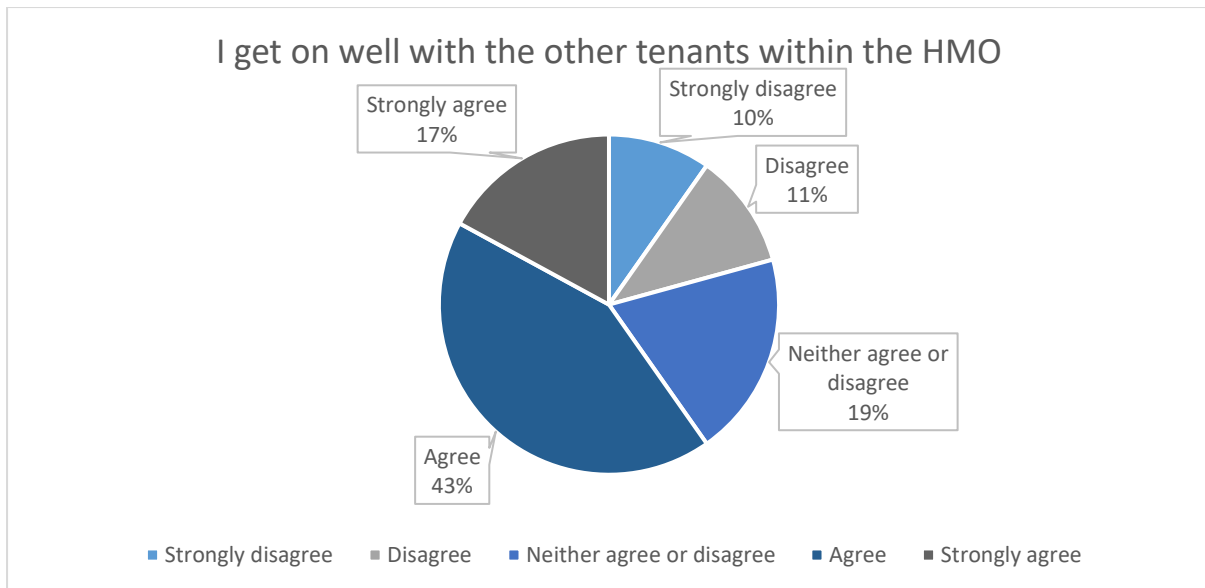




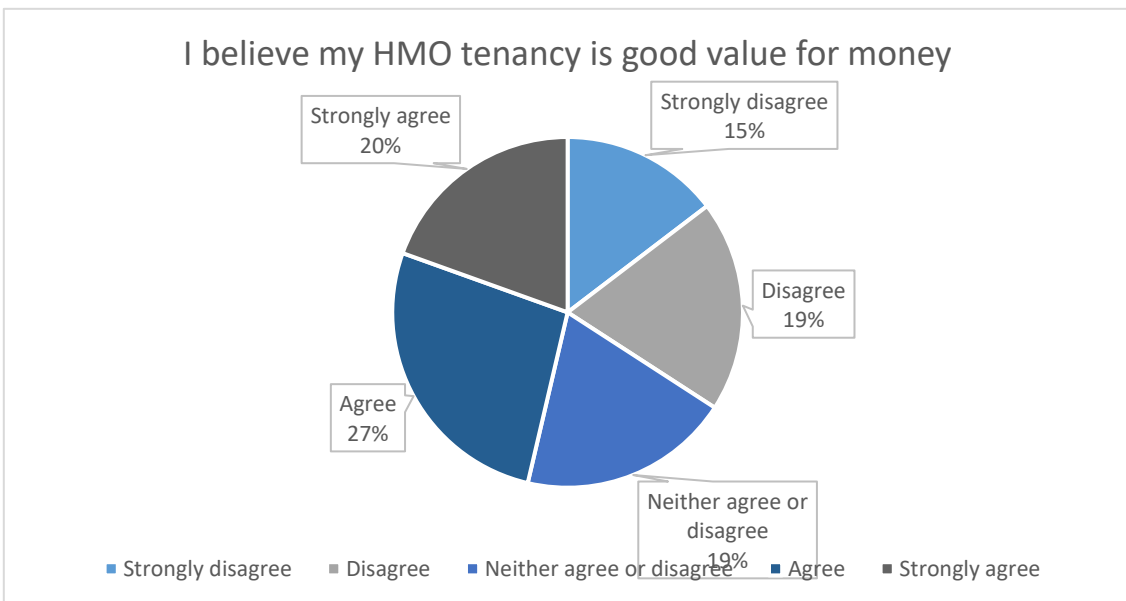
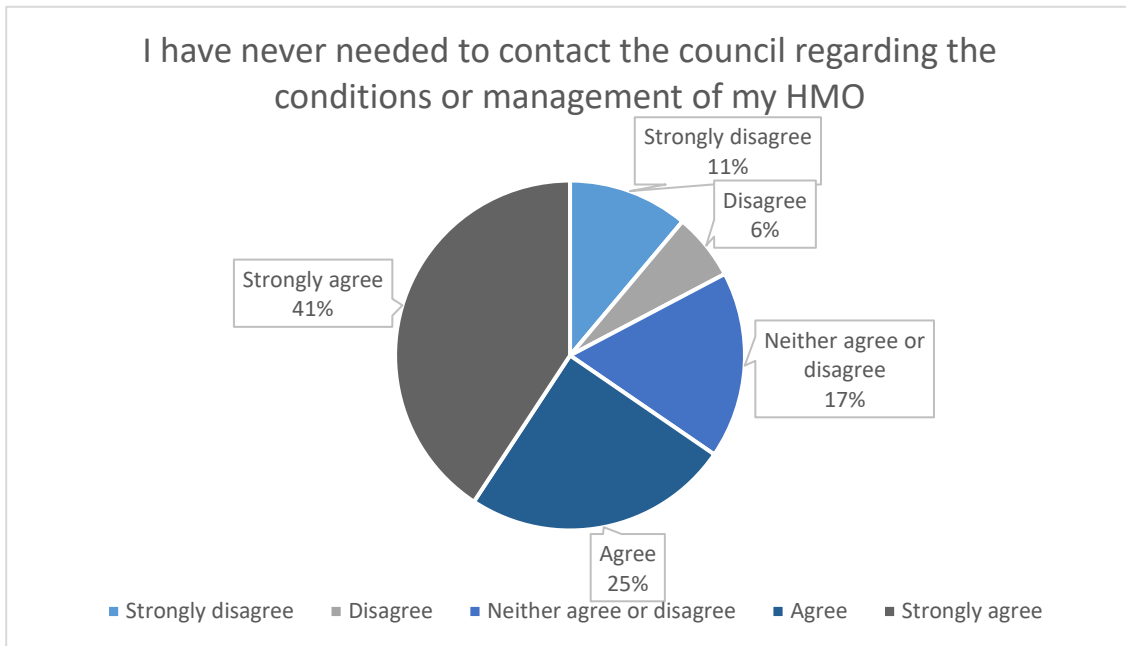
Tenants told the council in the above data that 29% believed they would still be living in a HMO in 5 years' time and 57% said that they had lived in their current HMO for more than 2 years. 83% said that they had not been evicted.

53% of HMO tenants said that they could not afford to move if they wanted to and 42% disagreed that they were happy living in their current HMO.

Other data collected in the survey showed that 59% agreed that the council should do more to intervene in HMOs and 82% wanted to see the council take more enforcement action against bad landlords. Approximately one third of HMO tenants did not believe their property was secure from potential burglary.

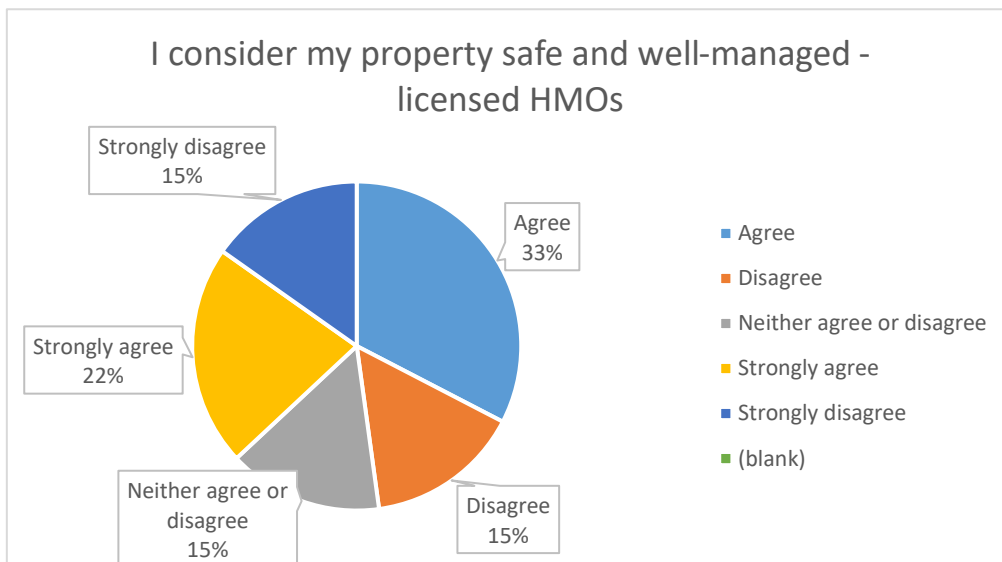
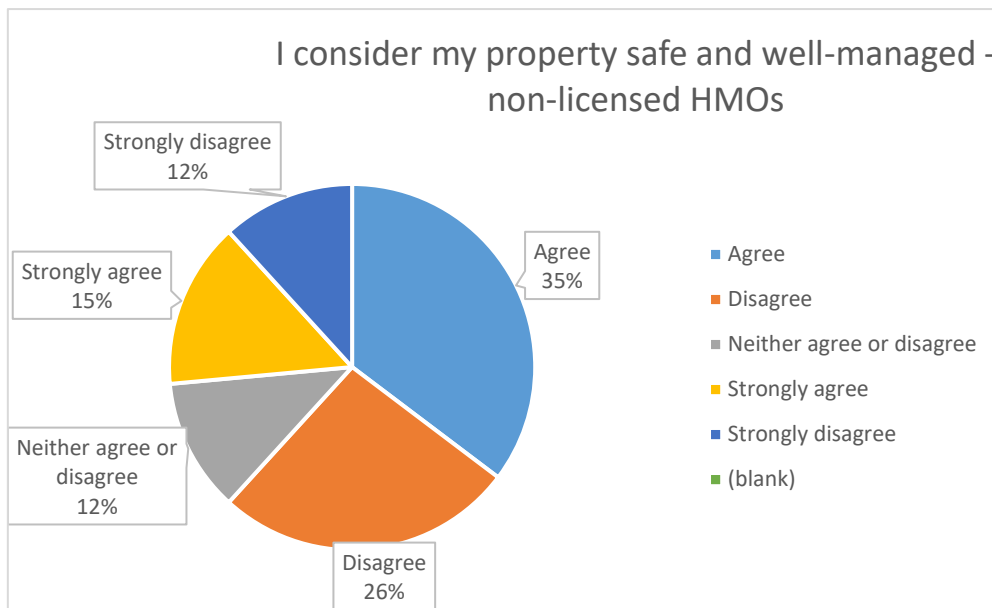


The vast majority of HMO tenants told the council they had a positive or neutral relationship with the people they lived with. More agreed they had a good relationship with neighbours, however a strong neutral response was given to this question.

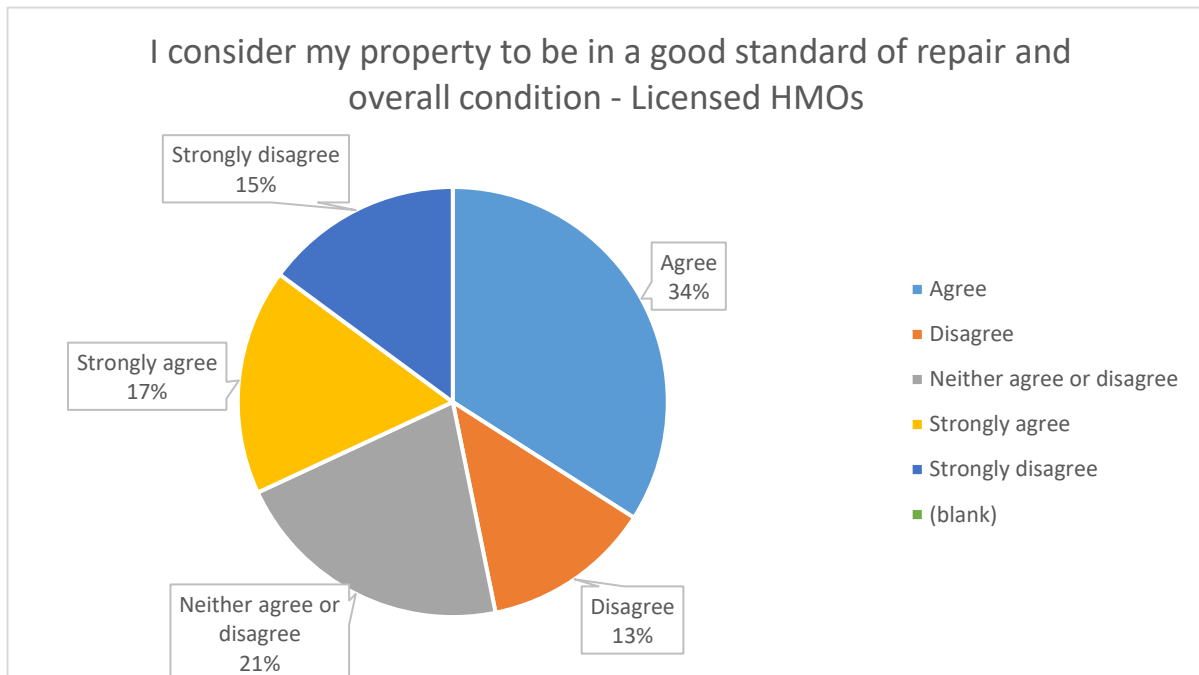
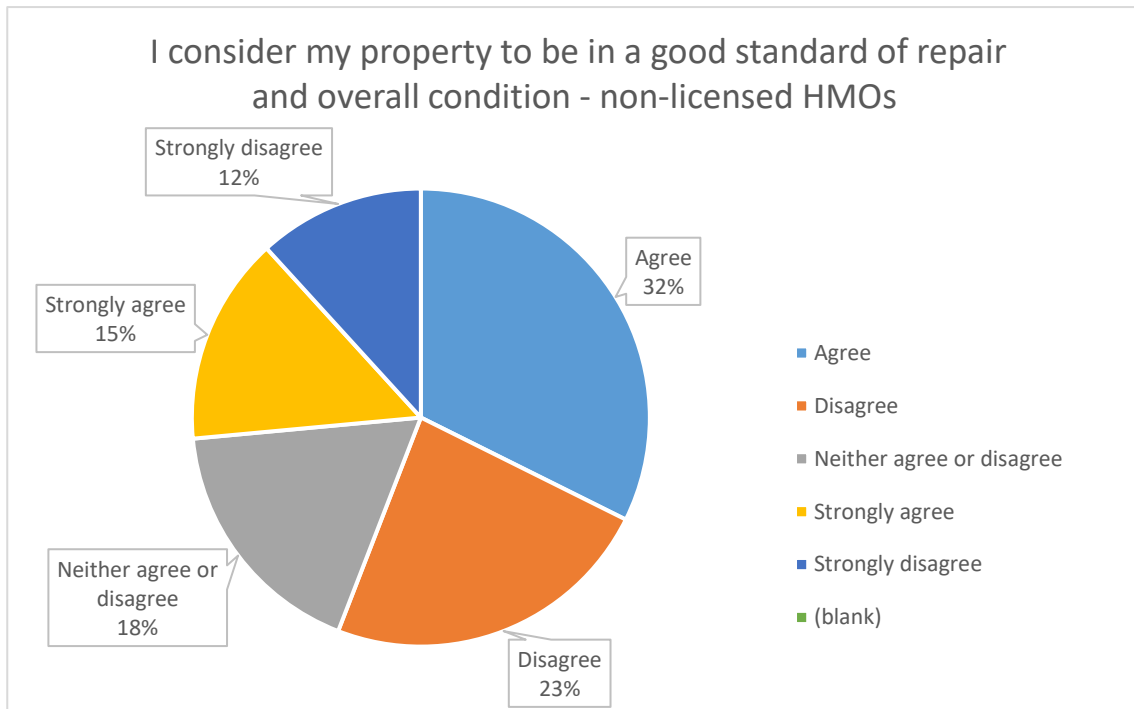


Only 17% of HMO tenants said they had needed to contact the council regarding the conditions or management of their HMO. More agreed that their HMO tenancy was good value for money however 34% did not agree with this.

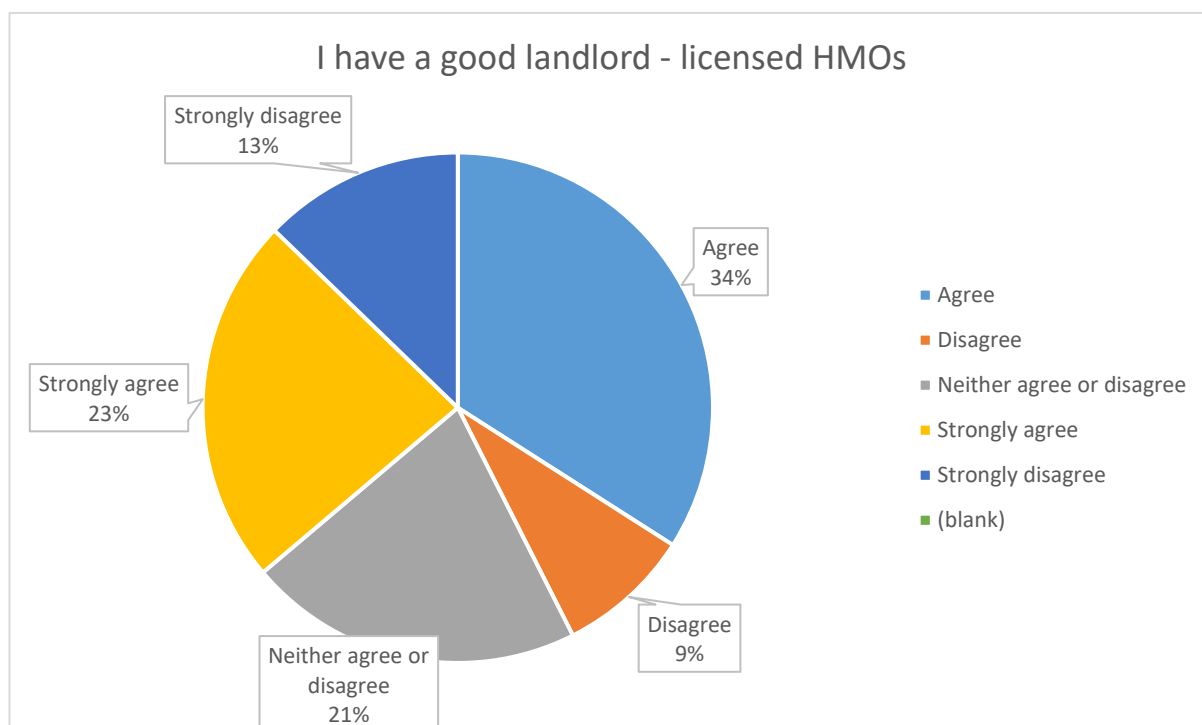
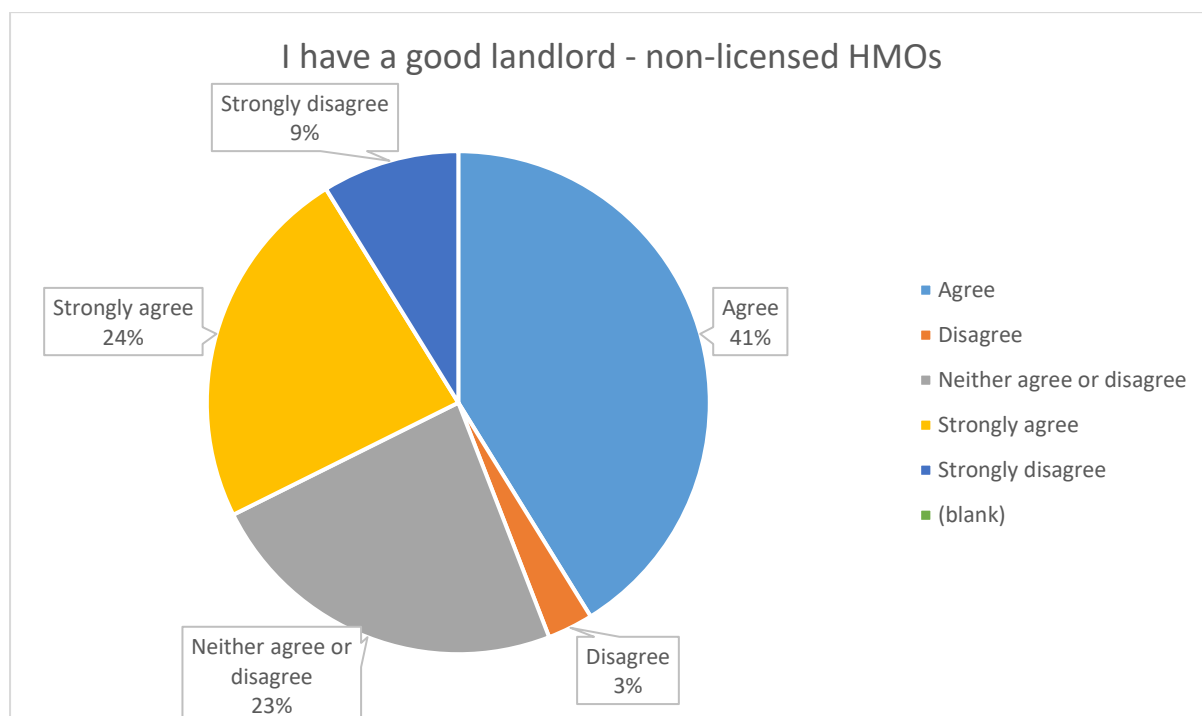
A further series of questions were asked about perceived safety and property conditions within these HMOs. The below data has been broken down into those who responded from mandatory licensable HMOs and from small non-licensable HMOs to understand: whether a difference could be observed between HMO types and what issues were highlighted within both sets of HMOs.



With both licensed and non-licensed HMOs, more responded in agreement that their property was safe and well managed, with only a 5% percentage difference seen between the two HMO types. Approximately one third in both HMO types disagreed with this statement.

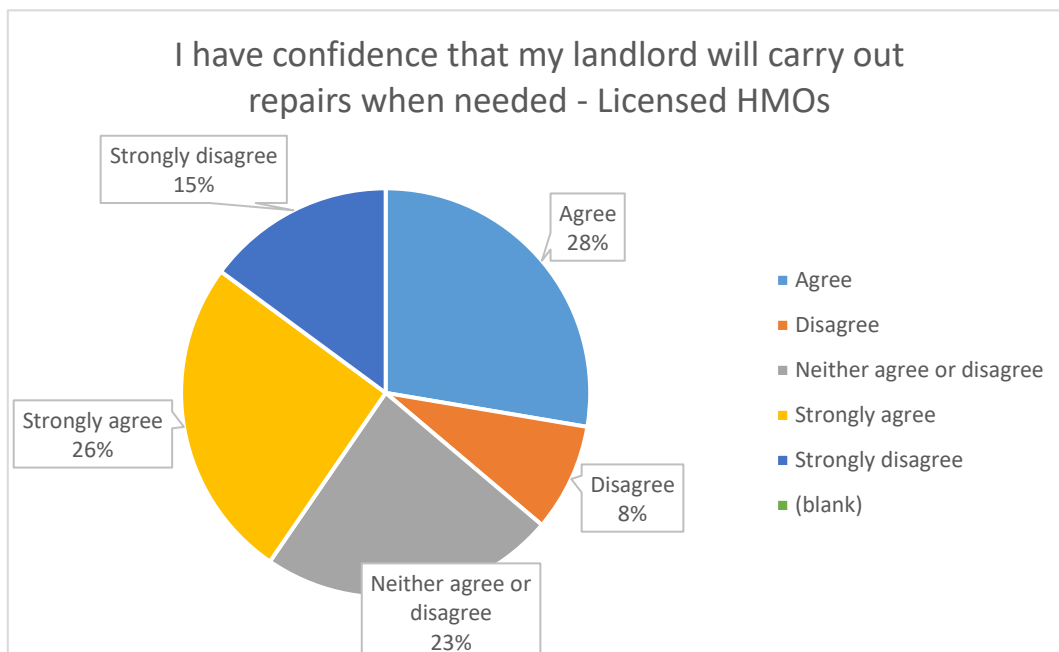
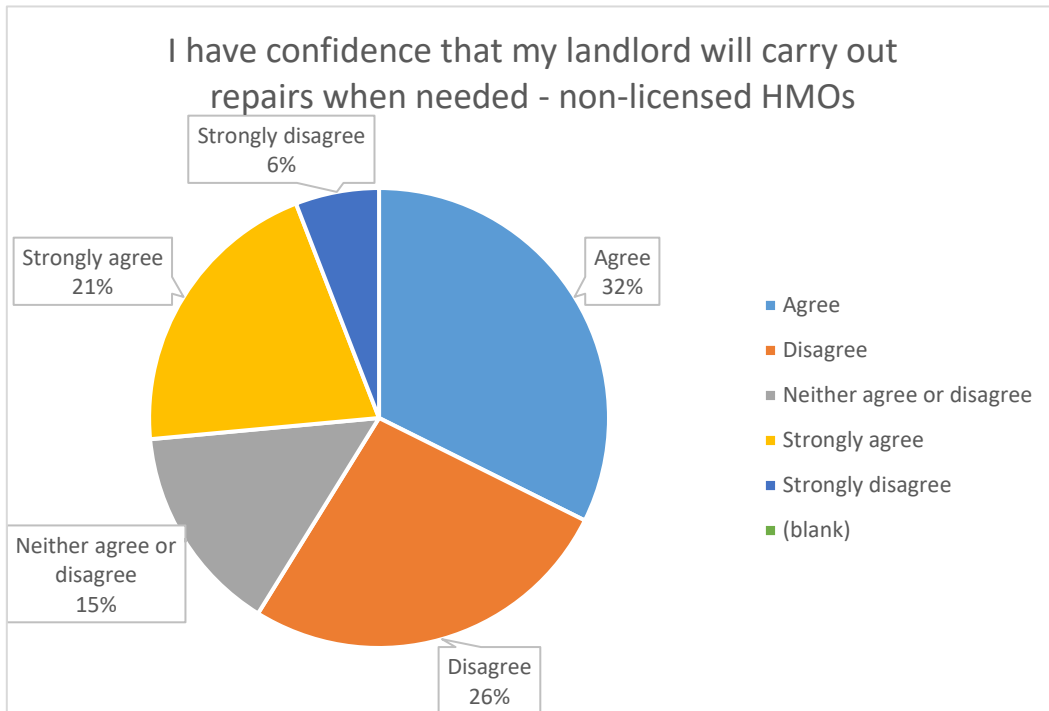


47% of non-licensed HMO tenants agreed and 51% of licensed HMO tenants agreed with this statement. However, 35% of non-licensed HMO tenants and 28% licensed HMO tenants disagreed with that their property was in a good standard of overall condition and repair.



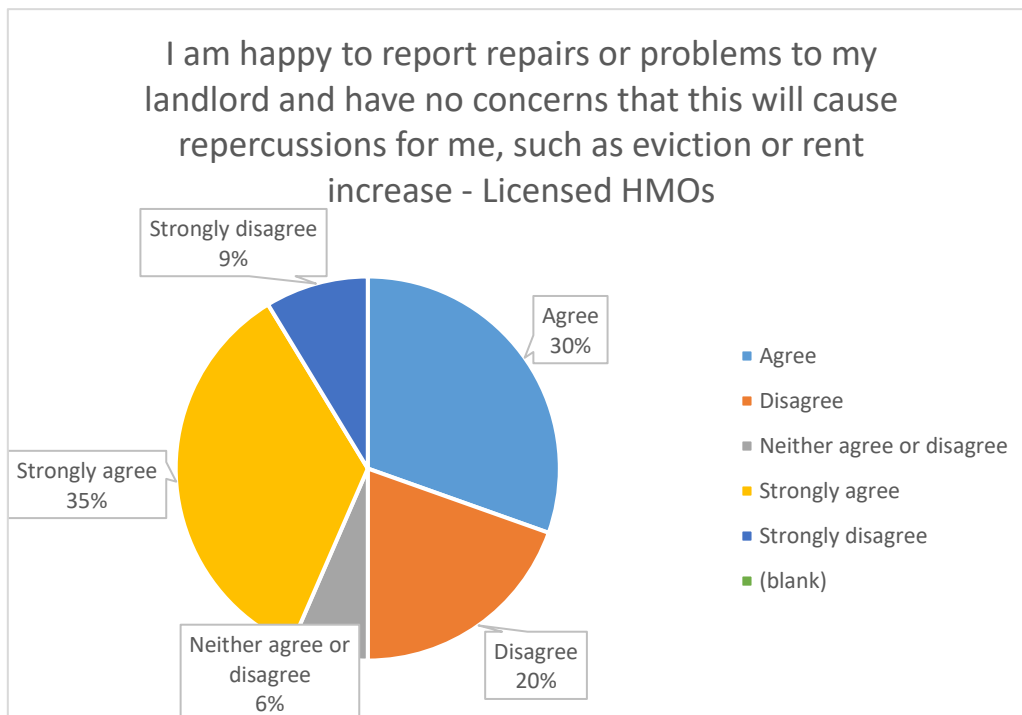
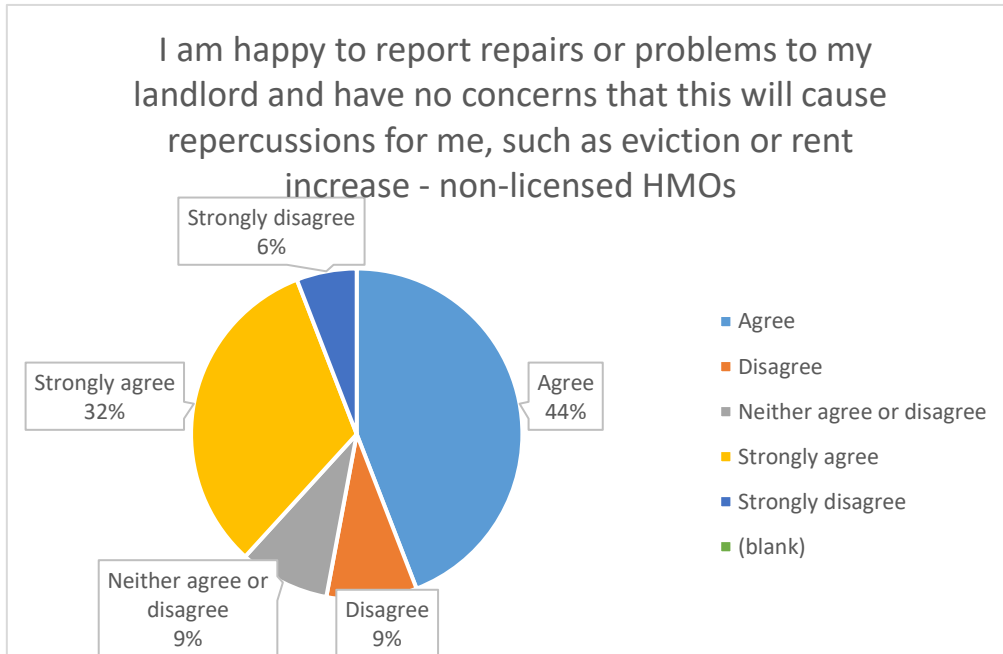
Tenants responded positively to the above statement, with 65% of non-licensed HMO and 57% of licensed HMO tenants agreeing they had a good landlord. A notable percentage responded neutrally to this question.

A larger percentage difference can be seen in this question between non-licensed and licensed HMO tenant responses. 12% of non-licensed HMO tenants disagreed that they had a good landlord, however more licensed HMO tenants disagreed with almost a quarter saying they did not have a good landlord.



32% non-licensed HMO tenants and 23% licensed HMO tenants said they were not confident that their landlord would carry out repairs when needed. Almost the same

positive response was given between non-licensed and licensed HMO tenants, with over half of tenants saying they did have confidence their landlord would carry out repairs when needed. Nearly a quarter of tenants gave a neutral response to this question.



The vast majority of HMO tenants told the council they were happy to report repairs of problems to their landlord without retaliation. However, some difference can be seen from non-licensed and licensed HMO tenant responses to this, with 15% of non-licensed HMO tenants disagreeing however nearly double of licensed HMO tenants saying they feared some form of retaliation from their landlord.

Findings and Conclusion: I live in a HMO

A number of themes can be found in the data received through the survey regarding those who live in HMOs. One third of the HMO tenants who responded to the survey told us they expected to continue living in HMO accommodation during the next 5 years, indicating a notable portion of HMO tenants view these as a long-term housing option.

The data also showed that the majority were over the age of 35, with a significant portion between 45 - 54 years old, showing that more people are relying on HMOs into later life. It is well known that HMOs are among the most affordable housing options and tenants told us in the survey that affordable rent was the most important factor for them when choosing where to live.

Just over half of HMO tenants said they could not afford to move if they wanted to, however 46% indicated they had plans to move out of HMO accommodation in the next 5 years. This data suggests a lack of choice amongst many HMO tenants regarding their housing options, relying on HMOs as an affordable option for them.

The survey told us that tenants overall felt positive about the relationships they had with their housemates and neighbours. However many gave a neutral answer regarding their relationship with neighbours. This may indicate that HMO tenants do not know their neighbours well, or not feeling a sense of community.

The vast majority of HMO tenants told the council they had not needed to contact the council regarding the conditions or management of their HMO, with only 17% suggesting they had. Responses to questions regarding conditions, safety, standards and management generated more positive responses, with approximately half of HMO tenants suggesting they were satisfied with these. However, a notable portion of HMO tenants told the council they were not happy with these factors with roughly a third saying they were unhappy with property conditions, standard and managements. Similar responses were given regarding confidence in landlords to carry out repairs on time.

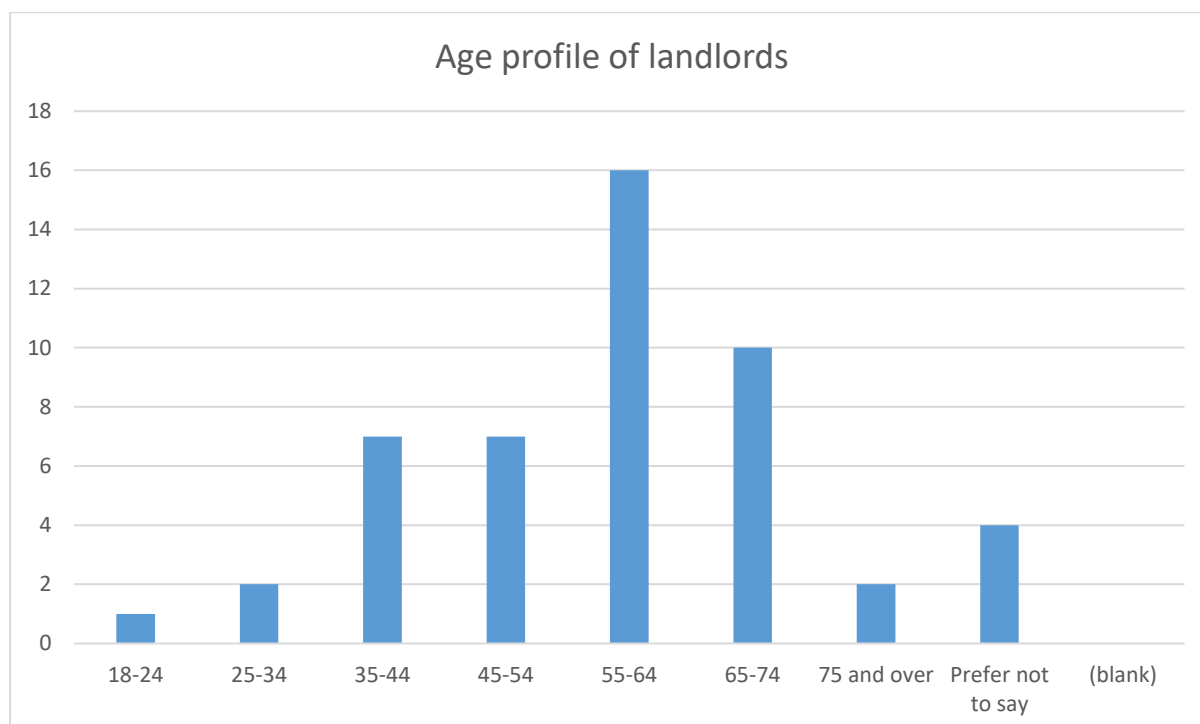
Very little difference in these responses could be observed between licensed HMOs and non-licensed HMOs regarding property conditions, standards and management questions, except where more licensed HMO tenants expressed their view that reports of disrepair would lead to retaliation from their landlord through eviction or rent increase. This similarity in results shows that tenant opinion toward these factors is the same regardless of licensing, suggesting that licensing only cannot fully remove these concerns.

The majority of tenants said they had a good landlord and most, especially non-licensed HMO tenants, expressed a confidence in ability to report disrepair issues to their landlord. This is perhaps reflected in the low percentage who told the council they had needed to escalate complaints to Officers to intervene.

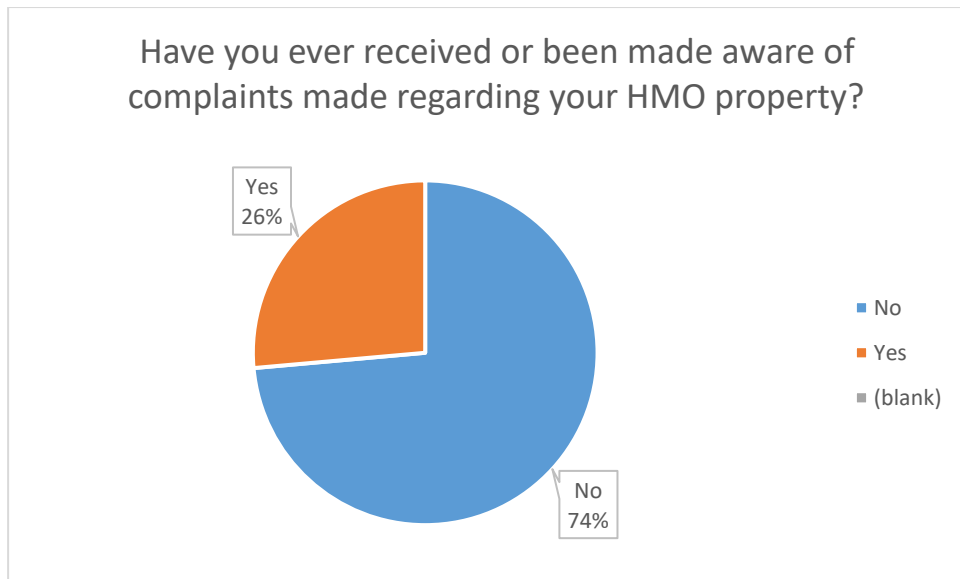
Part 2 - I own or manage a HMO

Most of the respondents to the landlord survey were landlords, however some responses were received from managing agents.

44% of landlords said that they owned or managed 1 - 2 properties, with 41% owning or managing 3 - 10 and 15% owning or managing than 11 properties. 55% of respondents were a member of a landlord association. 79% said they had owned or managed a HMO for 5 or more years.

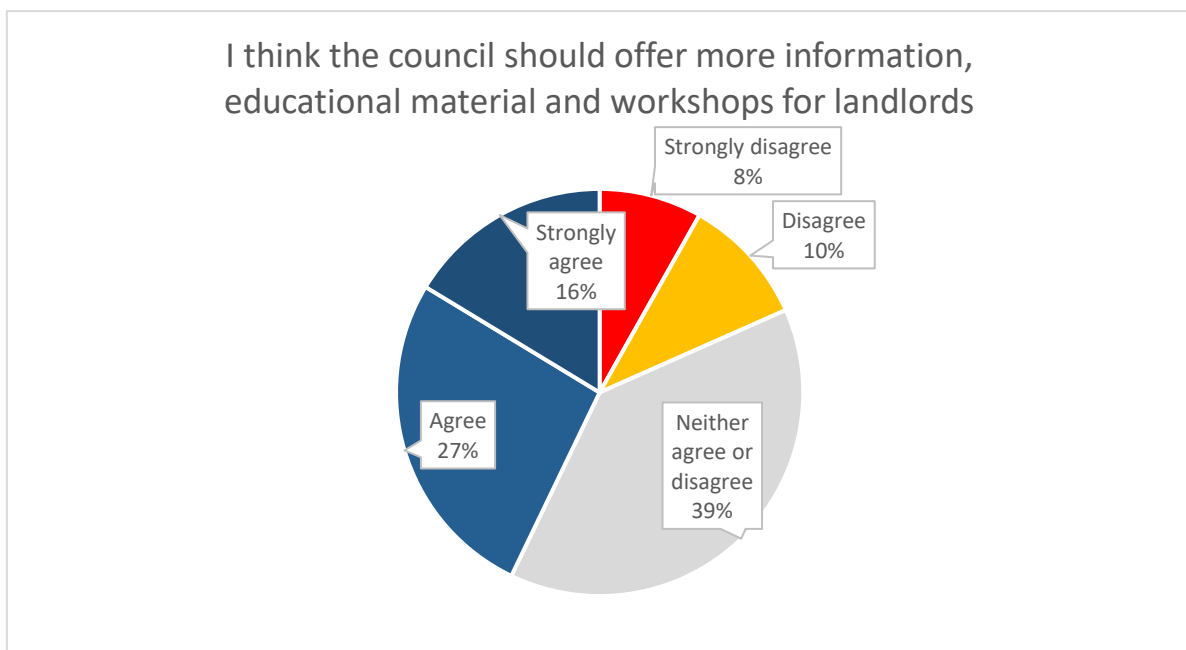


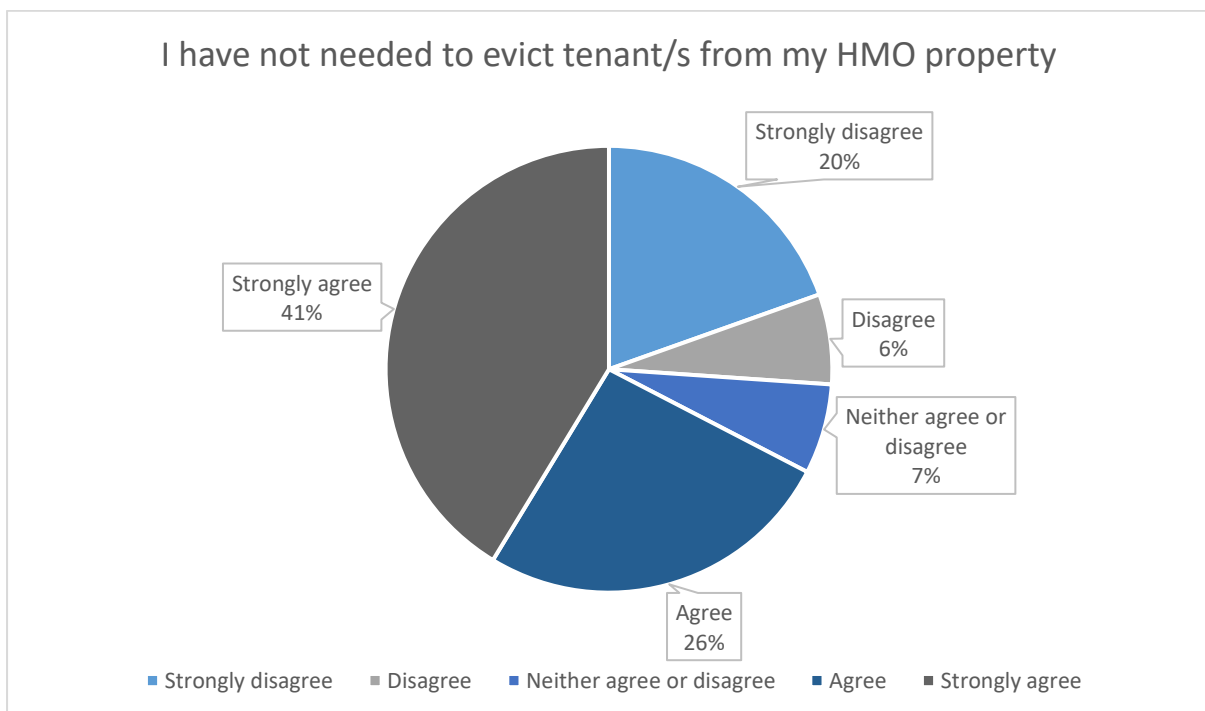
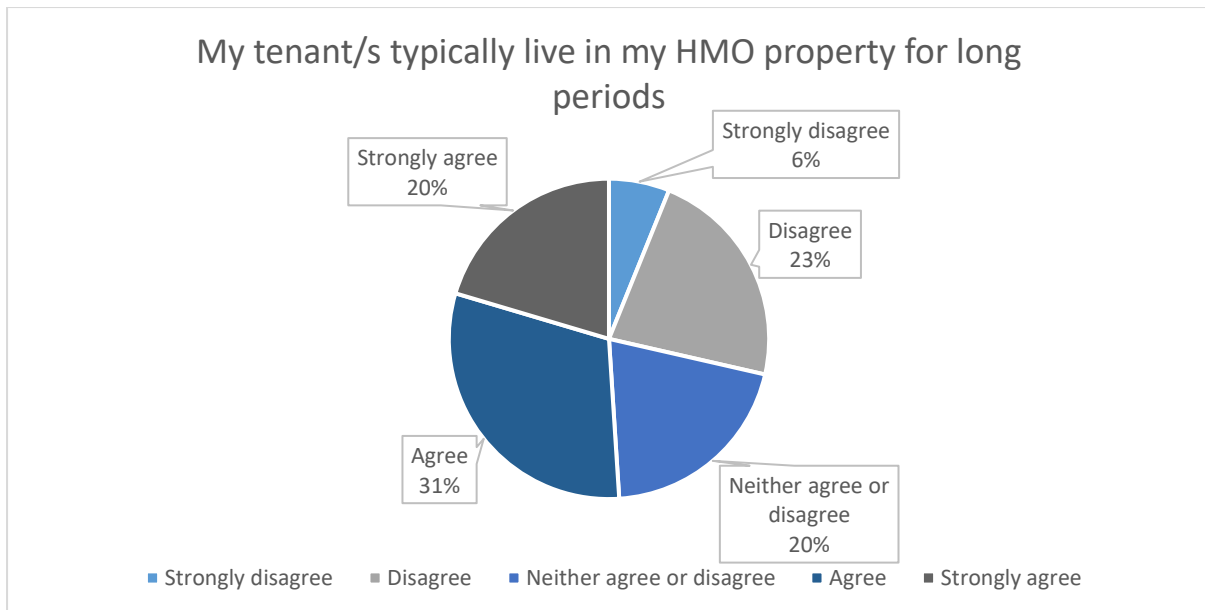
The majority of landlord who responded were aged 55 or older with the largest single response group saying they were 55-64 years old.



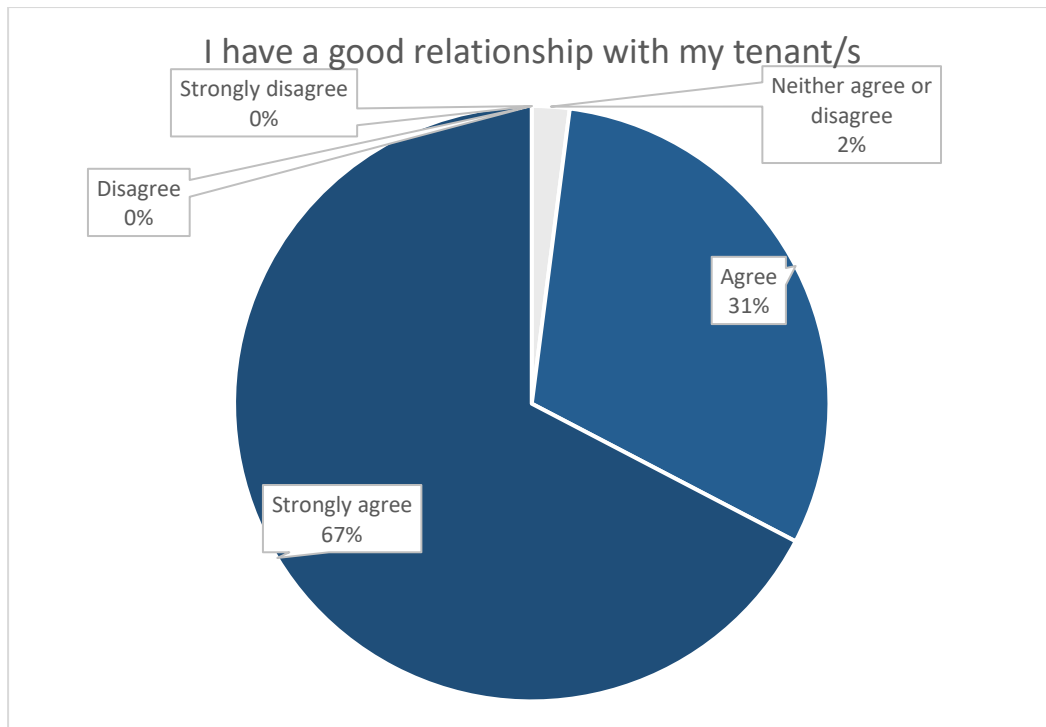
26% of landlords said that they had received or been made aware of complaints made regarding their HMO property. 55% said that at some point they had been instructed by the council to make improvement works to their HMO property. The survey did not capture the extent of repair work requested.

Landlords and managing agents were asked a series of questions regarding their experiences and views managing a HMO. Landlords told us that overall they felt confident in their property conditions and knowledge to manage their HMO. 43% said they wanted to see the council offer more information and educational material for landlords.

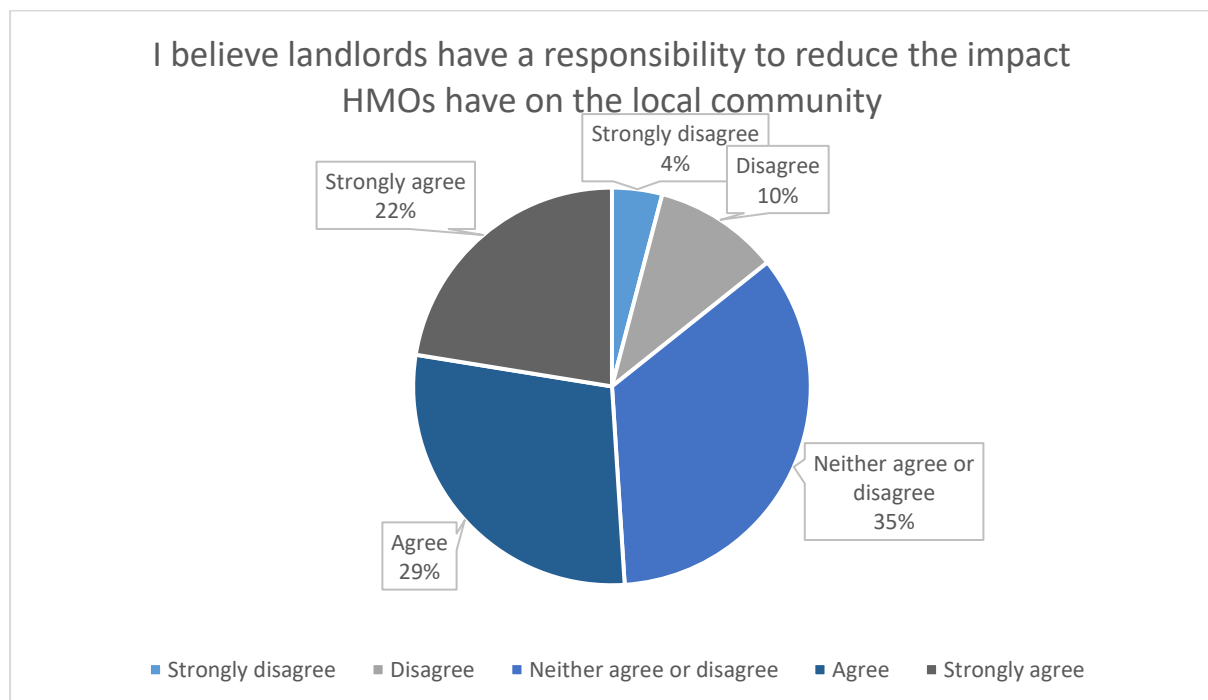




More landlords told the council that tenants in their HMOs had lived there for a long period of time and most told us that they have not needed to take eviction action regarding tenants in their HMOs.

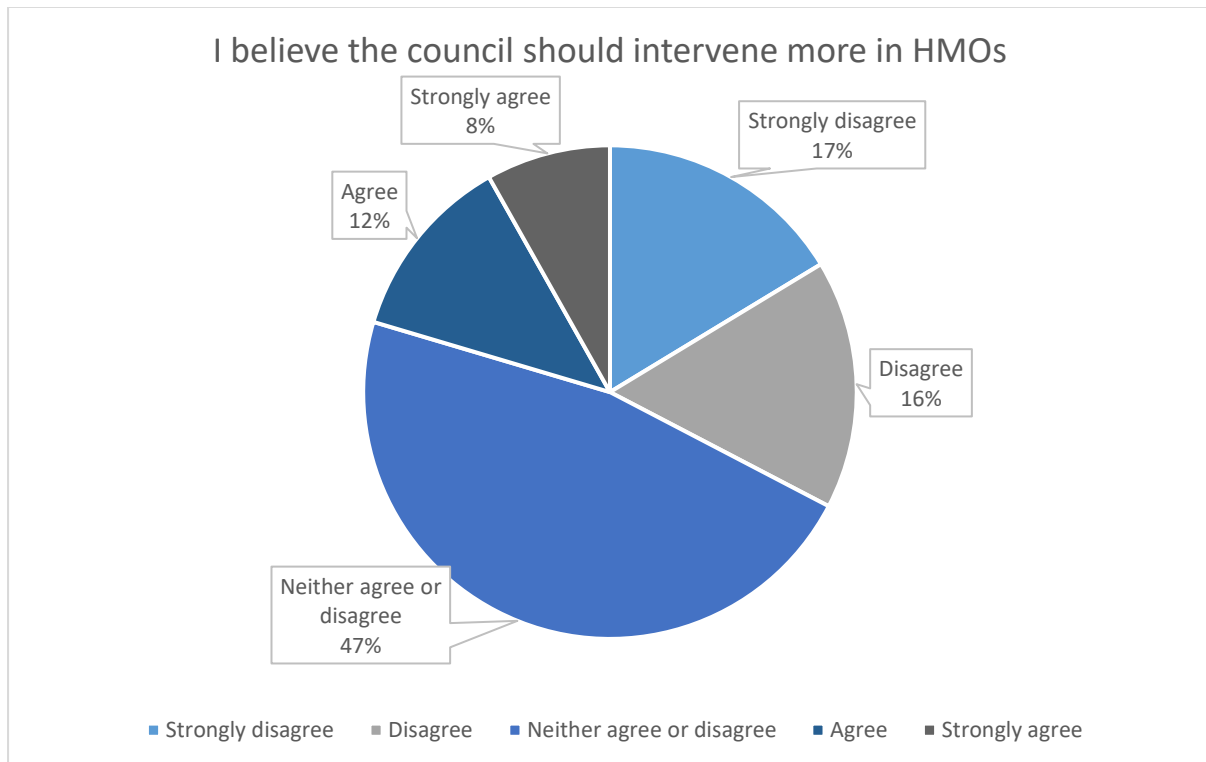


Landlords felt that they had a good relationship with their tenants, with no responses to say that they did not.

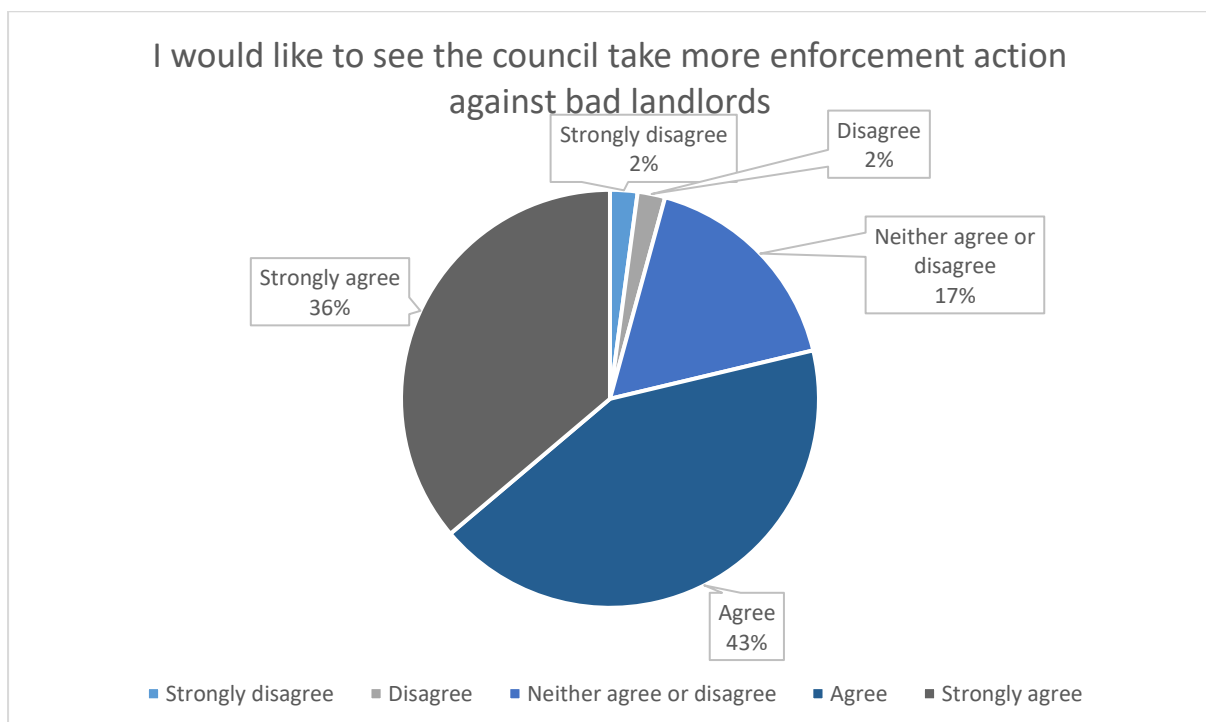


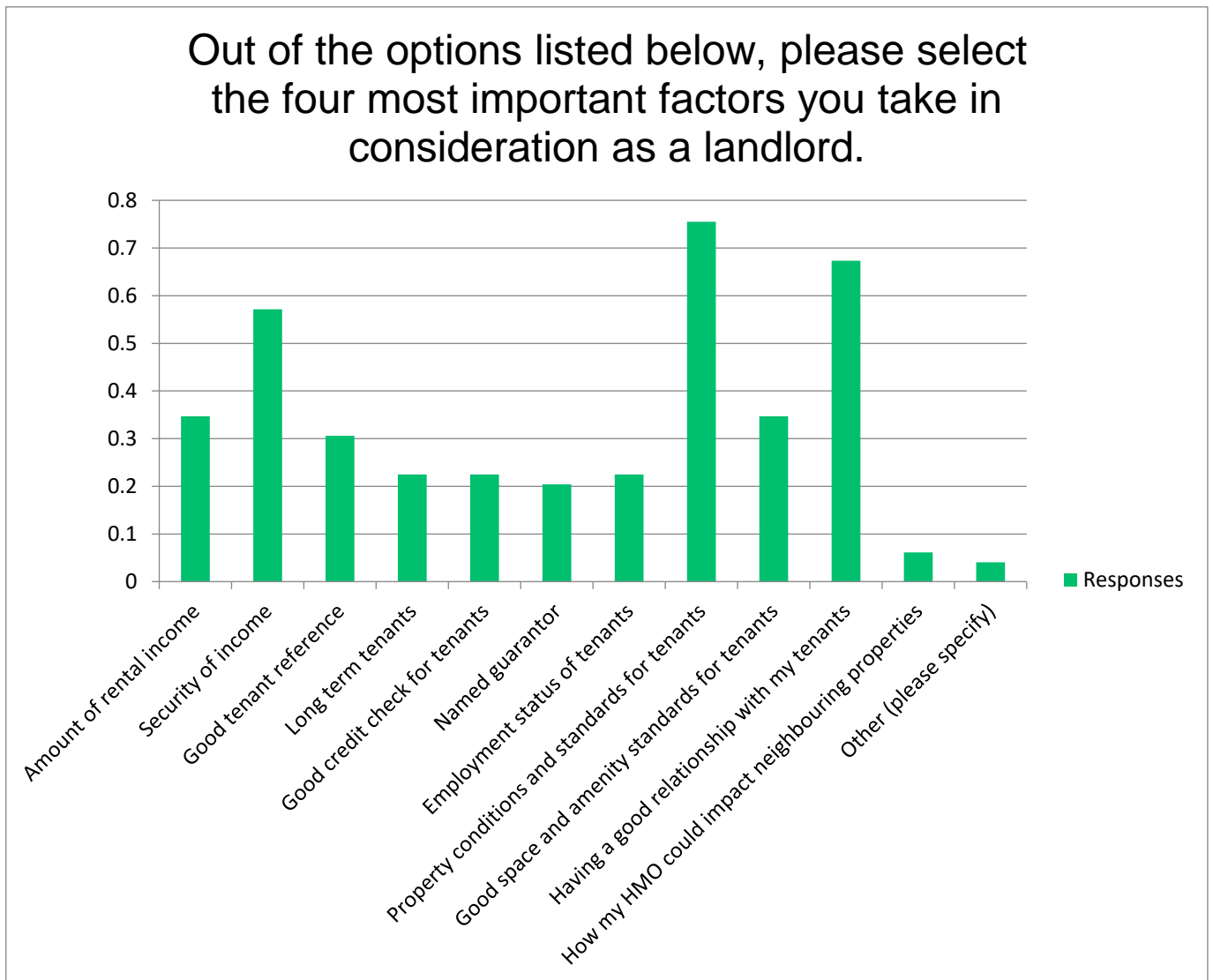
51% landlords said that they did have a responsibility to reduce the impact HMOs have on the local community.

When asked if the council should do more to intervene in HMOs 33% of landlords disagreed however a large proportion answer neutrally to this question.



Landlords answered strongly to say they would like to see more action taken against bad landlords.





The above chart illustrates landlords most important factors being property conditions and standard, having a good relationship with their tenants and security of income. Comments in the other category included relationships between HMO tenants being an important factor to landlords.

Findings and Conclusion: I own or manage a HMO

The data obtained through the survey suggests that a significant portion of respondents would be considered experienced landlords or managers, based on the number of properties managed and length of time landlords had managed these. This is reflected in feelings of confidence and knowledge regarding HMOs.

More landlords expressed a view that the council should not intervene more with HMOs, although a large number were neutral on this question. Landlords also expressed that they would like to see more action taken against "bad landlords". This feedback likely frames an opinion amongst landlords that focus from the council should be aimed at those who breach rules and regulations, instead of introducing regulations which effects all landlords.

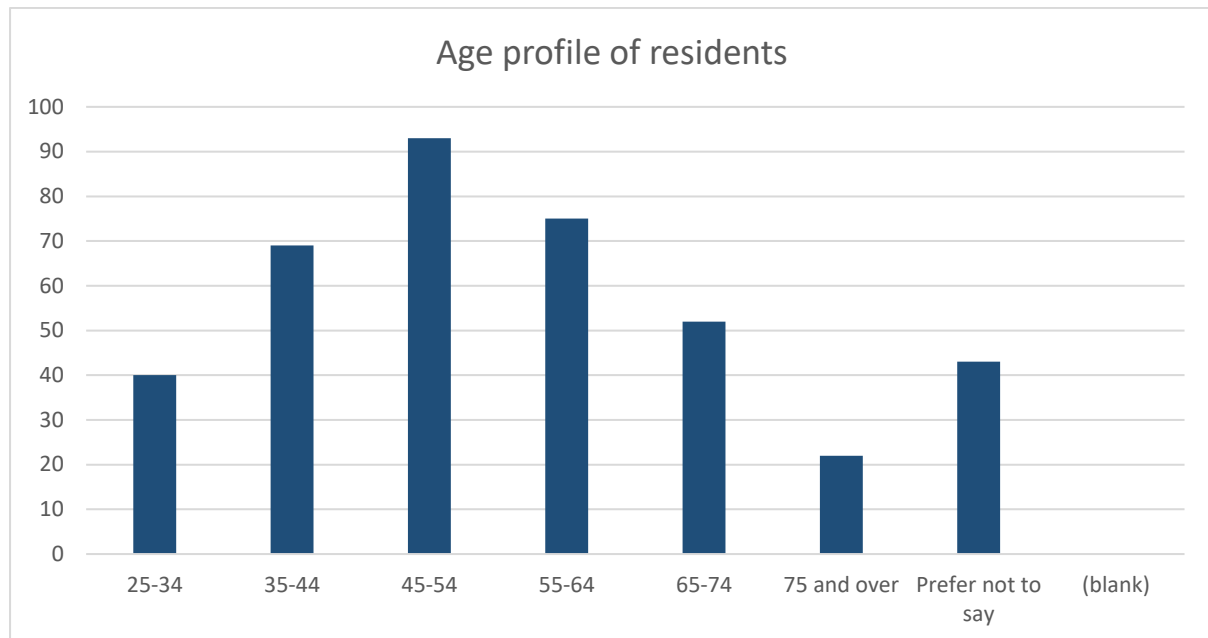
More landlords agreed that they would like to see the council offer more educational materials and most agreed that landlords had a responsibility to reduce the impacts of HMOs on the local community.

Landlords believe they had a good relationship with their tenants and just over half said their tenants lived in their properties for long period of time; both of these were reciprocated in tenant's responses. This indicates an overall view that tenants are able to meet their responsibilities as per their tenancy agreement. This view is also highlighted in the low number of landlords who told the council they had need to evict tenants from HMOs.

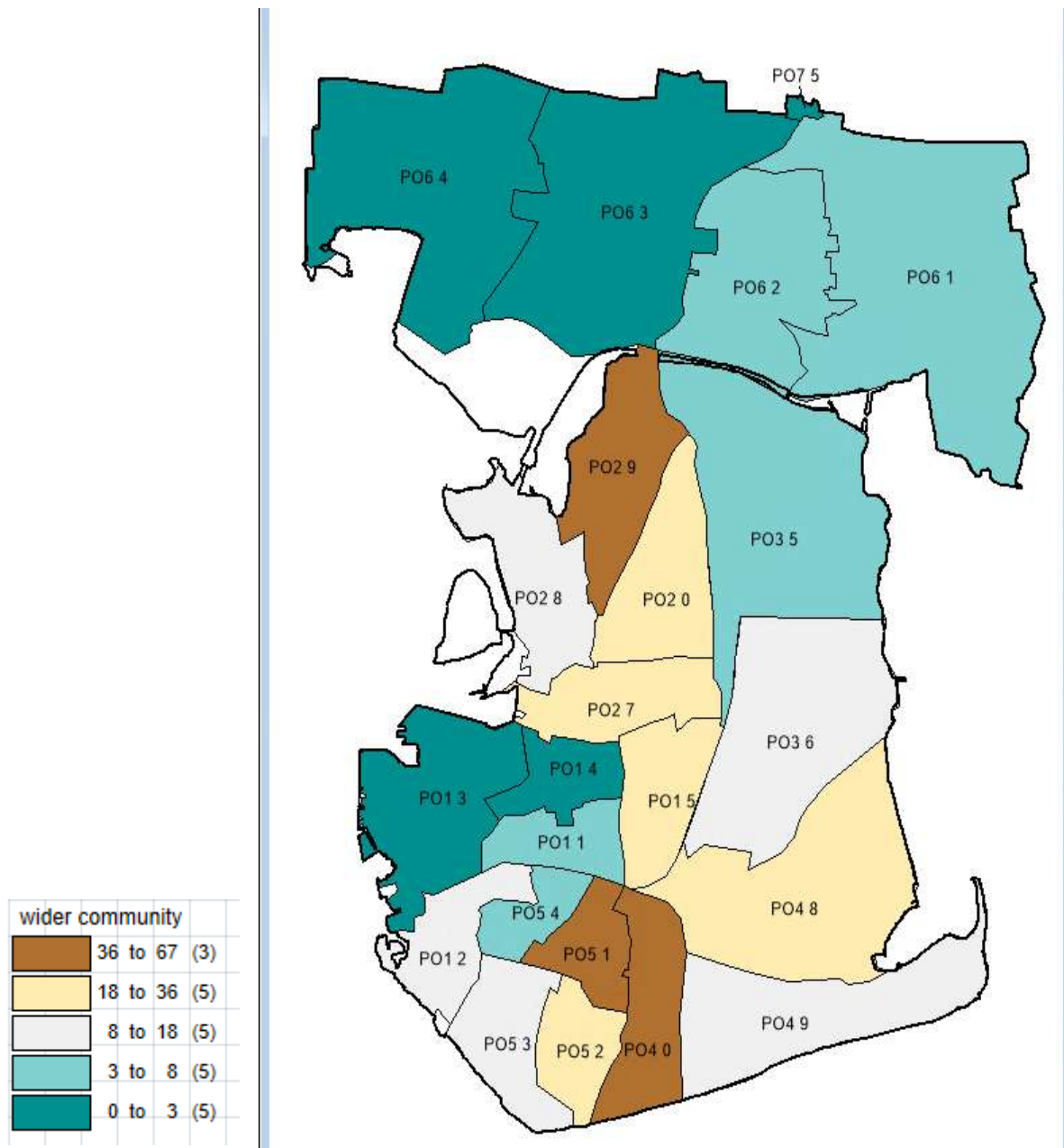
Landlords said their most important factors were: property conditions, good relationships with tenants and security of income. These priorities are partly reflected in tenant's responses which told the council more believed they had a good landlord, good conditions and their property was good value for money.

Part 3 - I am part of the wider community who lives or works near HMOs

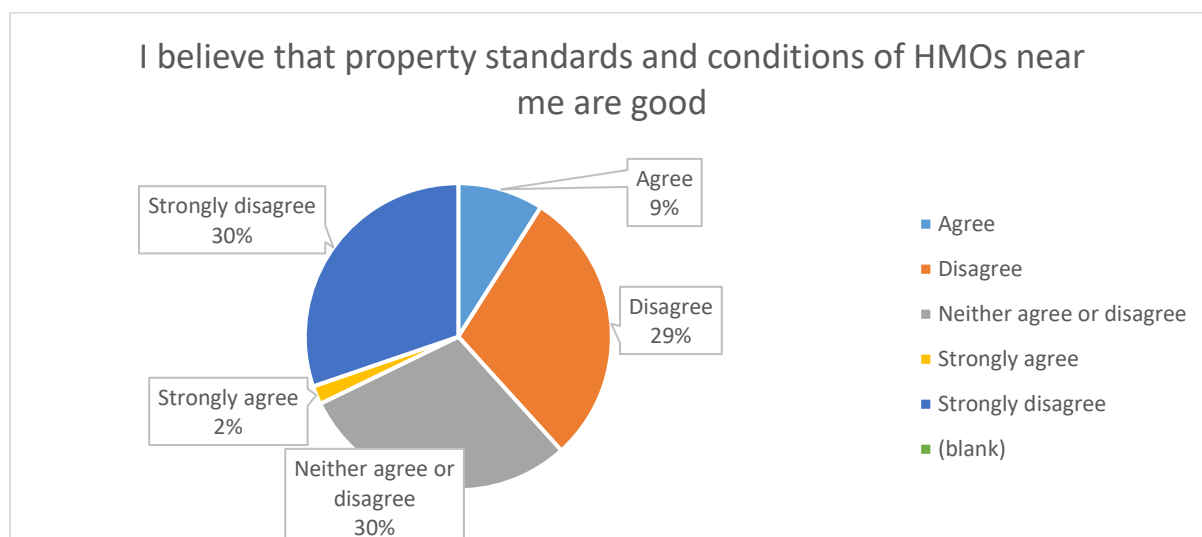
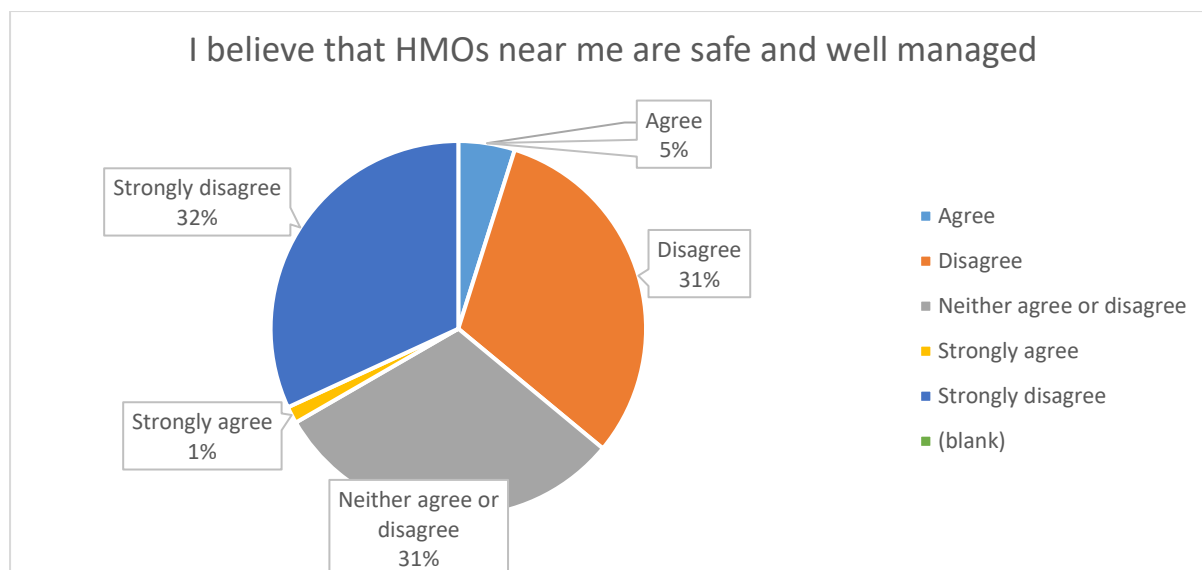
The strongest response to the survey was from members of the wider community near HMOs. Of these the largest response was from Portsmouth Residents.



The majority of residents who responded to the survey were working age adults with the largest single response group being between 45-54 years old.

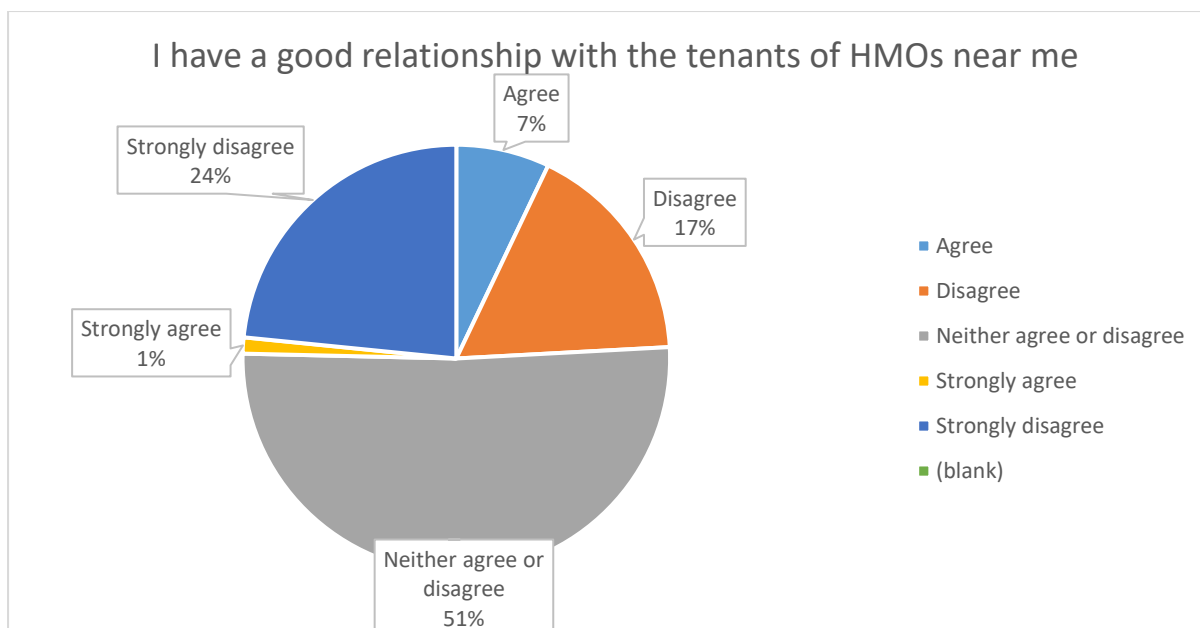


The above map illustrates where the highest responses from residents were, with the most responses seen in some PO4, PO5 and PO2 areas.

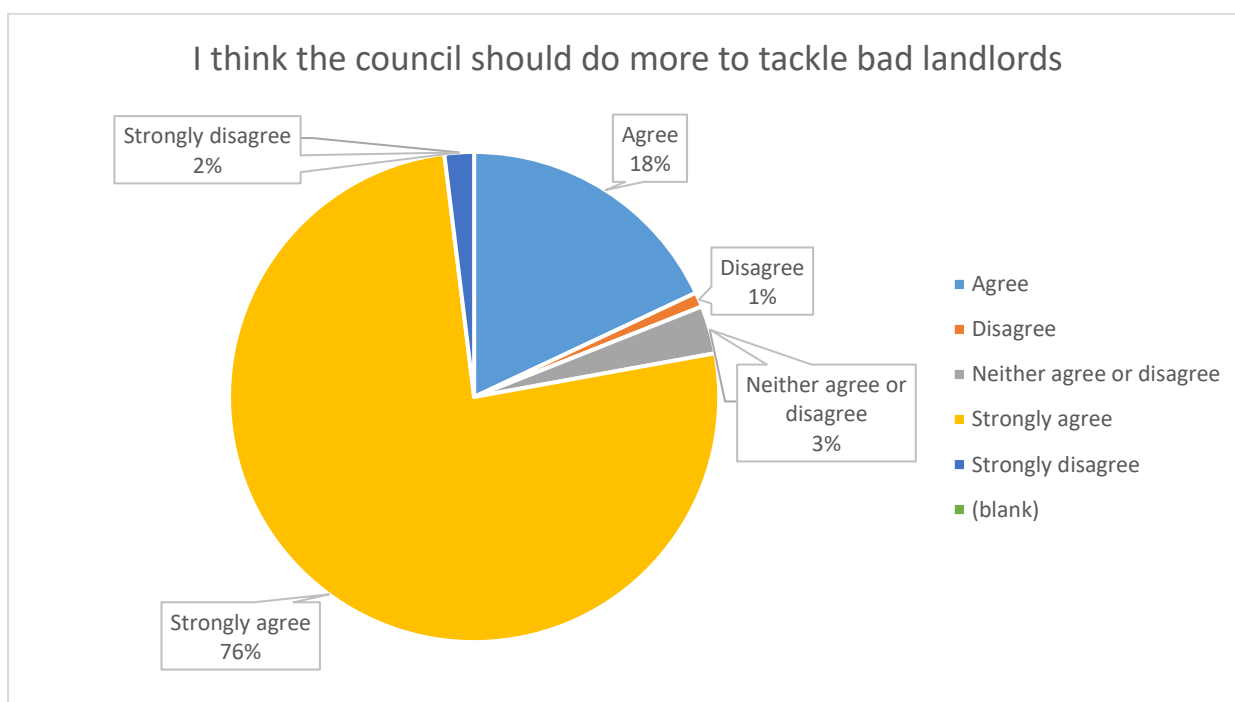


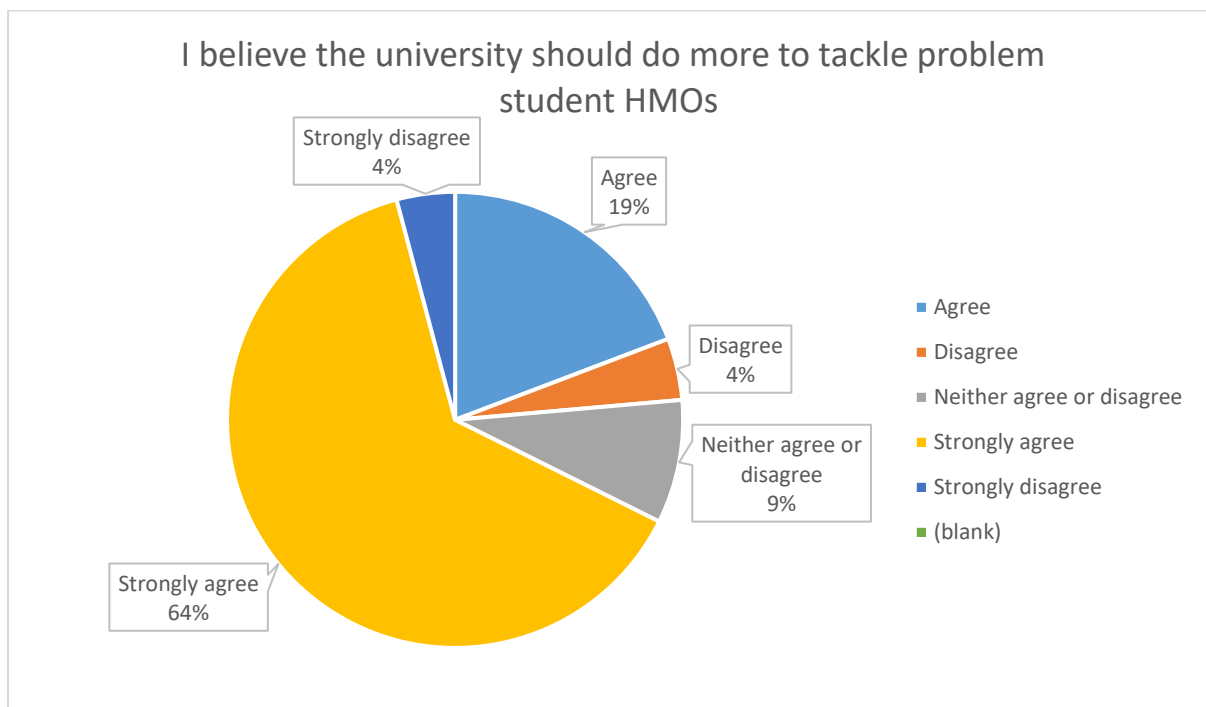
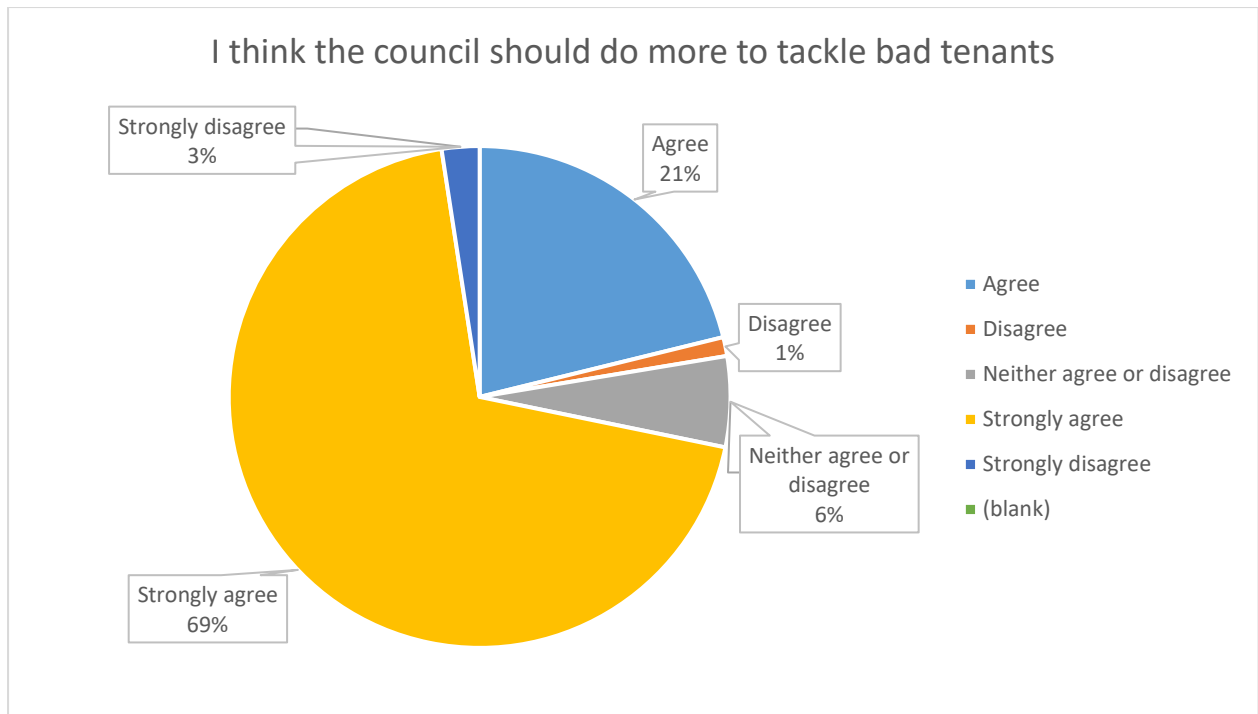
Two thirds of residents expressed that they did not consider HMOs safe or well managed, with almost the same amount of residents saying that they believed the property standards and conditions of HMOs were not good.

When asked if they felt they had a good relationship with tenants, most residents were neutral and said they neither agreed nor disagreed. The second strongest response indicated a view that residents did not have a good relationship with tenants.

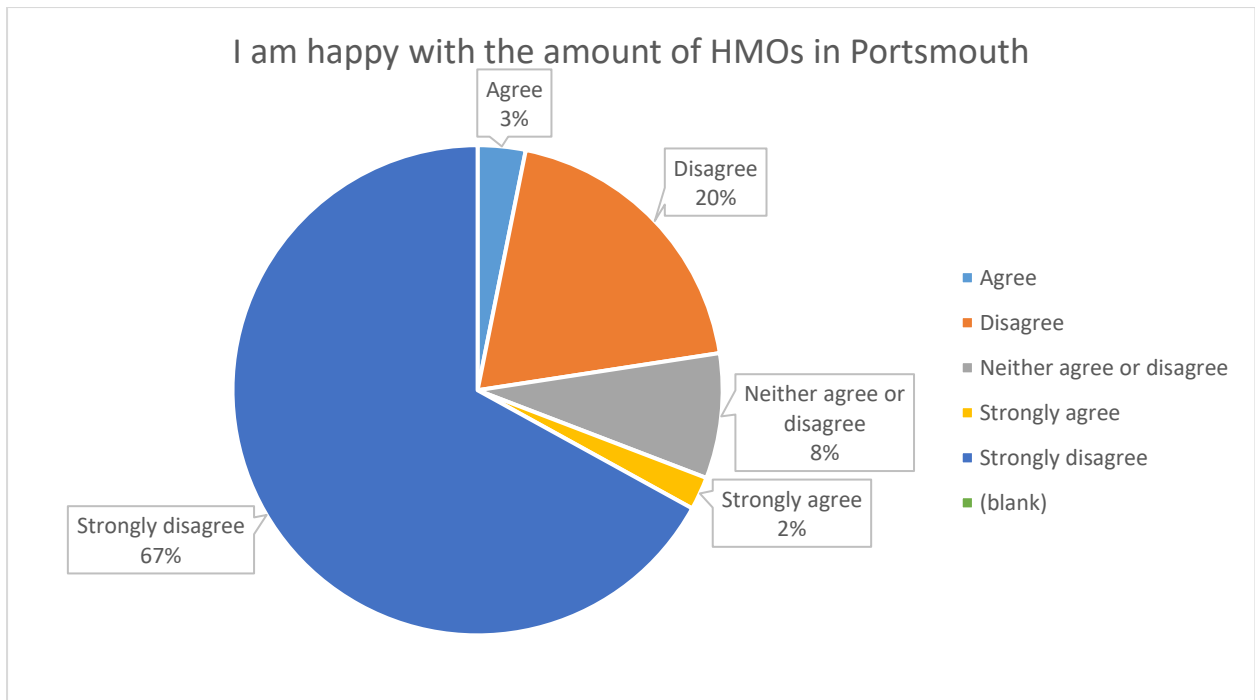


Most residents believed the council should intervene more with HMOs and most wanted the council to do more to tackle bad landlords. A similar response was given regarding tackling "bad tenants". 83% of residents felt that the University should do more to tackle problem student HMOs.

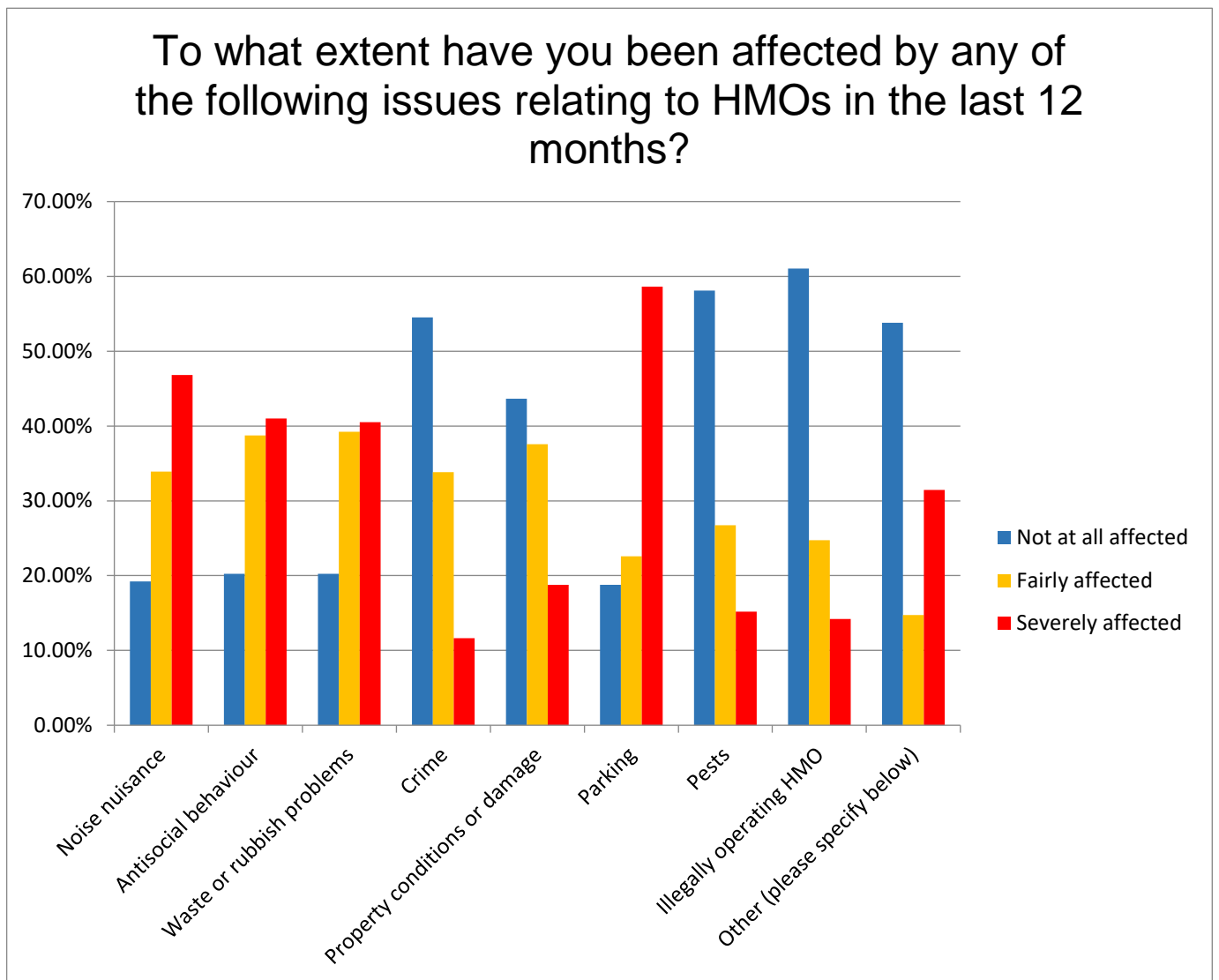




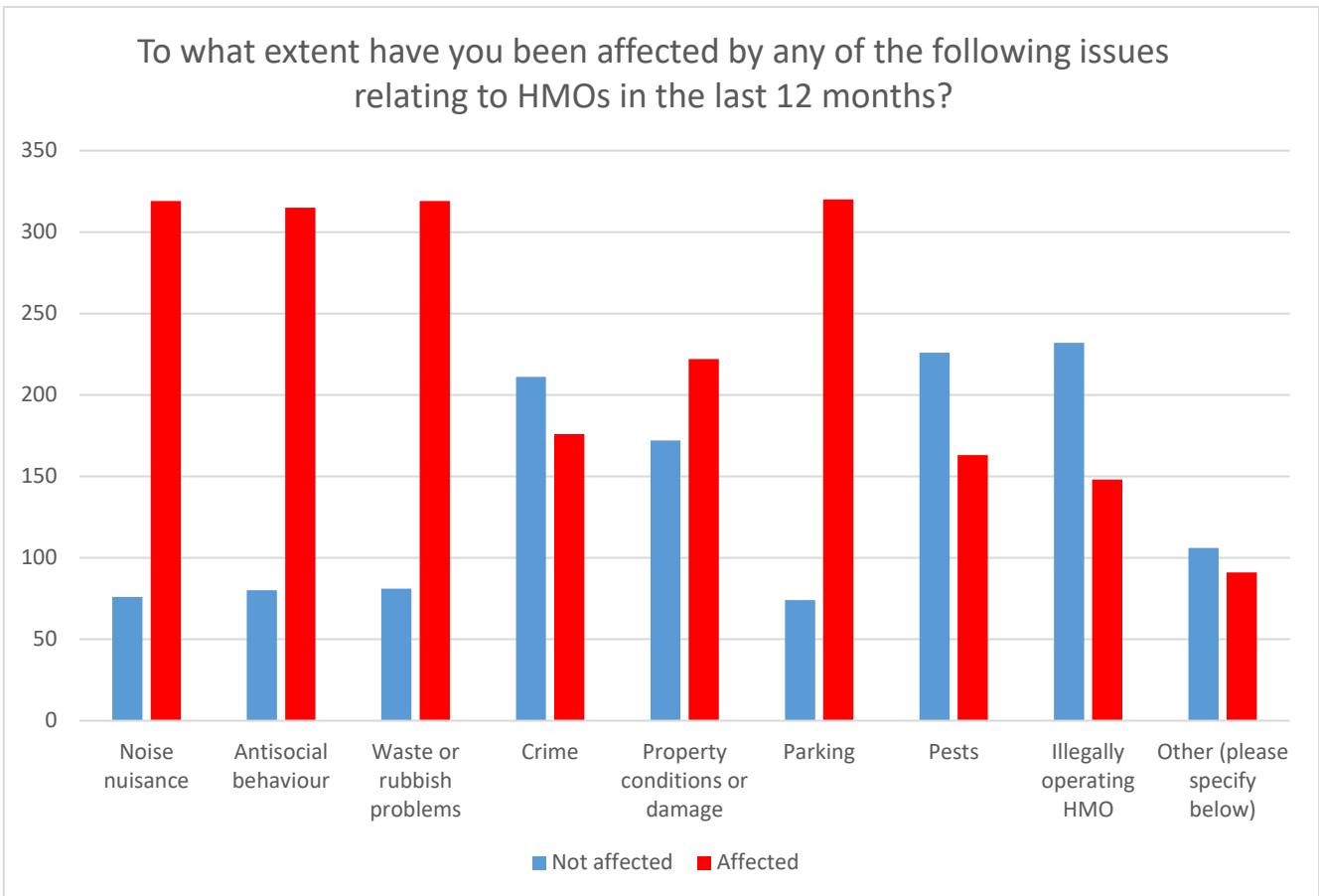
Residents told the council in the survey that they were not happy with the volume of HMOs in Portsmouth with only 5% saying they were happy with the number of HMOs in Portsmouth.



The survey asked a series of questions to indicate what issues residents were most impacted by, whether these issues were reported and who these were reported to. The below chart illustrates these key areas residents feel impacted by:

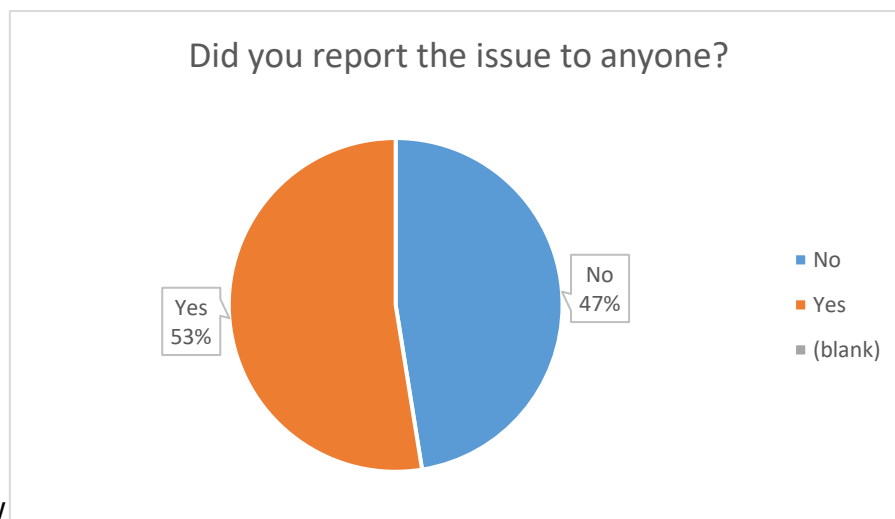


The below gives a representation of this with fairly and severely affected responses combined to show the overall highest areas residents feel impact by:

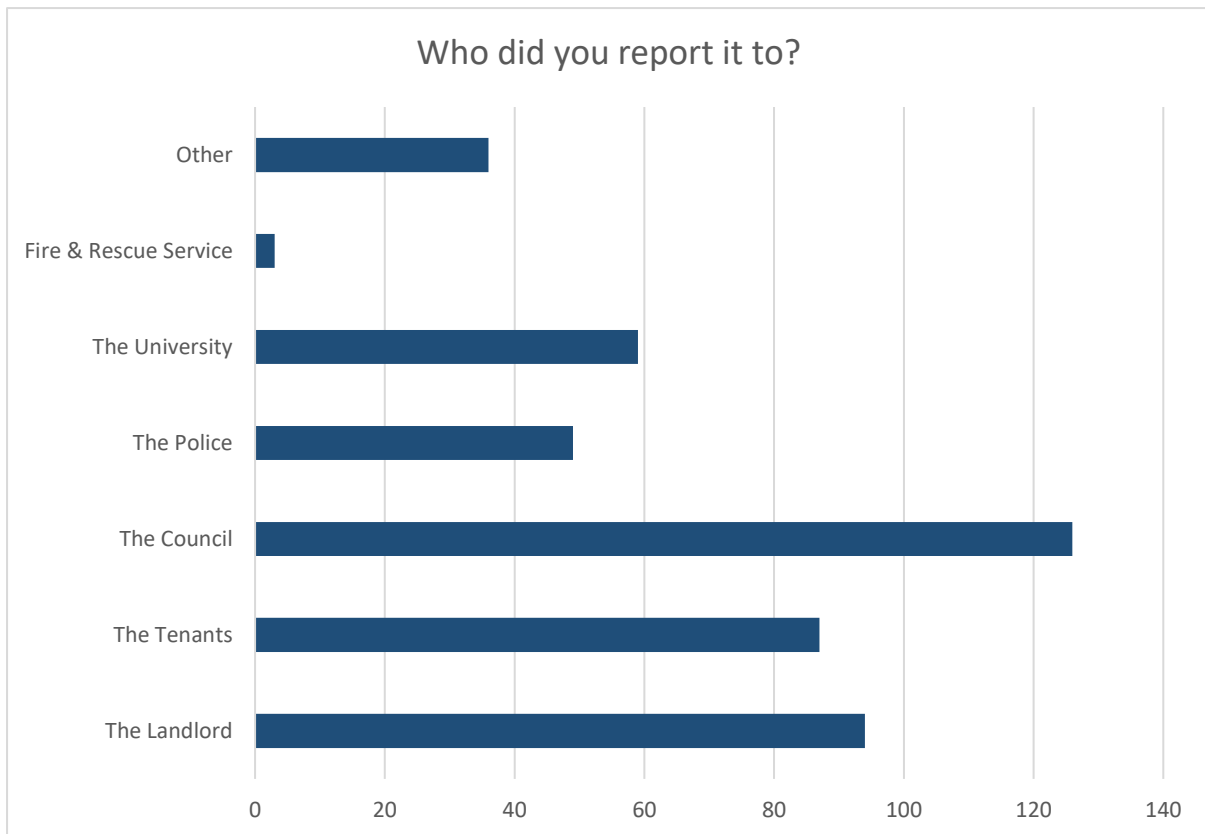


The above table shows that the main issues which residents say impact them from HMOs are: Parking, noise nuisance, waste or rubbish and antisocial behaviour. More said they were not affected by crime, pests and illegally operating HMOs than those who responded to tell the council they were.

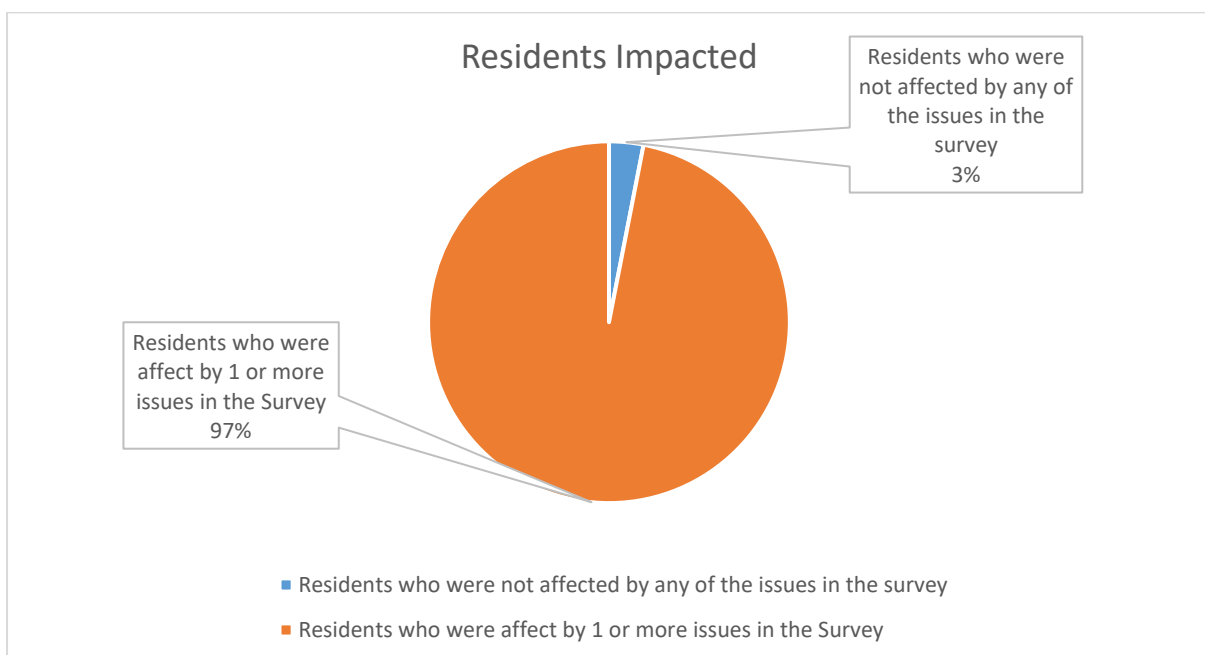
Residents were asked if they had reported any of these issues, 53% responded to say they had.



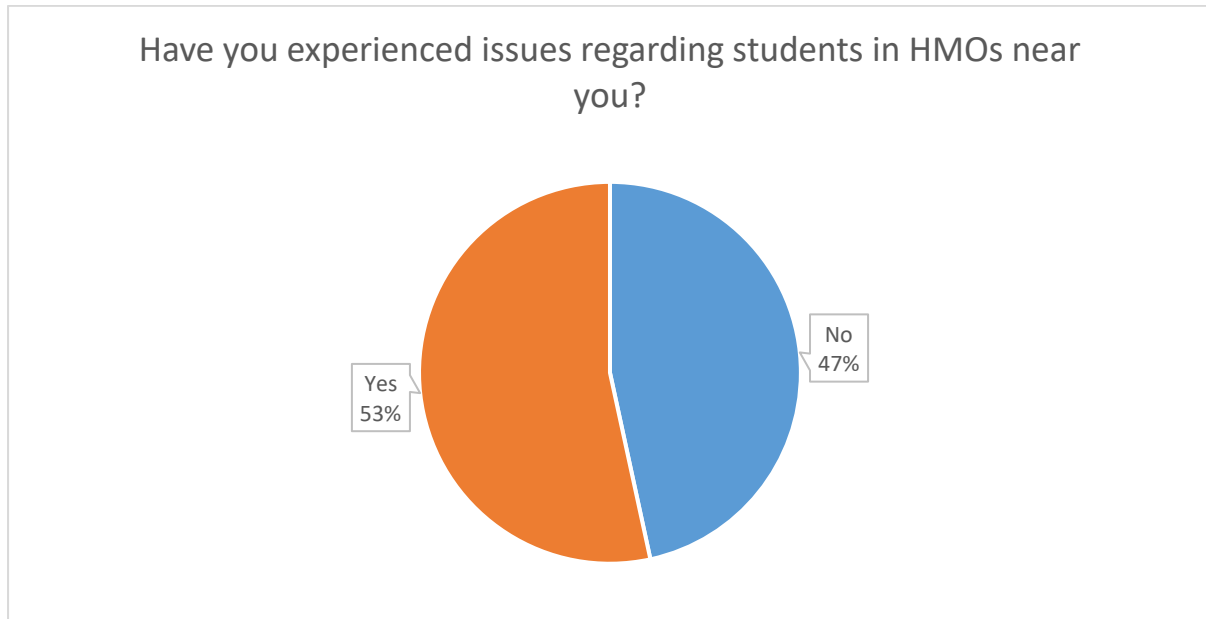
The below



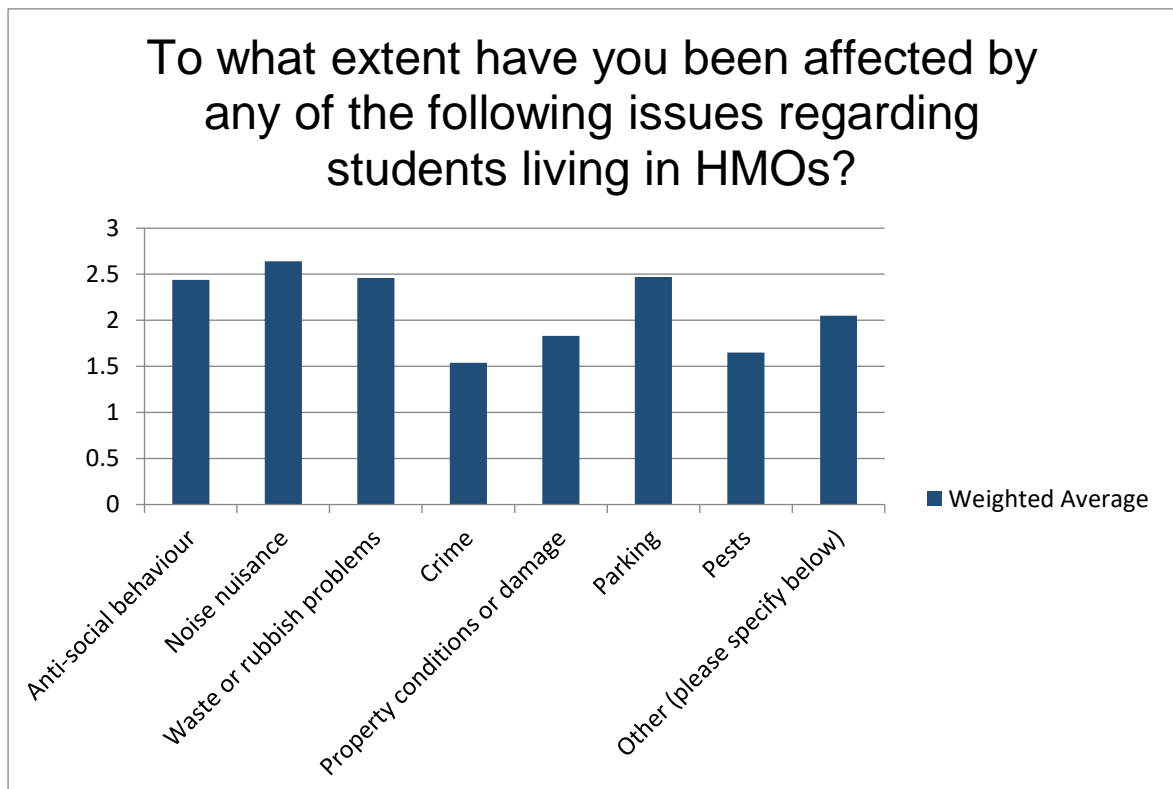
Very few residents responded to the survey said they were not impacted by any of the issues raised.



A separate series of questions was asked regarding residents who had experienced issues regarding students in HMOs near them.

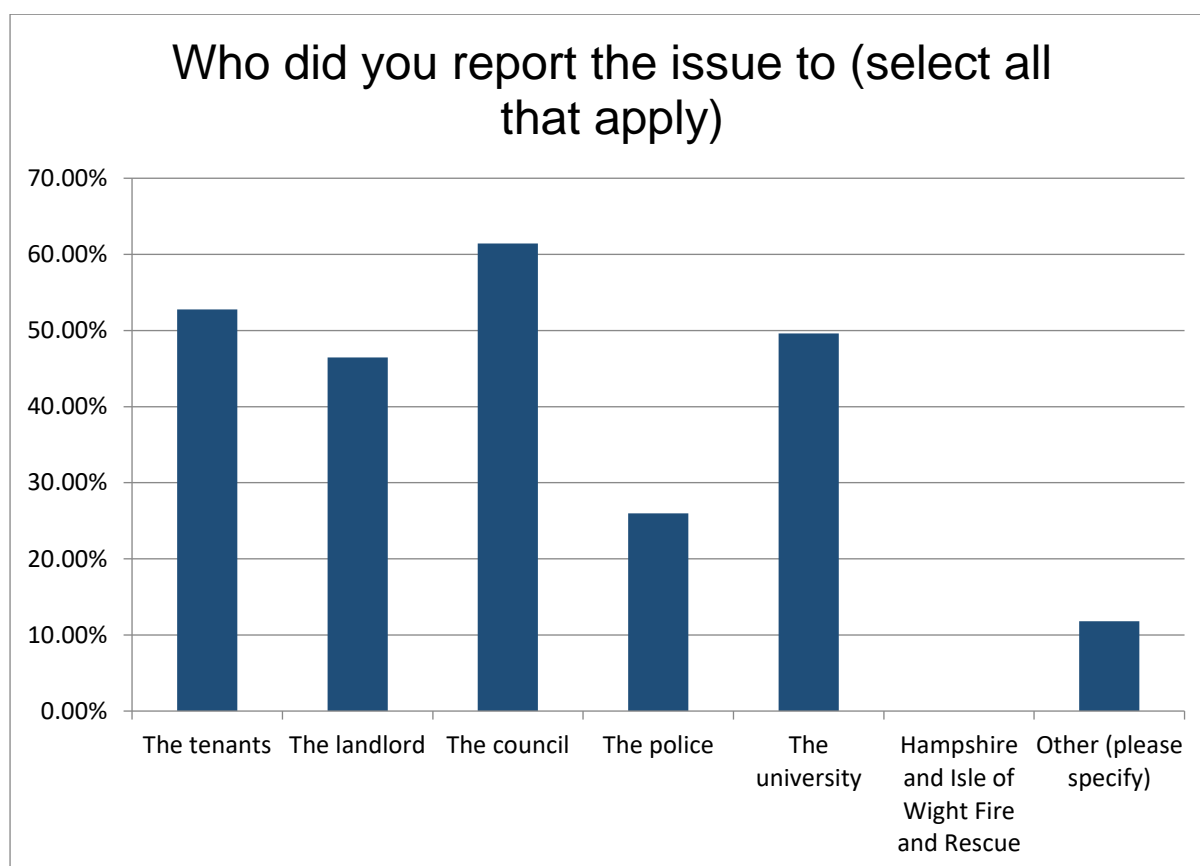


61% of those affected said that they had reported these issues. The below table illustrates the weighted average of issues resident told the council impacted them regarding student HMOs:



Similar to themes seen in all HMO responses, residents told the council noise issues and parking are ranked as having the highest impact on residents as a result of student HMOs. Comments made within the "other" category which were not captured in the main survey categories however included, a diminished sense of community, excessive building works and effect on property value.

The below shows where these issues were reported:



Findings and conclusion: I am part of the wider community who lives or works near HMOs

It is clear from the survey data and responses given at public drop in events that residents feel the most negatively impacted by HMOs as a group.

Residents told the council that the main areas they felt negatively impacted were: parking, noise nuisance, anti-social behaviour and waste/rubbish. Residents attributed these issues towards the volume of HMOs in Portsmouth, which they felt was too high and that this had created an imbalance within their communities. Residents told the council they wanted to see more done to tackle bad landlords and tenants, and wished to see the university do more to tackle problems students.

Most residents who attended drop in events spoke about a concern that HMOs were getting bigger, as a way for landlords to increase revenue without breach planning

rules regarding numbers of HMO in the city. Residents said that larger HMOs impacted on them more due to increased parking demand, anti-social behaviour due to less cohesive living arrangements and more noise being generated by an increase in adults in the property.

The results of the survey showed that 97% of residents who responded were impacted by HMOs. Of those who experienced issues with HMOs 53% reported these, with most reports being made to the council, tenants, landlords and the university. It is not known why 47% of residents have not reported issues which have impacted them. However a likely contributing factor is a feeling that issues will not or cannot be resolved, as expressed by some residents during drop in events.

Similar findings were seen regarding student HMOs and the impacts these can have on residents. 53% of residents told the council they were impacted by student HMOs, with 61% of those affected reporting these issues. Issues experienced from students resemble other HMOs, however a bigger impact from noise nuisance can be seen.

Most residents who took part in the survey were working age adults. It is likely that some of the issues experienced are as a result of conflicting lifestyles between HMO tenants and local residents. This may be more evident regarding student occupied HMOs and their neighbours. This was reflected in some of the feedback given by residents during drop in events.

The overall theme from residents suggests that behaviours of some HMO tenants, such as noise nuisance, antisocial behaviour and waste issues, have a negative impact on local residents and communities. Increased population density and the effects this has on space available also has an impact, as seen in reports of parking availability as a result of HMOs. Some feedback from residents gives a view that landlords, the council and in some circumstances the university should do more to educate tenants who disregard their community or neighbours.

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(Draft for consultation)

Private Sector Housing Space and Amenity Standards

Introduction

This document has been produced by Portsmouth City Council to provide guidance on some of the requirements for privately rented residential dwellings.

This guidance concentrates on requirements for functional space, available amenities such as kitchens and bathrooms and other design matters such as lighting and ventilation. These requirements may vary for different types of accommodation, however properties that fail to provide adequate functional space, amenities, natural lighting or ventilation may be unsuitable to be used as living accommodation.

To assess single household residential dwellings, including health and safety implications of crowding and space, as a first step, Local Authorities use the Housing Health and Safety Rating System (HHSRS). HHSRS was introduced by the Housing Act 2004 (Part 1). The underlying principle of the HHSRS is that “any residential premises should provide a safe and healthy environment for any potential occupier or visitor”

Statutory overcrowding is based on the number of occupiers and number and size of rooms available as sleeping accommodation. Statutory overcrowding is a criminal offence unless it falls within one of the exception categories.

The Housing Act 2004 (Part 2) covers licencing of Houses in Multiple Occupation. It is used as an initial step for determining suitability of Houses in Multiple Occupation (HMO's) for the occupation by a specified number of occupiers. In most cases, implications of crowding and space in an HMO would be addressed during licence application process.

A property that is shared by 5 or more occupiers that do not form one household requires a mandatory HMO licence. This includes converted building HMO's that might contain self-contained flats.

This guidance aims to provide an overview of standards and legislation applicable to certain types of accommodation to assist landlords, property managers and other stakeholders in performing their duties. This guidance will also provide tenants with information regarding adequate space and amenity standards in their home.

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PART 1 Single Household Dwellings

1. Single Household Definition¹

The single household criteria is met when premises are occupied by a single person or members of the same family. People forming a single household include:

- Married couple or civil partners or those living together as a married couple or civil partners.
- Relatives of both or one person in the couple

2. Size and Layout

The suitability of the property is assessed on the size and layout to ensure adequate and defined areas for basic activities can be provided. The following areas are required in each dwelling:

- Bedroom Area(s)
- Dining and lounge area
- Kitchen Area
- Bathroom/shower room and WC

2.1. Bedrooms, Dining and Living Rooms

All bedrooms, dining rooms and living rooms should provide sufficient functional space for basic daily activities such as sleeping, dressing, eating, relaxing, socialising and storing personal possessions. To accommodate these activities, the size and layout of the rooms should be sufficient to fit the furniture required for those activities. Furniture schedule showing standard furniture size and required activity space has been prepared using data from Metric Handbook: Planning and Design Data (6th Edition) and Housing Standards Handbook (National Housing Federation) (*See Appendix A Furniture Schedule in Technical Guidance*)

2.2. Kitchens

A kitchen area should be of an adequate size and layout to accommodate furniture and activity space for cooking, washing up and storage of dry and refrigerated goods.

- Cooking appliances should have an adjacent work surface of at least 300mm on both sides.
- Minimum width of 1.70m for "single wall kitchens" and 2.3m for "galley" kitchens should be maintained
- Each sink must be set on a suitable base and provide hot and cold water and be properly connected to the drainage system. Easily cleanable and impervious splashback (such as tiles) should be provided to all abutting walls and extend to 300mm height

¹ [Housing Act 2004 \(legislation.gov.uk\)](http://legislation.gov.uk)

- All appliances must be connected correctly by a professional to the gas or electricity supply. Electric cooking appliances must be connected as instructed by the manufacturer
- Hobs should be set at the same height as the adjacent worktop
- The worktop should be of easily cleanable and impervious material, securely fixed and sealed at all edges. Easily cleanable and impervious splashback (such as tiles) should be provided to all abutting walls and extend to 300mm height.

2.3. Bathrooms/Toilets

All bathrooms/shower rooms and WC's should be of a suitable size and layout to provide adequate drying and changing space. All baths, showers and wash hand basins (including hand basins) must provide constant hot and cold water and be connected to a drainage system.

- Separate WC units should be a minimum of 1300mm x 900mm, a total space of 1.17m² and include a hand basin with 300mm tile or alternative easily cleanable and impervious splash back to all abutting walls
- Minimum size of a bathroom should be 3.74m²; guide bathtub dimensions: 1700mm x 700mm with activity space of 900mm x 700mm next to a bathtub; bathtubs should have 450mm tile or alternative easily cleanable and impervious splash back to all abutting walls
- Where "over bath" showers are used, a well fitted screen or curtain should be provided
- Minimum size of a shower room should be 2.74m²; guide shower dimensions: 800mm x 800mm with activity space of 900mm x 700mm next to a shower cubicle; walls should be fully tiled within the cubicle (alternative easily cleanable and impervious materials are also acceptable)
- Wash hand basins should have 300mm tile or alternative easily cleanable and impervious splash back to all abutting walls; activity space of 900mm x 700mm next to a wash hand basin should be provided
- Flooring should be slip resistant, watertight and easily cleanable and be sealed at all edges

3. Statutory Overcrowding

Statutory overcrowding is addressed by applying the Room Standard and the Space Standard as set in Housing Act 1985 Part X. Statutory Overcrowding can be caused or allowed by either landlord or occupier and is a criminal offence unless it falls within one of the exception categories:

- Attaining Age of 1 or 10 - There is no offence if statutory overcrowding is caused by a child reaching a certain age and there are no other changes to the household, provided the occupier have made an application to the council for an alternative accommodation. ²

² <https://www.legislation.gov.uk/ukpga/1985/68/section/328>

- Temporary Visitation - There is no offence if statutory overcrowding is caused by a member of family staying in the property temporarily.³
- Licence for Overcrowding - Licence granted by the local housing authority to the occupiers in exceptional circumstances, such as seasonal overcrowding.

3.1. The Room Standard⁴

The Room Standard is used to assess whether the property is suitable based on the number of rooms available as sleeping accommodation and the size and composition of the household.

The Room Standard is not met where 2 people of different sex over the age of 10, who do not live together as a married or co-habiting couple, must sleep in the same room.

The rooms available as sleeping accommodation include rooms such as living rooms, studies etc.

3.2. Space Standards⁵

The space standard is used to assess the property based on the number of rooms available as sleeping accommodation and their size, taking account the size and composition of the household. (*Please see Technical Guidance 1 for the Space Standard Tables*)

4. Heating

Fixed heating equipment must be provided in all rooms, including bathroom and toilet areas. The occupying tenant must be able to control the heating and the temperature within the premises. The heating system must be capable of maintaining the adequate indoor temperatures. (*See Technical Guidance 2*)

5. Ventilation

There should be adequate means of controllable ventilation provided for people in the building, including extraction ventilation and whole building ventilation to provide continuous air flow.

Extract ventilation should be provided in each bathroom, WC, kitchen and utility room. In rooms with no openable windows, extractor fans should have at least 15 minutes overrun.

Trickle vents should ideally be positioned at minimum 1.7m above the floor level to avoid discomfort through cold drafts.

Means of ventilation such as doors and windows should be controllable. (*See Technical Guidance 3*)

³ [Housing Act 1985 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁴ [Housing Act 1985 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁵ [Housing Act 1985 \(legislation.gov.uk\)](https://legislation.gov.uk)

6. Lighting

Limited natural light can negatively impact the living environment and restrict the usability of a room. Consideration needs to be given to the amount of natural sunlight that is radiated into a room throughout daylight hours. (*See Technical Guidance 4*)

PART 2 HMO

1. House in Multiple Occupation Definition

A House in Multiple Occupation (HMO) is a property that is occupied by 3 or more unrelated persons forming 2 or more households that usually share an amenity (bathroom, toilet or cooking facilities)⁶. In some cases amenities are designated for a sole use of an occupier but are only accessible through a communal room or walkway.

2. HMO Mandatory Licence

HMOs that are occupied by 5 or more individuals as their main residence require a HMO Licence.

Other properties that do not require a licence include:

- Houses occupied by single households
- Tenants of Housing Associations or registered providers
- Student accommodation operated or owned by an approved educational establishment

Other exceptions may apply, please contact PSH for further information if required.

HMO's requiring a Mandatory Licence would normally fall within one of the following categories:

- Shared House/Flat
- Bedsit Type HMO
- Converted Building HMO

Appendix B provides an overview of the standard licence conditions.

3. Shared HMO

Shared HMO is the most common type of HMO in Portsmouth. The occupiers would usually have their own bedrooms but share kitchens, bathrooms and communal lounges and dining rooms.

It is important to ensure that all HMO's in the city offer a good standard of accommodation and provide a safe living environment. All rooms should be of a convenient, accessible and a usable shape for their intended purpose.

3.1. Bedrooms

General

When assessing the size of any room attention must be paid to the 'usability' of the space, along with the height and shape of the room. A floor to ceiling height of 2.3m over at least 75% of the usable room area is expected in any habitable room. Any

⁶ [House in multiple occupation licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

areas with a ceiling height of 1.5m or less, chimney breasts and in some cases circulation spaces behind doorways and around staircases will not be counted.

- A minimum mandatory requirement of a bedroom used by a child under 10 years of age is 4.64m².
- A minimum bedroom size of 6.51m² (single occupancy) and 10.22m² (double occupancy) is a mandatory requirement for sleeping accommodation used by occupiers aged 10 years and over.
- Portsmouth City Council expects a single bedroom to have a minimum of 7.5m² floor space and be at least 2.15m wide in line with Nationally Described Space Standards (NDSS). Additional storage provisions for the sole use of the occupier would be required if a bedroom in single occupancy is below 7.5m².
- Any room should be of a layout that can accommodate the furniture and activity space as per tables in *Technical Guidance Appendix A*

Heating

All bedrooms should be provided with fixed heating equipment capable of maintaining the temperatures of 18°C when the outdoor temperatures are -1°C. Where bedrooms areas are used significantly for other purposes such as lounging or studying, the system should be able to maintain a temperature of 21°C. The occupying tenant must be able to control the heating and the temperature within their bedrooms.⁷ (See *Technical Guidance 2*)

Ventilation

All bedrooms must have means of ventilation directly to outside. (See *Technical Guidance 3*)

Lighting

Limited and restrictive natural light and lack of view and outlook can negatively impact on the living environment and restrict usability of the room. All Bedrooms should have adequate means of lighting, view and outlook (See *Technical Guidance 4*)

3.2. Communal Areas (Kitchens, Lounges and Dining Rooms)

General

The communal space required to provide adequate living environment is determined based on the number of occupiers and size of the bedrooms.

Rooms such as conservatories and lean-to's will be disregarded unless sufficient level of thermal insulation is provided as well as means of adequate space heating.

(For the purposes of establishing required communal space, a bedroom occupied by 2 occupiers will be counted as a single room, unless the room is over 15m²)

⁷ [cieh-excess-cold-enforcement-guidance.pdf](#)

The tables below show the size of required communal space based on the occupancy levels and size of the bedrooms

OPEN PLAN COMMUNAL

		Occupancy Level							
		3	4	5	6	7	8	9	9+
Number of bedrooms over 10m ²	0	18.0	20.5	23.0	26.5	29.0	31.5	34.0	36.5
	1	16.5	19.0	21.5	25.0	27.5	30.0	32.5	35.0
	2	15.0	17.5	20.0	23.5	26.0	28.5	31.0	33.5
	3	13.5	16.0	18.5	22.0	24.5	27.0	29.5	32.0
	4		14.5	17.0	20.5	23.0	25.5	28.0	30.5
	5			15.5	19.0	21.5	24.0	26.5	29.0
	6				17.5	20.0	22.5	25.0	27.5
	7					18.5	21.0	23.5	26.0
	8						19.5	22.0	24.5
	9							20.5	23.0
	10								21.5

Where communal areas are in separate rooms, the following minimum requirements should be met:

Kitchen Size

No of occupiers sharing the kitchen	Size (m ²)
3	6
4	6.5
5	7
6	9
7	9.5
8	10
9	10.5
10	11

Open Plan Dining Room/Lounge (in addition to a separate kitchen)

		Occupancy Level							
		3	4	5	6	7	8	9	9+
Number of bedrooms over 10m ²	0	11	13	15	17	19	21	23	25
	1	10	12	14	16	18	20	22	24
	2	9	11	13	15	17	19	21	23
	3	8	10	12	14	16	18	20	22
	4		9	11	13	15	17	19	21
	5			10	12	14	16	18	20
	6				11	13	15	17	19
	7					12	14	16	18
	8						13	15	17
	9							14	16
	10								15

NOTE: Any bedrooms below 7.5m² but above statutory minimum requirement of 6.51m² require designated storage in addition to the communal requirements in the tables above.

Heating

Fixed heating must be provided in all communal rooms. The occupying tenant must be able to control the heating and the temperature within the premises. (See *Technical Guidance 2*)

Ventilation

All habitable spaces in communal areas should be provided with means of controllable ventilation. This includes extract ventilation for areas where most water vapour is released, whole building ventilation and purge ventilation such as windows.

Extract ventilation must be provided in all kitchens.

Trickle vents should ideally be positioned at minimum 1.7m above the floor level to avoid discomfort through cold drafts.

Means of purge ventilation such as external doors and windows should be controllable. (See *Technical Guidance 3*)

Lighting

Limited natural light can negatively impact the living environment and restrict the usability of a room. (See *Technical Guidance 4*)

3.3. Kitchens

All kitchens and kitchen areas shall have a safe and practical layout

- All kitchens must be suitably located in relation to the living accommodation. Kitchens should not be located more than 1 floor away from a room in which a dining area is provided
- Cooking appliances should have an adjacent work surface of at least 300mm
- No soft furnishings are to be located within 600mm of the cooker rings or hotplates
- The minimum clearance between the cooker rings or hotplates and any cupboard or extractor above must comply with the manufactures instructions
- Minimum width of 1.8m for "single wall kitchens" and 2.4m for "galley" kitchens should be maintained
- Slip resistant, watertight and easily cleanable flooring sealed at all edges must be provided

The table below provides an overview of required kitchen amenities based on the number of sharing occupiers

No of people sharing	Sinks	Cooking Appliances	Electrical sockets	Worktops	Dry Goods Storage	Refrigerated Storage*	Refuse	Fire Safety (SEE APP B)
3 to 5	1 single bowl sink and drainer	1 conventional cooker*	2 double sockets	2000mm x 600mm	3 x 500mm base and 4 x 500mm wall units with doors or equivalent	1 fridge freezer (or 1 fridge with a separate freezer)	Yes	1 Fire Blanket
6 to 7	1 double bowl sink with drainer or 1 single bowl sink with drainer and a dishwasher	2 conventional cookers** or 1 conventional cooker** and a microwave	3 double sockets	2500mm x 600mm	4 x 500mm base and 5 x 500mm wall units with doors or equivalent	1 fridge freezer and 1 fridge	Yes	1 Fire Blanket
8 to 9	1 double bowl sink with drainer and 1 single bowl sink with drainer (a dishwasher in lieu of a single bowl sink is also accepted)	2 conventional cookers	3 double sockets and 1 single socket	3000mm x 600mm	5 x 500mm base and 6 x 500 wall units with doors or equivalent	2 fridge freezers (or 2 fridges with 2 separate freezers)	Yes	2 fire Blankets
10 to 11	2 double bowl sinks with drainers	2 conventional cookers and a microwave	4 double sockets	3500mm x 600mm	6 x 500mm base and 7 x 500 wall units with doors or equivalent	2 fridge freezers and 1 fridge	Yes	2 fire Blankets

NOTES: *any combination of fridges and freezers that satisfy the requirement
 **conventional cooker to include 4 ring hob, an oven and grill

Sinks

- Space within the unit under the sink must not be included as storage space
- Each sink must be set on a suitable base system and provide hot and cold water and be properly connected to the drainage system
- Easily cleanable and impervious splashback (such as tiles) must be provided to all abutting walls and extend to 300mm height

Cooking appliances

- All appliances must be connected correctly by a professional to the gas or electricity supply
- Electric cooking appliances must be connected as instructed by the manufacturer

- Hobs should be set at the same height as adjacent worktop
- Each cooker should have a full width splashback of impervious and durable material to at least 300mm height
- Where 2 cookers/hobs are required, those should be placed at least 600mm apart

Electrics

- The requirements in the table above are in addition to power needed for white goods

Worktops

- The requirements in the table above are in addition to space needed to house cooking appliances
- The worktop should be of easily cleanable and impervious material, securely fixed and sealed at all edges.
- Easily cleanable and impervious splashback (such as tiles) must be provided to all abutting walls and extend to 300mm height

Dry goods storage

- The requirements in the table above are in addition to units underneath the sink and drainer

Refrigerated storage

- Fridge dimension: 84cm(h) x 60cm(w) x 60cm(d) 100litre capacity
- Freezer dimension: 84cm(h) x 60cm(w) x 60cm(d) 100litre capacity
- Fridge/freezer dimension: Upright 175cm(h) x 60cm(w) x 65cm(d) - 150litre capacity fresh / 85litre frozen

Refuse

- Adequate refuse facilities must be provided for the number of occupiers

Fire Safety Provisions

- Please see Appendix C

3.4. Bathrooms

All bathrooms/shower rooms and toilets must be enclosed in a separate room and have a suitable layout, providing appropriate drying and changing space. All baths, showers and wash hand basins (including hand basins) must provide constant hot and cold water and be connected to a drainage system. All installation should comply with relevant Building Regulations.

Where bathing and toilet facilities are shared between occupiers, a certain number of toilets, wash hand basin (WHB) and baths/showers are required. Any shared facilities should be in a lockable room. No bedroom should be more than 2 floors away from a bathroom/shower room or WC. Example: facilities provided on the

ground floor are suitably located to be used by the occupiers of the 2nd floor bedroom.

No of people sharing	No of bathrooms or shower rooms	No of toilets	Additional Notes
3 to 4	1	1	toilet can be located within a bathroom/shower room
5	1	1	toilet must be separate*
6 to 10	2	2	1 toilet must be separate*
10 to 15	3	3	1 toilet must be separate*

NOTES: Number of sharing occupiers does not include occupiers having exclusive use of facilities such as en-suites.

Where additional bathrooms/shower rooms containing a WC are provided in addition to minimum requirements, the requirement for separate toilet can be relaxed

WC

- Separate WC must be a minimum of 1300mm x 900mm, a total space of min 1.17m² and include a hand basin
- 300mm tile or alternative easily cleanable and impervious splash back to all abutting walls

Bathroom

- Minimum size of a bathroom should be 3.74m²
- Guide bathtub dimensions of 1700mm x 700mm
- Activity space of 900mm x 700mm next to a bathtub is required
- 450mm tile or alternative easily cleanable and impervious splash back to all abutting walls
- Well fitted screen or curtain must be provided where over bath showers are used

Shower Room

- Minimum size of a shower room should be 2.74m²
- Guide shower tray dimensions 800mm x 800mm
- Activity space of 900mm x 700mm next to a shower cubicle is required
- Fully tiled walls within the cubicle (alternative easily cleanable and impervious materials are also acceptable)

Wash Hand Basins

- Wash hand basins suitable for upper body wash must be provided in all bathrooms/shower rooms
- Guide wash hand basin dimensions 400mm x 300mm internal bowl
- Activity space of 900mm x 700mm next to a wash hand basin

- 300mm tile or alternative easily cleanable and impervious splash back to all abutting walls

Flooring

- Slip resistant, watertight and easily cleanable flooring sealed at all edges

Heating

- Fixed heating equipment must be provided in all bathrooms, shower rooms or toilets and be capable of maintaining temperature of 22°C when the outdoor temperatures are -1°C.

Ventilation

- Extract ventilation should be provided in each bathroom, shower room or room containing sanitary accommodation. In rooms with no openable windows, extractor fans should have at least 15 min overrun.

Lighting

- Adequate lighting should be provided in all bathrooms, shower rooms and toilets.

4. Bedsitting HMO

4.1. General

A bedsit is a room usually consisting of sleeping accommodation and cooking facilities, however actual facilities provided within bedsits may vary from property to property. In some cases cooking facilities for the exclusive use of the tenant are provided in a separate room accessible from communal passage, although on occasion those might be shared with other occupiers. Bedsitting HMO's often have a mixture of self-contained units and bedsits sharing some facilities such as shower rooms/bathrooms.

A good standard of accommodation is particularly important for bedsitting HMO's. The room shall be of a convenient and usable shape and should ideally be able to provide a degree of separation between sleeping room and living accommodation.

A floor to ceiling height of 2.3m over at least 75% of the usable room area is expected in any habitable room. Any areas with a ceiling height of 1.5m and less, chimney breasts and in some cases circulation spaces behind doorways and around staircases will not be counted.

Where no communal living rooms or lounges are available elsewhere in the building, the following minimum standards should be met:

- 17m² for a single occupancy bedsit
- 21m² for a double occupancy bedsit
- 20m² for a single occupancy self-contained unit
- 24m² for a double occupancy self-contained unit

Rooms such as conservatories and lean-to's will be disregarded unless sufficient level of thermal insulation is provided.

In all cases, in addition to cooking facilities below, the space available for any occupier should be capable of accommodating the furniture required in furniture schedule (See *Appendix A of Technical Guidance*)

4.2. Kitchen/kitchenettes

All kitchens and kitchen areas shall have a safe and practical layout

- Cooking appliances should have an adjacent work surface of at least 300mm
- No soft furnishings are to be within 600mm of the cooker rings or hotplates
- The minimum clearance between the cooker rings or hotplates and any cupboard or extractor above must comply with the manufactures instructions.
- All kitchen areas within bedsits must be a minimum width of 1.7m for "single wall kitchens" and 2.3m for "galley".

No of people sharing	Sinks	Cooking Appliances	Electrics	Worktops	Dry Goods Storage	Refrigerated Storage	Refuse	Fire Safety (SEE APP 1)
Single Occupancy	1 single bowl sink and drainer	2 ring hob and oven (microwave oven is acceptable)	2 double sockets	1000mm x 600mm	1 x 500mm base and 2 x 500mm wall units with doors or equivalent	1 under counter fridge freezer	Yes (600mm x 300mm space)	1 Fire Blanket
Double Occupancy	1 single bowl sink and drainer	2 ring hob and oven	2 double sockets	1000mm x 600mm	2 x 500mm base and 2 x 500mm wall units with doors or equivalent	1 under counter fridge freezer	Yes (600mm x 300mm space)	1 Fire Blanket

Sinks

- Space within the unit under the sink must not be included as storage space
- Each sink must be set on a suitable base and provide hot and cold water and be properly connected to the drainage system
- Easily cleanable and impervious splashback (such as tiles) must be provided to all abutting walls and extend to 300mm height.

Cooking appliances

- All appliances must be connected correctly by a professional to the gas or electricity supply
- Electric cooking appliances must be connected as instructed by the manufacturer. This will often require equipment having their own fused spur.
- Hobs should be set at the same height as adjacent worktop

Electrics

- The requirements in the table above are in addition to power needed to house cooking appliances

Worktops

- The requirements in the table above are in addition to space needed to house cooking appliances.
- The worktop should be of easily cleanable and impervious material, securely fixed and sealed at all edges
- Easily cleanable and impervious splashback (such as tiles) must be provided to all abutting walls and extend to 300mm height

Dry goods storage

- The requirements in the table above are in addition to units underneath the sink and drainer

Refrigerated storage

- Fridge/freezer dimension: 84cm(h) x 60cm(w) x 60cm(d) 100litre capacity

4.3. Bathrooms

All bathrooms/shower rooms and toilets must be enclosed in a separate room and have a suitable layout, providing appropriate drying and changing space. All baths, showers and wash hand basins (including hand basins) must provide constant hot and cold water and be connected to a drainage system.

Where some HMO units are not self-contained and bathing and toilet facilities are shared between occupiers, a certain number of toilets, wash hand basin (WHB) and baths/showers are required. Any shared facilities should be in a lockable room. No bedroom should be more than 2 floors away from a bathroom or WC. Example: facilities provided on the ground floor are suitably located to be used by the occupiers of the 2nd floor bedroom.

No of people sharing	No of bathrooms or shower rooms	No of toilets	Additional Notes
3 to 4	1	1	toilet can be located within a bathroom/shower room
5	1	1	toilet must be separate*
6 to 10	2	2	1 toilet must be separate*
10 to 15	3	3	1 toilet must be separate*

Note *where additional bathrooms/shower rooms containing a WC are provided in addition to minimum requirements, the requirement for separate toilet can be relaxed

WC

- Separate WC units must be a minimum of 1300mm x 900mm, a total space of 1.17m² and include a hand basin with 300mm tile or alternative easily cleanable and impervious splash back to all abutting walls

Bathroom

- Minimum size of a bathroom should be 3.74m²
- Guide bath dimensions of 1700mm x 700mm
- Activity space of 900mm x 700mm next to a bathtub is required
- 450mm tile or alternative easily cleanable and impervious splash back to all abutting walls
- Well fitted screen or curtain must be provided where over bath showers are used

Shower Room

- Minimum size of a shower room should be 2.74m²
- Guide Shower dimensions 800mm x 800mm
- Activity space of 900mm x 700mm next to a shower cubicle is required
- Fully tiled walls within the cubicle (alternative easily cleanable and impervious materials are also acceptable)

Wash Hand Basins

- Wash hand basins suitable for upper body wash must be provided in all bathrooms/shower rooms
- Guide wash Hand Basin dimensions 400mm x 300mm internal bowl
- Activity space of 900mm x 700mm next to a wash hand basin
- 300mm tile or alternative easily cleanable and impervious splash back to all abutting walls

Flooring

- Slip resistant, watertight and easily cleanable flooring sealed at all edges

4.4. Heating

Fixed heating equipment must be provided in all rooms, including bathroom and toilet areas. The occupying tenant must be able to control the heating and the temperature within the premises. (*See Technical Guidance 2*)

4.5. Ventilation

There shall be adequate means of controllable ventilation provided for people in the building. This includes extract ventilation, such as extractor fans, for areas where most water vapour is released, whole building ventilation, such as trickle vents, providing continuous air exchange and purge ventilation such as windows.

Extract ventilation should be provided in each bathroom, kitchen, utility room and for sanitary accommodation. In rooms with no openable windows, extractor fans should have at least 15 min overrun.

Trickle vents should ideally be positioned at minimum 1.7m above the floor level to avoid discomfort through cold drafts.

Means of purge ventilation such as external doors and windows should be controllable and be of an adequate size. (*See Technical Guidance 3*)

4.6. Lighting

Limited natural light can negatively impact the living environment and restrict the usability of a room. Consideration needs to be given to the amount of natural sunlight that is radiated into a room throughout daylight hours. (*Please see Technical Guidance 4*)

Part 3 FIRE SAFETY

1. General Requirements

Assessments of residential dwellings for fire safety cover a wide range of fire risks and fire precautions to mitigate those risks. The property is usually assessed on the following aspects:

- Type, size and layout of the premises
- Tenure type and lifestyle of the occupiers
- Type of fire detection system and firefighting equipment
- Deficiencies of structure, fixtures and fittings

The minimum fire detection requirements for residential dwellings are set in The Smoke and Carbon Monoxide Alarm (England) Regulations 2015⁸. Private Residential landlords are required to:

- Provide at least one smoke alarm installed on every floor of their rental property which is used as living accommodation (including floors with bathroom and toilet facilities)
- Provide a carbon monoxide alarm in any room used as living accommodation where solid fuel is used (including floors with bathroom and toilet facilities)
- Ensure the alarms are in working order at the start of each new tenancy

The above minimum requirements are usually sufficient for most single household residential dwellings, however this may not always be the case. All HMO's will require additional fire safety features. The table below provides an overview of minimum fire safety requirements for different types of accommodation.

Lower Risk HMOs are usually lower occupancy HMOs (up to 4 people) rented out on a joint tenancy to an identifiable social group. For example a small group of students that are likely to know each other and have a higher social interaction level.

Higher Risk HMO's include all Bedsitting HMO's, most HMO's rented out on separate "room" contracts and in some cases HMO's rented out to vulnerable tenants.

Fire safety requirements for different types of accommodation are set in the table below.

Fire Safety Feature	Single Household (up to 3 storey)	1-2 Storey Lower Risk HMO	3-4 Storey Lower Risk HMO	1-2 Storey Higher Risk HMO	3-4 Storey Higher Risk HMO
Fire Alarm System	Mains wired smoke alarms on every floor used as living accommodation* and carbon monoxide alarms in every room with solid fuel burning appliance are	Interlinked mains wired with tamper proof backup supply (Grade D1) smoke alarms located in the escape route at all levels and the lounge/dining area with additional interlinked heat alarm in the kitchen	Interlinked mains wired with tamper proof backup supply (Grade D1) smoke alarms located in the escape route at all levels and the lounge/dining area with additional interlinked heat	Interlinked mains wired smoke alarms with tamper proof backup supply (Grade D1) located in the escape route on each level, interlinked heat detectors in each kitchen including bedsitting kitchens, interlinked (Grade D1)	Grade A alarm system comprising of a central control panel, interlinked mains wired smoke alarms located in the escape route on each level, interlinked heat detectors in each kitchen including bedsitting kitchens, interlinked smoke

⁸ [The Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

	required. Interlinked system with a heat detector in the kitchen area is recommended.	area are required. Smoke alarms in bedrooms are recommended	alarm in the kitchen area are required. Smoke alarms in bedrooms are recommended	smoke alarms in any communal areas such as lounges or dining rooms with stand-alone (non-interlinked) smoke alarms in each bedsitting sleeping/living area	alarms in any communal areas such as lounges and dining rooms with additional stand-alone smoke alarms in each bedsitting sleeping area/living area
Fire Doors	Sound, well-constructed and close-fitting conventional doors are required. FD30S door in the kitchen is recommended	Sound, well-constructed and close-fitting doors of such as solid wood are acceptable. FD30S door separating higher risk rooms and fire escape route are required	FD30 doors to all bedrooms, FD30S doors separating higher risk rooms from the fire escape route are required	FD30S doors to all bedsitting rooms and any shared communal lounges, dining rooms and kitchens that open onto fire escape route	FD30S doors to all bedsitting rooms and any shared communal lounges, dining rooms and kitchens that open onto fire escape route
Protected Escape Route	No requirement for a protected escape route. Sound and conventional construction with not excessive travel distance is acceptable	Sound and conventional construction with adequate compartmentation. Must not pass through high risk rooms.	30 minute protected fire escape route is required. The travel distance must not be excessive and must not pass through a risk room	30 minute protected fire escape route is required	30 minute protected fire escape route is required. The travel distance must not be excessive
Fire Fighting Equipment	Fire Blanket in the kitchen strongly recommended	Fire Blanket in the kitchen is required	Fire Blanket in the kitchen is required	Fire blanket in each kitchen including bedsits containing kitchen facilities	Fire blanket in each kitchen including bedsits containing kitchen facilities
Emergency Lighting	No requirement for Emergency Lighting	No requirement for Emergency Lighting	Emergency lighting required if the route is long and complex	Emergency lighting is required if the route is long and complex	Emergency lighting is required if the route is long and complex and recommended in all cases
Fire Safety Signs	Not Required	Not required unless the route is long and complex	Required if the route is long and complex	Required if the route is long and complex	Final Exit Sign and signage along escape route required if the route is long and complex and recommended in all cases

NOTES:

Living Accommodation of Single Occupancy Buildings includes floors includes containing bathroom and toilet facilities

Higher Risk Rooms include communal kitchens, lounges, dining rooms etc

FD30 doors are fire doors (including door leaf, door frame and hardware) providing a minimum of 30 minute fire resistance)

FD30S doors are FD30 doors with smoke seals preventing a passage of smoke. Any reference to FD30S doors in the above table includes self-closing devices.

Risk Room is the room with higher eventuality of fire starting such as kitchens, dining rooms and lounges.

30 minute protected fire escape route is a route out of the building to a place of safety that provides 30 minute protection from fire originating from rooms opening onto it.

2. Fire Safety Risk Assessments

Fire risk assessment is a good practice for all residential dwellings and is a requirement for Houses in Multiple Occupation under Regulatory Reform (Fire Safety) Order 2005. All licensable properties must have a written record of the Fire Risk Assessment for the premises. Any such assessment must be reviewed regularly to keep it up to date, particularly following any changes in layout or type of tenancy.

Fire risk assessments must contain prescribed information regarding any group of persons identified by the assessment as being especially at risk and significant findings of the assessment, including the measures which have been or will be taken by the responsible person. Fire risk assessments must be undertaken by a competent person, defined in fire safety risk assessment as: "someone with enough training and experience or knowledge and other qualities to be able to implement preventative and protective measures required by the Order properly"⁹.

Significant Findings should include the following:

- The fire hazards and deficiencies identified
- Persons at risk including persons particularly at risk
- Preventative and protective measures that will be taken to reduce the chance of uncontrolled fire
- Actions to be taken in the event of fire
- Information and instruction for that might be required for occupiers or relevant persons

Appendix C provides a sample Fire Risk Assessment (HMO) Template

⁹ [Guidance overview: Fire safety risk assessment: sleeping accommodation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-risk-assessment-sleeping-accommodation)

PART 4 TECHNICAL GUIDANCE

1. Statutory Overcrowding

To calculate the size of the household, the following rules should be applied:

- Anyone 10 years of age and above counts as 1 person
- Children under 10 years of age count as ½ person
- Small children under age of 1 should not be included in the calculation

To calculate the number of rooms available as sleeping accommodation, the following rules should be applied:

- Include rooms such as living rooms, studies etc
- Do not include any rooms smaller than 4.6m² (50 square feet)

To meet the space standard, the requirements in the tables below should be met:

Number of Rooms	Number of Persons
1	2
2	3
3	5
4	7.5
5 or more	2 for each room

Min Size of the Room (m ²)	Max Number of Persons
10.2	2
8.4	1.5
6.5	1
4.6	0.5

2. Heating

The heating system must be capable of maintaining the following temperatures when the outdoor temperatures are -1C^o¹⁰

- Reception rooms: 21°C
- Kitchens large enough to also accommodate dining space: 21°C
- Bedrooms: 18°C
- Bathrooms: 22°C
- Hallways: 19°C

3 Ventilation

To provide adequate purge ventilation, the following criteria should be met:¹¹

For external doors, hinged or pivot window that open 30° or more or for parallel sliding windows (e.g. vertical sliding sash windows), the height x width of the opening part should be at least 1/20th of the floor area of the room.

- For a hinged or pivot window that opens between 15° and 30°, the height x width of the opening part should be at least 1/10th of the floor area of the room

¹⁰ [cieh-excess-cold-enforcement-guidance.pdf](#)

¹¹ [Ventilation: Approved Document F - GOV.UK \(www.gov.uk\)](#)

- If the window opens less than 15° it is not suitable to provide purge ventilation
- The areas of all window openings might be added to achieve the required proportion of the floor area

3. Lighting

The following daylight target illuminance values should be exceeded over at least 50 % of the points on a reference plane 0.85 m above the floor, for at least half of the daylight hours ¹²

- 100 Lux in Bedroom Areas
- 150 Lux in Living Room Areas
- 200 Lux in Kitchen Areas

Where one room serves more than one purpose, the higher target illuminance value should be achieved.

500 Lux target illuminance is required for food preparation areas, however this can be achieved with aid of artificial lighting.

¹² BS EN 17037:2018 Daylight in Buildings

APPENDIX A: FURNITURE SCHEDULE

Furniture	Typical Size (mm)	Access/Activity zone (mm)	Number of items Required (by sharing occupiers)							
			1	2	3	4	5	6	7	Plus 1
LIVING ROOM										
Armchair	850 x 850	300 directly in front	2	2	3	1	2	3	4	plus 1
3 Seater Sofa	850 x 1850	300 directly in front				1	1	1	1	1
TV			1	1	1	1	1	1	1	1
Coffee Table	500 x 1050		1	1	1	1	1	1	1	1
Occasional Table	450 x 450		1	1	1	1	1	1	1	1
Storage Units	500 x length	500 directly in front	1000	1000	1000	1500	2000	2000	2000	
Walkthrough		750	1	1	1	1	1	1	1	1
DINING SPACE										
Dining Chair	450 x 450		2	2	3	4	5	6	7	plus 1
Dining Table	800 x length		800	800	1000	1200	1350	1500	1650	plus 150
BEDROOM										
Bed	1900 x width	400 at access sides	900	1350						
Bedside Table	400 x 400	500 directly in front	1	2						
Chest of Drawers	450 x 750	500 directly in front	1	1						
Desk and Chair	500 x 1050 plus chair	700 in front of desk	1	1						
Wardrobe	600 x width	500 directly in front	600	1200						

NOTES: 3 seater sofa requirements are in addition to Armchair requirements; 750mm diameter coffee tables acceptable as an alternative to; wall mounted TV is acceptable. Twin bedroom requirements: 2 single beds instead of a double bed.

APPENDIX B: STANDARD LICENCE CONDITIONS

This section will provide a list of standard licence conditions and a brief explanation

1. ***The licence holder will provide to Portsmouth City Council (The Council) copies of the following documents on, or within, 2 weeks of each anniversary of the granting of this licence:***
 - a) ***A current certificate certifying the safety of the landlord's gas appliances and installations (if present)***
 - b) ***A current certificate of service demonstrating the proper operation of the fire alarm system(s) (If required).***
 - c) ***Details of visual inspection and testing of the fire alarm system by the licence holder.***
 - d) ***A current certificate of service demonstrating the proper operation of the emergency lighting system (if present).***
 - e) ***A current PAT certificate (electrical appliance safety certificate) for appliances provided by the landlord (if required).***

NOTES: - The Gas Safety Certificate must be carried out annually as set out in The Gas Safety (Installation and Use) Regulations 1998

- Grade A alarm system should be serviced every 6 months as set is BS 5839
- Grade A alarm systems should be tested weekly and recorded at least once a month. Other systems should be tested monthly (BS 5839). Portsmouth City Council accept a quarterly testing of Grade D alarms by the manager or licence holder, with 2 out of 3 tests per quarter carried out by the tenant. Monthly records of alarm testing should be provided in all cases.
- Monthly testing should be undertaken to ensure all luminaires are in a good working order. A full rated duration test should be undertaken annually.
- PAT testing should be done annually

2. ***With the exception of item (c) above, all these documents are to be provided by a competent person (fully qualified Electrician who is a member of a recognised Electrical association such as NAPIT or other similar association). Or a member of Gas Safe association with regards to gas safety certificates.***

NOTES: Competent person is a person with the relevant current training and experience, and with access to the requisite tools, equipment and information, and capable of carrying out a defined task.

In case of Gas Safety Certificates, a competent person means an engineer recognised by the Council of Registered Gas Installers as being competent to undertake such testing. (The Gas Safety (Installation and Use) Regulations 1998 Reg 3) GAS SAFE replaced CORGI as HSE SCHEME IN 2009.

In case of Electrical Works, the definition of competent person is the same as definition of "a skilled person" in BS 7671 : "a person who possesses, as appropriate to the nature of work being undertaken, adequate education, training and practical skills, and who is able to perceive risks and avoid hazards which electricity can create"

- 3. The following rooms are to be occupied for sleeping purposes by no more than the number of persons stated below:**

Room number on plan Occupancy level

X xxx

NOTES: This condition provides an overview of rooms available as sleeping accommodation with a permitted occupancy level.

- 4. The following room(s) are NOT to be used as sleeping accommodation by any person:**

NOTES: Condition 4 will only be applicable to some licences and is left blank in most cases.

- 5. The licence holder will inform the local housing authority of any rooms within the property which have a floor area of less than 4.64 square metres.**

NOTES: Condition 5 is a mandatory condition as set in the Housing Act 2004 Schedule 4 (Licences Under Part 2 and 3: Mandatory Conditions)

"- (6)Conditions requiring the licence holder to notify the local housing authority of any room in the HMO with a floor area of less than 4.64 square metres"

- 6. A copy of the following documents shall be displayed in the HMO to which all tenants have access:**

- a) this licence, and the conditions attached thereto;**
- b) the manager's contact details; and**
- c) the procedure for notifying the manager of any emergency and other complaints concerning the property and details of how the manager will address them.**

NOTES: Condition 6 is reflective of Management of Houses in Multiple Occupation (England) Regulations 2006

"Duty of Manager to Provide Information to Occupier:

- 3. The manager must ensure that—**

(a) his name, address and any telephone contact number are made available to each household in the HMO; and

(b) such details are clearly displayed in a prominent position in the HMO"

- 7. The licence holder must comply with any waste management scheme, introduced by the local housing authority in respect of the storage and**

disposal of the household waste from the property pending collection.

NOTES: Condition 7 is a mandatory condition as set in the Housing Act 2004 Schedule 4 (Licences Under Part 2 and 3: Mandatory Conditions)

"1C. Where the HMO is in England, a licence under Part 2 must include conditions requiring the licence holder to comply with any scheme which is provided by the local housing authority to the licence holder and which relates to the storage and disposal of household waste at the HMO pending collection."

Condition 7 is also reflective of Management of Houses in Multiple Occupation (England) Regulations 2006

" Duty to provide waste disposal facilities:

9. *The manager must—*

(a)ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and

(b)make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority."

PCC Waste Department allow the following allocations:

Amount of bedrooms in HMO	Size of refuse bin needed	Size of recycling bin needed
3	180 litre	240 Litre
4 to 5	240 litre	240 Litre
6 to 7	360 litre	360 Litre
8 to 10	360 litre + 140 litre	360 Litre
10 to 12	360 litre + 240 litre	360 Litre + 240 litre
12+	2 x 360 litre	2 x 360 litre

- 8. Any alteration to the electrical wiring must be completed by a competent fully qualified Electrician as mentioned in section 2.**

NOTES: Definition of "competent and fully qualified" person in Condition 8 is the same as a definition of "a skilled person" in BS 7671 : "a person who possesses, as appropriate to the nature of work being undertaken, adequate education, training and practical skills, and who is able to perceive risks and avoid hazards which electricity can create"

- 9. The licence holder is required to ensure that smoke alarms are installed in the property and that these are kept in proper working order. Further, a licence holder will be required to supply the local housing authority, on demand, with a written declaration by him as to the condition and positioning of such alarms.**

NOTES: Condition 9 is a mandatory condition as set in the Housing Act 2004 Schedule 4 (Licences Under Part 2 and 3: Mandatory Conditions)

" (4)Conditions requiring the licence holder—

(za)where the house is in England—

(i)to ensure that a smoke alarm is installed on each storey of the house on which there is a room used wholly or partly as living accommodation, and

(ii)to keep each such alarm in proper working order;

(a) where the house is in Wales, to ensure that smoke alarms are installed in the house and to keep them in proper working order;

(b) in either case, to supply the authority, on demand, with a declaration by him as to the condition and positioning of such alarms."

Condition 9 also reflects The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 which cover all residential lettings:

"Duties of relevant landlord in relation to prescribed alarms

4.—(1) A relevant landlord in respect of a specified tenancy must ensure that—

(a)during any period beginning on or after 1st October 2015 when the premises are occupied under the tenancy—

(i) a smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation"

- 10. The licence holder is required to ensure that the carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance and that these are kept in proper working order. Further, a licence holder will be required to supply the local housing authority, on demand, with a written declaration by him as to the condition and positioning of such alarm.**

NOTES: Condition 10 is a Mandatory Condition as set in Housing Act 2004 Schedule 4 (Mandatory Conditions)

"(4A) Where the house is in England, conditions requiring the licence holder—

(a) to ensure that a carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;

(b) to keep any such alarm in proper working order; and

(c) to supply the authority, on demand, with a declaration by him as to the condition and positioning of any such alarm"

Condition 10 is in line with The Smoke and Carbon Monoxide Alarm (England) 2015 Regulations which cover all residential lettings:

"Duties of relevant landlord in relation to prescribed alarms

4.—(1) A relevant landlord in respect of a specified tenancy must ensure that—

(a) during any period beginning on or after 1st October 2015 when the premises are occupied under the tenancy—

(ii) a carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance;"

- 11. The licence holder is required to ensure that furniture made available by him in the house is in a safe condition. Further a licence holder will supply to the local housing authority on demand, with a written declaration by him of the safety of such furniture.**

NOTES: Condition 11 is a mandatory condition as set in Housing Act 2004 Schedule 4 (Mandatory Conditions)

"(3) Conditions requiring the licence holder—

(a) to keep electrical appliances and furniture made available by him in the house in a safe condition;

(b) to supply the authority, on demand, with a declaration by him as to the safety of such appliances and furniture;"

Condition 11 is in line Furniture and Furnishings (Fire Safety) Regulations 1988 which is also applicable to other residential lettings.

- 12. The licence holder is to ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations; "electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010."**

NOTES: Condition 12 is reflective of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 that stipulate a requirement for Electrical Installation Condition Reports for all residential rental properties. A copy of the Electrical Installation Report must be supplied to the Local Authority within 7 days of receiving a written request. Electrical defects marked as C1, C2 and FI must be addressed within 28 days of the report date. Written confirmation of completed works must be supplied to the tenants and to the Local Authority within 28 days of completed works.

- 13. At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear, plus how to use the fire alarm system, fire extinguishers and fire blankets.**

NOTES: Condition 13 is in line with Management of Houses in Multiple Occupation (England) Regulations 2006:

"Duty of Manager to Take safety Measures

4(1) The manager must ensure that all means of escape from fire in the HMO are—

(a) kept free from obstruction; and

(b) maintained in good order and repair.

(2) The manager must ensure that any fire fighting equipment and fire alarms are maintained in good working order.

(3) Subject to paragraph (6), the manager must ensure that all notices indicating the location of means of escape from fire are displayed in positions within the HMO that enable them to be clearly visible to the occupiers."

- 14. The licence holder is to ensure that the requirements of landlord and tenant legislation are properly adhered to. In particular, the licence holder will ensure that written terms of tenancy are to be provided for all occupiers. These terms will describe and give details of:**

- a) The type of tenancy, its duration and terms of notice.**
- b) The amount of rent due together with dates and method of payment, and the circumstances when the rent may be reassessed.**
- c) The amount of deposit taken, how it is held and the terms for its return.**
- d) An inventory of contents and condition at the commencement of the tenancy.**
- e) The means of contacting the property owner and/or property manager to report repairs, etc.**

NOTES: Condition 14 is line with a mandatory condition as set in the Housing Act 2004 Schedule 4 (Licences Under Part 2 and 3: Mandatory Conditions)

"(5)Conditions requiring the licence holder to supply to the occupiers of the house a written statement of the terms on which they occupy it."

15. The licence holder (or the property manager) shall attend the property at frequent intervals. The frequency of the inspections will be determined by Portsmouth City Council and the licence holder. The purpose of the inspections is to:

- a) Ensure the proper management of the property;**
- b) Ensure compliance with The Management of Houses in Multiple Occupation (England) Regulations 2006, and any revisions thereto; and**
- c) Ensure the property is maintained in such a condition that category 1 hazards, within the meaning of Part 1 of the Housing Act 2004, are not present or quickly eliminated.**

NOTES: Quarterly inspections should be carried out as a minimum. More frequent visits might be required in some circumstances.

16. The licence holder will provide to the council copies of all the current tenancy agreement(s), and details of where any security deposit is held, on demand.

NOTES: Most commonly this will be required to determine permitted occupancy levels of a property.

17. The licence holder is required to notify the Council of any changes to the property, including structural alterations, changes to the ownership or management, or events that may affect the fit and proper person status of the owner, licence holder or manager, which may affect the licence.

NOTES: HMO Licence Applications consist of 2 parts: Part 1 relating to the property to assess if the property is suitable or can be made suitable for occupation by the proposed number of occupiers; Part 2 relates to the proposed Licence Holder and assesses management arrangements that are in place. This is set out in Sections 64 to 66 of the Housing Act 2004. Any changes as specified in condition 16 could therefore affect the licence. The Licence cannot be transferred to another person as set in Section 68 of the Housing Act 2004.

18. The licence holder (or his manager) will attend the property as may be reasonably necessary for the purposes of inspection by the council.

NOTES: The council may be required to visit and inspect the property to perform their duties. Access to all areas will often be required for which the licence holder or the property manager will need to be present.

- 19. The licence holder will work pro-actively and responsibly with all enforcement agencies in response to anti-social behaviour caused by tenants within the curtilage of the property and take all reasonable steps to prevent anti-social behaviour from within the boundaries of the property.**

NOTES: Condition 19 is in line with Section 67 of the housing Act 2004

"(1)A licence may include such conditions as the local housing authority consider appropriate for regulating all or any of the following—

(a)the management, use and occupation of the house concerned, and

(b)its condition and contents.

(2)Those conditions may, in particular, include (so far as appropriate in the circumstances)

(b)conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;"

- 20. The licence holder and, where appropriate, their nominated managing agent are required to undertake a detailed investigation of any complaints which have been made either directly to them, or via the Local Housing Authority, regarding their tenants and keep a written record.**

NOTES: ASB is defined in The Crime and Disorder Act (1998) 'Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the defendant).'

The definition of ASB covers a wide range of wrongdoings; it is therefore important that all complaints about the tenants are investigated and recorded.

- 21. The licence holder must inform the Council if they no longer reside at the address given and provide the Council with the new address details within 21 days.**

NOTES: It is important that legal documents and other correspondence is sent to the correct address

- 22. The licence holder must inform the Council if there is a change in managing agent, within 21 days.**

NOTES: Condition 22 is crucial to ensure any correspondence that may be necessary is sent correctly. Change of managing agent may also affect "Fit and Proper" status. Please see Condition 17.

- 23. If the licence holder is a managing agent they must inform the Council if the person who is specified as the main contact ceases to be employed by them and inform the Council of a new contact, within 21 days.**

NOTES: Condition 23 is important to make sure all correspondence is effective and to prevent any unnecessary delays.

24. If the licence holder is a managing agent they must inform the Council if they cease to have an interest in the property, within 21 days.

NOTES: Condition 24 is important to make sure the licence is held and administered by the most appropriate person at all times.

25. A written record of visual inspections of the property undertaken by the licence holder relating to the overall condition of the property and Management Regulations shall be maintained by the licence holder and produced to the council when requested.

NOTES: Condition 15 requires that the licence holder or manager complies with management regulations and effectively maintains the property with regards to these regulations and proof of suitable management may be required.

26. Produce to the local housing authority for their inspection a written copy of the Fire Risk Assessment. (Reviewed annually).

NOTES: Written Record of Fire Risk Assessments is a requirement under Regulatory Reform (Fire Safety) Order 2005 for all licensable HMO's. Please see Section 5 for further details including RRO Template. Annual review is required to establish if a new/amended Risk Assessment is necessary, particularly following a change of tenure.

27. The licence holder and/or manager shall attend a specified training course if and when required to do so by the Council. (The arrangements for this will be by negotiation, but an unreasonable failure to attend such a course will be a breach of the conditions of licence).

NOTES: A special condition relating to Condition 27 would often be required for new Licence Holders or in some cases for existing licence holders where additional training requirements were identified by the investigating officer. Special Condition will typically be worded as follows:

"With regard to condition 27, the licence holder is required to attend a course relating to licensing and managing of HMO's by a recognised industry training provider. This course must provide them with enough understanding of Housing Act 2004 to ensure that the licence holder is fully aware of his legal responsibilities regarding HMO licencing and proper management of a house in multiple occupation including hazard identification. The licence holder is required to provide evidence of attendance and completion of the relevant training."

28. The licence holder is to ensure that any works carried out at the property are done so with due regard to the comfort of the occupying tenants.

NOTES: Where on demand is stated within these licence conditions, this means within 7 (seven) days from the written request by the licensing authority.

APPENDIX C: FIRE RISK ASSESSMENT TEMPLATE FOR HOUSES IN MULTIPLE OCCUPATION

(It is a duty of the person responsible for the premises to ensure appropriate fire risk assessment is carried out. This template is provided for guidance only and might not be the most appropriate assessment for certain types of premises)

Address of the premises	
Licence Holder	
Manager	
Person carrying out the risk assessment	
Date of the Assessment	
Recommended Review Date	

PEOPLE AT RISK

Sleeping Occupiers	How many? Fire safety introduction/guidance provided?
Guests and visitors (inc trades and regular maintenance)	Fire safety introduction/guidance for working on premises provided?
Vulnerable occupiers/visitors	Additional fire precautions required?

Guidance Notes:

An introduction to Fire Safety at the premises should be given to all occupiers at the beginning of the tenancy. This should include evacuation procedure, introduction to firefighting equipment such as fire blankets and tenant's responsibilities to ensure the premises remain safe. The most common issues relating to tenant's behaviour include leaving fire doors wedged open, obstructing escape routes and misusing fire doors to hook clothes hangers and door mirrors that can compromise doors integrity in the event of fire. A person responsible for the premises is expected to manage all fire safety aspects including aspects relating to tenant's behaviour.

Vulnerable occupiers and visitors (where possible) at special risk from fire should be identified. These will include young children, elderly people and disabled occupiers. All types of disability should be considered, particularly disabilities relating to mobility, eyesight or hearing impairments and learning difficulties. People who may be dependent on drugs and alcohol can be particularly vulnerable.

THE PREMISES (GENERAL)

Property Type	Detached/terrace/flat/over commercial etc
Number of Floors	
Is there a basement	Non habitable basement/converted into living accommodation
Type of tenure	Joint tenancy/Individual room tenancies
Type of HMO	Shared HMO/Bedsitting HMO
Current Fire Safety features in place	<p>Number and position of smoke and heat alarms</p> <p>Interlinked/stand alone</p> <p>Fire Blanket (s)</p> <p>Emergency Lighting/Signage</p>

Guidance Notes:

Fire Safety requirements will vary depending on the size and layout of the property and type of tenure. Table A and the accompanying guidance provides an overview of the Fire Safety features that are required in the property based on the type of the HMO.

IDENTIFYING FIRE HAZARDS AND DEFICIENCIES

Cooking Appliances	<p>Gas Safety Certificate satisfactory and in date?</p> <p>Cooker(s) appropriately sited?</p> <p>Cooking appliances clean and regularly maintained?</p> <p>Extractor fan clean and regularly maintained?</p>
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Guidance Notes:

A satisfactory Gas Safety Certificate should be provided if there is gas burning appliances in the property such as gas boilers or gas cookers. Gas Safe replaced Corgi in 2009 as the HSE (Health and Safety Executive) approved scheme and all work to gas fittings and installations must be carried out by a Gas Safe registered engineer.

Cookers should not be positioned within 600mm of soft furnishings including curtains and should have at least 300mm worktop either side of the cooker.

All cooking appliances including extractor fans should be clean and regularly maintained. Greasy/food residues present a significant fire risk.

Space Heating	<p>Type of fixed heating</p> <p>Fixed Heating is available in all bedrooms?</p> <p>In communal areas including kitchen?</p> <p>Adequate heating provisions in bathrooms and toilets?</p> <p>Fixed heating maintained regularly?</p> <p>Any signs of disrepair to any of the heating system?</p>
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Guidance Notes:

Inappropriate, inefficient or defective heating is likely to encourage use of additional heaters. As a rough guide the following are the combination boiler sizes required for different dwelling size: • Small house (1-2 bedrooms) or flat: 24-27Kw • Medium house (3-4 bedrooms): 28-35Kw • Large house (more than 4 bedrooms): 35-42Kw

The heating system must be capable of maintaining the following temperatures when the outdoor temperatures are -1C°

- Reception rooms: 21°C
- Kitchens large enough to also accommodate dining space: 21°C
- Bedrooms: 18°C
- Bathrooms: 22°C
- Hallways: 19°C

Power Sockets	<p>Adequate number of sockets provided</p> <p>In the kitchen?</p> <p>In communal lounge/diner?</p> <p>In all bedrooms?</p> <p>Any signs of disrepair?</p> <p>Any extension leads in use in the premises? Any trailing extension leads?</p> <p>Any sockets within 300mm of water source?</p>
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Guidance Notes:

Lack of or inappropriately sited sockets encourage use of extension leads that present a fire risk when excessively used and overloaded. All extension leads must be used to the manufacturer's instructions to ensure the amperage of appliances powered via the extension lead does not exceed the maximum permitted amperage of the extension lead.

A single bedroom should have at least 2 double sockets, a double bedrooms should have at least 4 double sockets.

In addition to sockets used to power white goods, kitchens should be equipped with sufficient number of sockets based on the number of sharing occupiers.

Any extension leads provided by the landlord must be subject to annual PAT by a competent person.

Electrical Installation	EICR in date and satisfactory? C1, C2 and FI (if any showing on the report) rectified? All light switches and power sockets visually inspected for any damage and wear and tear? Extractor fans in bathrooms clean and well maintained?
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Guidance Notes:

Electrical Installation Condition Reports are required for all residential lettings under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020. Electrical defects marked as C1, C2 and FI must be addressed within 28 days of the report date. Written confirmation of completed works must be supplied to the tenants and to the Local Authority within 28 days of completed works.

It is also important to carry out regular visual inspections for any damage, wear and tear and maintenance issues. The common issues include damaged light switches and sockets, dusty and greasy extractor fans etc

Protected route and Fire and Smoke Compartmentation	<p>Under stairs cupboard boarded up with 30 minutes fire resisting material?</p> <p>Any gaps around wiring/pipes entry holes?</p> <p>Any borrowed light/glazed units between risk rooms and escape route?</p> <p>Compartmentation between units of accommodation adequate?</p> <p>Any reduced standard of fire resistance such as lath and plaster walls and ceilings?</p> <p>Any damage to walls, ceiling or floors allowing spread of smoke and fire?</p>
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Guidance Notes:

The common defects usually include borrowed lights above doors, unboarded under stairs cupboards and holes around wiring and pipe entry points.

Consideration should be given to the fire resistance of materials going through floors and walls.

Storage cupboards should not be located in protected routes unless they are fire resisting and kept locked shut and smoke alarms/detectors are fitted within them

Basement/cellar - If a basement/cellar is present, 30-minute separation between the cellar and the ground floor escape route is required

White goods such as washing machines and tumble dryers should not be located in a protected route.

Protected route must be kept free of obstruction at all times

Consumer units on protected routes should have 30 minutes fire resistant casing or be within a cupboard providing 30 minute fire resistance

Borrowed lights and other glazing should be replaced with fire resisting material, unless fire rated glazing such as "Georgian Wire" is used

Butting up against glazing to provide separate units of accommodation is not suitable

Internal Doors	<p>Type of doors used to separate bedrooms from the escape route</p> <p>Adequate fire door between communal kitchen/lounge/diner and the escape route</p> <p>All doors fit tightly in its frame when closed</p> <p>Fire doors fitted with self-closing devices</p> <p>Self-closing devices adjusted correctly</p> <p>Threshold gaps correct</p> <p>Any internal doors require removable key on the inside</p> <p>Final exit door requires a removable key on the inside</p>
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Guidance Notes:

Common deficiencies include hollow core or thin panelled doors being used where resistance from fire and smoke is required. Doors warped by incorrect use such as being used to hang clothes on or being wedged open.

All self-closing devices should be adjusted to ensure the device is strong enough to latch the door in its frame.

All doors should be in close contact with the door stops/frame and fitted as per manufacturer's instructions. Threshold gaps of FD30S doors should not exceed 4mm. Drop down smoke seals can be used where it is not possible to raise threshold to reduce the threshold gap.

To avoid entrapment, thumb turn locks should be provided on the inside of the final exit doors and HMO Bedrooms/Bedsits

Smoke and Heat Detectors	<p>Type and location of detectors in the property</p> <p>Fire Detection adequate for the size and type of the premises? (Please see Table A)</p> <p>Fire detection system tested regularly?</p> <p>Written records of testing kept?</p>
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Guidance Notes:

Fire detection requires regular testing. If an alarm system is not properly installed, tested or maintained, it could fail without warning or at the moment that it is needed most and that people would be at risk in the case of fire.

Grade A alarm system should be serviced every 6 months as set is BS 5839.

Grade A alarm systems should be tested weekly and recorded at least once a month.

Other systems should be tested monthly (BS 5839).

Smoke detectors are not recommended in kitchen areas and heat detectors should be used instead.

Standalone smoke alarms in addition to interlinked heat alarms is recommended for bed sitting accommodation containing cooking facilities.

Alarms in bedrooms are required where bedroom doors are fitted with smoke seals

Emergency Lighting and Safety Signage	<p>Any complex escape routes at the property?</p> <p>Emergency Lighting required due to size and type of the property?</p> <p>Safety Signs required due to the size and type of the premises?</p> <p>Emergency Lighting tested regularly?</p> <p>Emergency Lighting Annual Checks Certification in date?</p> <p>Visual inspection carried out to identify any potential faults?</p>
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Guidance Notes:

Complex escape routes would usually include split levels, change in direction in hallways and on stairwells and exits that do not lead to a place of safety such as small and enclosed gardens or verandas.

Monthly emergency lighting testing is required to ensure all luminaires are in a good working order.

A full rated duration test of emergency lighting should be undertaken annually by a competent person and test certification issued.

Fire Safety Signs should be positioned to ensure the next escape sign is always visible

Directional signs should be positioned above exit doors

Safety Signed on walls should be positioned between 1.7 and 2 m high and where practically possible be set at the same height and be of the same design and pattern throughout the escape route.

Fire Fighting Equipment	<p>Fire blankets available in every kitchen including kitchenettes in bedsitting accommodation?</p> <p>Fire Blanket location:</p> <p>Away from the source of fire?</p> <p>In a prominent location?</p> <p>Fire Blanket inspected for any signs of damage and wear and tear?</p> <p>The casing and handheld devices in good condition?</p> <p>Fire Blanket contained fully in its casing?</p> <p>Requires replacing?</p>
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Guidance Notes¹³:

Fire Blankets should be manufactured to BS EN 1869, which come in 3 different sizes (1.1m x 1.1m; 1.2m x 1.2m and 1.2m x 1.8m)

Fire Blankets should be located in the room where a fire is likely to start and be fixed on a wall approx. 1.5m high in a prominent location where they can be readily seen

Fire Blankets should ideally be located between the potential source of fire and fire exit

Fire Blankets should not be located in concealed locations or in the areas where potential fire could prevent accessing them (e.g. above cooker)

Fire Blankets should be inspected regularly and replaced if there is wear, contamination or damage to fire blanket material (including damage from fire), wear or damage to the blanket's hand hold devices, damage to the container (including damage from fire). Fire blankets should be replaced every 7 years regardless of condition, unless specified otherwise by the manufacturer.

¹³ FIA Code of Practice for the Selection, Installation, Commissioning and Maintenance of Fire Blankets Manufactured to BS EN 1869

Property Design/Layout	<p>Any inner rooms in the property?</p> <p>MOE windows provided from the inner room?</p> <p>Way out of the garden (such as through an alleyway)?</p> <p>Size of the garden adequate to be classed as place of safety?</p> <p>Fire suppression system required?</p>
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Guidance Notes:

Inner room is a room where the only escape route out is through another room. Inner rooms that are communal living rooms or kitchens and bathrooms are generally accepted. Inner rooms that are used as sleeping accommodation should be avoided. Where a protected route is required but cannot be provided, alternative fire safety features such as Fire Suppression System will be required.

Escape route from an inner room can be provided via the garden. Where gardens are enclosed and do not provide way out, the garden can only be suitable as a place of safety when the distance from the building to the back of the garden exceeds the height of the building (to the mean roof level in case of pitched roof and full height of the building in case of flat roofs/dormitories)

Means of Escape windows should have an unobstructed openable area that complies with all of the following.

- A minimum area of 0.33m²
- A minimum height of 450mm and a minimum width of 450mm (the route through the window may be at an angle rather than straight through).
- The bottom of the openable area is a maximum of 1100mm above the floor.
- Locks (with or without removable keys) and opening stays (with child-resistant release catches) may be fitted to escape windows.
- Windows should be capable of remaining open without being held
- MOE windows are not appropriate in the rooms where the floor is 4.5m and above from the ground level

Private Sector Housing Enforcement Policy

1. Introduction

- 1.1 The Council, through its private sector housing team, aims to support local landlords in understanding their duties and legal obligations as part of its Private Rented Sector Strategy (Private Rental Sector Strategy for Portsmouth 2021- 2026). Where suitable, Officers will work with landlords to achieve desired outcomes and promote good housing standards in Portsmouth.
- 1.2 The Council is committed to fair and effective enforcement, which protects residents and communities, and will take action against those who disregard the law and endanger the safety of others. Council Officers will consider what is proportionate based on individual circumstances.
- 1.3 The Council aims to provide information and guidance for landlords and does so through its Landlord and Tenant Support Officer. The Council produces regular newsletters and holds workshops aimed at assisting landlords.
- 1.4 The main objective of enforcement action is to ensure that non-compliance in the local housing market is addressed in the most effective way to ensure that compliance is achieved for the benefit of all.
- 1.5 This document sets out the Council's enforcement policy when dealing with non-compliance of relevant legislation related to private sector housing. Legislation will be outlined within this policy.
- 1.6 The content of the Private Sector Housing Enforcement Policy has been written having regard to;
- A. The Regulators Compliance Code - which promotes proportionate, consistent and targeted regulatory activity through transparent and effective dialogue and understanding between regulators and those who they regulate. Regulators must have regard for this code when developing policies and procedures that guide their regulatory activity. A copy of the code is available on request or may be downloaded at www.gov.uk/government/publications/regulators-code.
 - B. In certain situations the council may decide that a provision in the Regulators Compliance Code is either not relevant, or is outweighed by another provision. Officer will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.
 - C. The Enforcement Concordat - The concordat is a voluntary, non-statutory code of practice which the Council has signed up to. It sets out principles with regards to good enforcement practice which are:
 - Standards of Service and Performance
 - Openness

- Helpfulness
- Proportionality
- Consistency
- Complaints about Service

2. Human Rights and Equality Issues

2.1 Investigations and any enforcement action will be conducted in a manner which does not conflict or undermine the fundamental principles of the Human Rights Act 1998.

2.2 Enforcement decisions will be fair, impartial and objective and will not be influenced by issues such as the ethnicity or national origin, gender, religious beliefs, political views or sexual orientation of the suspect, victim, witness or offender. The Council's full equalities policy is available at www.portsmouth.gov.uk/services/council-and-democracy/policies-and-strategies/equality-law-and-its-significance-for-the-council

3. Aims of the Policy

3.1 This enforcement policy aims to:

- demonstrate the transparency of enforcement with respect to private sector housing and caravan sites in Portsmouth, by setting out legal requirements, policies and principles that officers will follow when enforcing legislation;
- improve housing conditions and raise the standard of property management within the private rented sector;
- provide safer, healthier, affordable and warmer homes in the private sector to enable all people within Portsmouth to benefit from healthy housing and environments;

4. What is Enforcement Action?

4.1 Enforcement in its simplest sense is the process of ensuring a law or rule is met or complied with. For the purpose of this policy, it means an action carried out by the authority against a background of statutory powers. Enforcement is not limited to formal action, such as a prosecution or service of a legal notice; it includes inspections, investigations, interventions and the provision of advice and assistance, with the aim of ensuring service users comply with regulatory requirements

5. Enforcement Objectives

5.1 The main objectives of this enforcement policy are to ensure that:

- privately rented accommodation, including houses in multiple occupation (HMO), and accommodation provided by registered providers of social housing, are free from actionable hazards* that affect the health and safety of the tenant, licensee or any visitor
- private rented accommodation and tenancies are managed in accordance with relevant statutory requirements;
- privately rented accommodation meets minimum energy efficiency ratings
- all licensable properties are licensed, with licence conditions being met
- empty properties are tackled with the aim of addressing security, visual amenity and statutory nuisance issues and also returning them back into occupation
- owners or occupiers of privately owned accommodation or land do not cause statutory nuisance, or an unacceptable risk to public health and safety, or to the environment or neighbourhood
- lettings and property management businesses are registered with a government-approved redress scheme and comply with relevant legislation and codes of practice
- caravan and camp sites are managed in compliance with site licence conditions and relevant statutory requirements

*An actionable hazard is one that has been assessed to be a Category 1 or 2 hazards using the Housing, Health and Safety Rating System (HHSRS) under the Housing Act 2004 and the Housing Health and Safety Rating System (England) Regulations 2005. The authority has a duty to act where Category 1 hazards are identified. The authority has a discretionary power in respect of Category 2 hazards and will take enforcement action in cases where there is a significant risk to the health and safety of the occupiers.

6. Shared enforcement and primary authority

6.1 Officers may work with other services within the authority, such as the planning department and building control; benefits and council tax teams; Housing Needs Advice & Support; Neighbourhoods teams, as well as other enforcing authorities who have the power to take enforcement action. These authorities may include:

- Hampshire Fire and Rescue Service
- Hampshire Police
- UK Visas and Immigration
- Health and Safety Executive
- Trading Standards
- other local authorities

6.2 In circumstances where shared enforcement or joint working is required, officers will ensure that:

- investigations are undertaken by the most appropriate enforcing authority;
- enforcement action is undertaken in accordance with agreed protocols and will involve the relevant authority or service in the investigations, information gathering and sharing to ensure it is carried out effectively;
- officers will have regard to the Data Protection Act 1998 (DPA) when handling all manual and computerised personal data. Any requests for access to information to the council can be done in accordance with the Freedom of Information Act 2000 and the DPA;
- where a business has registered with a Primary Authority under the Regulatory Enforcement and Sanctions Act 2008 for legislation which this service is enforcing, the council will comply with these Primary Authority requirements.

7. Tenure Groups

7.1 The private sector housing service has investigative and enforcement powers relating to all private housing regardless of tenure. However the approach may vary depending on the tenure of the household.

7.2 Private landlords and tenants

7.2.1 Tenants within rented accommodation do not have the same level of control of their homes as owner occupiers. They are reliant on landlords or their agent to adequately maintain their homes in accordance with legal requirements. The council will take enforcement action where required, against landlords or agents who are putting the health and safety of their tenants at risk, or in circumstances where conditions are causing serious issues to neighbouring property.

7.3 Owner occupiers

7.3.1 Owner occupiers are usually in a position to make informed decisions about maintenance or safety issues in their own homes. Formal enforcement action therefore against this tenure group would be limited. Officers would always aim to provide owner occupiers with appropriate advice and recommendations as to how they can mitigate any hazards identified. In cases, however, where there is a severe risk to the health and safety of occupiers, or where there are conditions that have the potential to cause serious issues to neighbouring property, the council may take formal action against owner occupiers.

7.4 Registered Social Landlords (RSLs)

7.4.1 These are usually housing associations, being a private, non-profit making organisation that provides low cost social housing for people in need.

Their performance is scrutinised by the Homes and Communities Agency and the Housing Ombudsman. RSL's have written arrangements for reporting problems and clear response times for addressing these issues, in addition to having systems for registering any complaints about service failure. The council will not normally take action against an RSL, unless the problem in question has been properly reported to the RSL, who has then failed to take the appropriate action. The council will consider enforcement action against an RSL where there are significant risks to the health and safety of tenants and/or the wider public.

7.5 Portsmouth City Council Housing stock

7.5.1 Council owned and managed property is run through the Councils Housing Management team. The Housing Management team has written arrangements for reporting problems, clear response times and systems for registering any complaints about service failure. Their performance is also scrutinised by the Housing Ombudsman. The Private Sector Housing team works with colleagues from the Councils Housing Management team and, at their request, can provide advice on housing standards required in their stock.

8. Reactive Inspections

8.1 Officers will carry out reactive inspections following a request for service from a tenant or referral from a partner or enforcement agency concerning unsatisfactory housing or overcrowded conditions. Tenants making requests for service will be asked to confirm that they have informed their Landlord of the disrepair and they have failed to act in a reasonable timescale. Inspections will take place where initial communications between this service and the landlord, agent or owner have not successfully resolved the issues for the customer.

8.2 There will be circumstances where an inspection may be undertaken in the first instance, for example where:

- there appears to be significant risks to the health and safety of occupiers and/or visitors
- the tenant or prospective occupier is vulnerable
- the issues are complex or involve neighbouring properties
- there is a poor history of compliance with legal requirements for housing conditions and/or management practices
- the property is empty
- the property is put forward for use to house homeless persons or refugees

8.3 Where an inspection is undertaken, officers will assess compliance with all enforceable legal requirements, including a risk assessment under the Housing Health and Safety Rating System (HHSRS) and also licence conditions if applicable. This may involve referrals to other agencies or local authority service areas.

8.4 It is the council's aim to action requests for service within appropriate timescales. Requests for service can be received from:

- tenants/occupiers
- the general public
- property letting and managing agents
- referrals from other council services
- referrals from agencies

8.5 This service will not be able to act on anonymous complaints, although relevant information will be recorded in case of any future complaints.

9. Proactive Inspections

9.1 Inspections will be carried out by the private sector housing service on a pro-active basis in private rented accommodation that is subject to HMO Licensing, under Part 2 of the Housing Act 2004, for assessing compliance with:

- licence conditions, licensing evasion
- legislation relating to housing conditions, including for example HHSRS, drainage and refuse
- legislation relating to property management
- the councils' adopted standards

9.2 Inspections of caravan sites licensed by the council, in order to assess compliance with licence conditions.

9.3 The Private Sector Housing Team may also carry out proactive inspections in the following ways if information comes to light that requires proactive investigation:

9.3.1 Inspections of all homes within a small targeted geographical area with significant problems, in which all owners will be notified in advance of the start of the initiative. Through a combination of property inspections, liaising with owner occupiers and working with partners, this proactive approach aims to improve housing and the standard of housing management. This initiative aims to bring empty homes back into use as well as making social, financial and environmental improvements to areas whilst creating stronger and more stable communities.

9.3.2 Inspections of property owned or managed by landlords or agents who have a poor history of compliance with legal requirements for housing conditions and /or management practices. This may include identifying those with a previous history of enforcement action, lack of engagement with the authority or where there is intelligence about breaches in legal requirements from partner agencies. The aim of this

proactive intervention is to target resources for improvements to housing conditions and tenancy management, as well as creating more sustainable tenancies, particularly for vulnerable tenants.

9.3.3 Inspections in areas to identify licensable properties, empty homes, poor housing conditions and environmental matters that are detrimental to a neighbourhood or locality.

9.3.4 Inspections undertaken according to property type; mode of occupation; low energy efficiency rating as stated in an Energy Performance Certificate; overcrowded conditions and also properties occupied by low income tenants in receipt of certain benefits.

9.3.5 Investigations to establish whether or not a letting agent or property manager has joined one of the Government-approved Property Redress Schemes.

10. Power of Entry

10.1 In carrying out their duties, duly authorised Officers have a range of far reaching powers, including the right to enter any premises at any reasonable time in order to:-

- Ascertain whether or not a breach of legislation exists
- Carry out any action or works authorised in accordance with this enforcement policy 9

Entry to any residential property shall not, except in an emergency, be demanded as of right unless 24 hours' notice has been given. If entry is refused, an Officer may apply to a Justice of the Peace for a Warrant to enter the premises, if needs be, by force.

11. Purpose and Method of Enforcement

11.1 The private sector housing service offers an opportunity to work informally with landlords, agents, owners and service users, by providing a range of information and guidance. In cases where there has been a complaint about a private rented property or empty home, and where it is the first contact about property standards, the service will normally notify responsible parties and/or will provide an inspection report outlining breaches in legal requirements.

11.2 The purpose of this is to enable responsible landlords, agents and owners to comply with regulatory requirements and agree to undertake the works required by the authority in a short timescale.

11.3 The underlying aim of these communications is to establish good management practices from the outset that ensure compliance with regulatory

requirements for property standards and that this approach continues through each subsequent tenancy.

11.4 All powers available to the private sector housing service will be used in order to meet the enforcement objectives set out in this policy. Enforcement action can be separated into 3 stages, as outlined below. Decisions will be made by competent and authorised officers, in accordance with guidance, as to the most appropriate course of action to be taken.

11.5 Different types of enforcement action may be undertaken in relation to any given case depending on legislation used. In some instances, multiple actions may be taken as the case progresses through the different stages of the regulatory process.

11.6 Where there is non-compliance with legal requirements, after an informal approach has been made, formal action will be taken as detailed in stages two and three below.

11.7 However, where there are serious breaches in legal requirements, the authority will take a formal approach in the first instance and will move immediately to stages two and three.

11.8 To safeguard the health and safety interests for occupiers, visitors and members of the public, formal action will also be considered in the first instance, where:

- the landlord or owner has previous history of non-compliance with legal requirements
- the landlord, agent or owner has previously been made aware of their legal responsibilities through letters and reports for other properties

11.9 In a small number of cases, there may be circumstances where a decision is made to not take formal action. These may include, for example:

- where there are low risks to the health and safety of occupiers, visitors or members of the public
- where there are special circumstances regarding the person against whom action would be taken
- where legal action would be disproportionate or inappropriate, taking into account the circumstances of the case
- where the tenant does not want action to be taken and a decision is taken that it is not appropriate to take any further action at that time, given the circumstances present

12. Stage 1 – Informal Enforcement Action. Providing Assistance, Information, Education and Informal Action

12.1 The Council will help property owners to meet their legal obligations by providing clear and concise information about what they need to do to comply with the relevant legislation. However, whilst help can be provided, property owners should always seek out and rely upon their own independent advice to ensure legal compliance.

Information and leaflets	A wide range of information and links are available on our website by searching "information for landlords".
Telephone calls, emails and letters	To advise of works or actions to be taken, following a request from a tenant or as a result of an inspection by this service. These will cover deficiencies in regulatory requirements.
Inspection report	A report showing deficiencies or areas of non-compliance with specific legislation. The report may also include recommended works of good practice.
Landlord workshops	The service hosts regular landlord workshops on a variety of subjects aimed at educating landlords of their obligations and best practice.
E-newsletters	Regular updates are provided in newsletters, which are emailed to addresses registered with our service. Subscribe for updates privaterentalupdate@portsmouthcc.gov.uk
Referrals to other services/agencies or regulators	For specialist areas within their remit.
Landlord and agent associations	Information and support can be obtained from industry-led organisations such as the NRLA, ARLA and NALS as well as local association PDPLA. Please refer to the organisation's website for details.

13. Stage 2 – Formal enforcement action issued by the local authority

13.1 The Council expects full compliance with the law and will not hesitate to use enforcement powers where necessary. Formal action will be taken against those who flout the law or act irresponsibly.

Formal notices will be served or formal action will be taken in situations where:

- the council has a duty to serve a notice or take a specified action;
- statutory requirements have been breached;

- remedial action needs to be taken quickly;
- an owner, landlord or agent has a history of non-compliance;
- a property has actionable hazards that create risks to an occupier's health and safety (or that of a visitor);
- there is a long term empty property.

In cases where an officer decides it is more appropriate to take formal enforcement action without first giving an opportunity to resolve the issue informally, the officer will explain to the person concerned the reasons for this decision.

Where notices and orders are served, the authority will provide copies to other interested parties, such as the occupier; mortgagee; freeholder; leaseholder or agent in accordance with the specific legislative requirements.

Certain notices, orders and charges are required to be registered as a local land charge and whilst the matter is outstanding, these will be disclosed to any prospective purchaser making a local land search.

There are a number of different types of formal notices, licences, warnings and charges that can be issued by the authority:

Formal notice, order or licence	Served to require works or actions to be undertaken in accordance with specified legislative requirements.
Notices to recover costs and expenses incurred by the authority in taking enforcement action	Served in connection with Housing Act 2004 notices for the recovery of costs and expenses.
Power of Entry notices	Served when access is required into residential premises at a specified date and time.
Notices requiring information or documents	Served to require prescribed documents or information to be supplied.
Emergency Prohibition Order	Served under the Housing Act 2004 to immediately prohibit use of premises (or part of) where a serious health and safety issue exists.
Emergency remedial action	Serious, emergency works undertaken immediately by the local authority in default. Costs incurred by the council in taking this action will be recovered.
Revocation or variation of an improvement notice, prohibition order or emergency prohibition order	Notices served to vary or revoke the terms of a previously served enforcement notice or order.

Revocation, variation or refusal to licence premises	Notices served to vary the terms or revoke a previous licence issued, or to refuse to licence a property.
Works in default	Works undertaken in default by the authority to ensure compliance with a legal requirement. Costs incurred by the council in taking this action will be recovered.
Civil or monetary penalty	A notice issued by the local authority to impose a financial penalty. It is to be paid to the authority in situations where there are breaches of legal requirements or where offences have been committed.
Simple caution	Issued by the local authority where offences have been committed.
Compulsory Purchase Order and enforced sale	An Order served by the authority for a long term empty home where it is causing blight and statutory nuisance in an area. It is used only where there is proven demand for this house type. A sale of a property can be imposed to recover unpaid debts incurred by the authority for undertaking essential repair works in default.
Management orders and empty dwelling management orders	Orders served by the authority where no responsible person can be identified to manage a privately rented or empty home.

14. Stage 3 - Formal enforcement action progressed by courts or tribunals

14.1 Failure to comply with legal requirements, such as a formal notice may result in a stage three action. Before considering a stage three action, the investigating officer will consider the appropriate actions available for the legislation concerned.

Prosecution in criminal courts (Magistrates and Crown Court)	Legal proceedings instigated where there is a flagrant breach of law; non-compliance with a legal notice or legal requirements; a history of non-compliance and for serious offences where there is a community benefit.
Warrant to enter premises	Warrants issued by the Magistrates Court for officers to enter premises by force, if required.
Rent Repayment Order	An Order issued by the First Tier Tribunal for the repayment of rents received where there has been an offence or breach of legislative requirements.
Proceeds of Crime Actions	An Order issued by the courts for confiscation and civil recovery of proceeds from criminal acts.
Injunctions	Issued by the courts to prevent certain actions, activities or threats being carried out by a specific person.

15. Prosecution

15.1 Prosecution will be considered for more serious offences with the purpose of

- Punishing serious wrong doing
- Avoiding a reoccurrence of the offence and/or
- To act as a deterrent to others

15.2 The Council will have regard to the Code for Crown Prosecutors and will only prosecute where there is sufficient admissible and reliable evidence that the offence has been committed, and there is a realistic prospect of conviction, taking into account any applicable defences, **and** the Council believe that it is in the public interest to do so.

16. Civil Penalties

16.1 The Housing & Planning Act 2016 introduced changes to the Housing Act 2004 to allow the Council to issue civil penalties of up to £30,000. Appendix 1 to this policy sets out the decision making process regarding whether to use a civil penalty and at what level it should be charged.

17. Works in Default

17.1 Works in default may be considered as an alternative to, or in addition to a prosecution or financial penalty. The Council will carry out works in default where it is proportionate and seek to recover full costs associated with the works, including officer time and administration costs.

17.2 Where appropriate, the costs will be placed against the property as a local land charge. The Council may seek to use its powers to enforce the sale of the property to recover costs.

17.3 Each case will be looked at individually and a decision will be made whether to undertake works in default, based on the type and extent of the issues, as well as the protection of the health, safety and welfare of any person affected.

18. Proceeds of Crime

18.1 The Proceeds of Crime Act 2002 allows the courts to deprive perpetrators of criminal offences of any proceeds they have accrued as a

result of criminal activity. Officers from across the council will work collaboratively to ensure the best outcome.

19. Delegation & Decision Making

19.1 Officers carrying out enforcement functions have been authorised by the council in accordance with the Director of Housing, Neighbourhoods and Buildings sub delegation scheme. Each officer within the private sector housing service will carry an identification card.

19.2 Decisions about the most appropriate action to be taken will be made in line with:

- this policy
- professional judgement
- legal guidelines and advice
- statutory codes of practice
- strategic priorities set by the Council and/or Central Government

19.3 A decision to instigate any type of enforcement action will be taken by the investigating officer with the agreement of a delegated manager, in accordance with the council's Scheme of Delegation.

20. Costs of Enforcement

20.1 The Council is able, in certain circumstances, to charge for enforcement action. The amount to be charged will depend on the type of action taken. When costs are charged, an invoice will be sent to the relevant party outlining the amount, what it covers, and the payment terms. The charge levied will only cover the cost of the enforcement action to the local authority. Examples include;

- Costs associated with determining whether to serve a notice
- Costs involved in identifying any action required
- Costs associated with serving a notice

20.2 The full break down of the charges applicable for each Notice or Order can be found on the councils website by searching "private sector housing enforcement charges".

21. Appeals

21.1 Any person served with a notice/order has the right to appeal on grounds set out in the relevant legislation.

21.2 Full details of the appeals process will be contained in the notice/order.

21.3 The Council will rigorously defend any appeals where the notice/order has been correctly served.

22. Review

22.1 This Enforcement Policy shall be reviewed periodically and amended to reflect changes in legislation, corporate policy or official guidance. Any amendment shall be in line with meeting the requirements of the legislation and the public interest.

23. Legislative Powers

23.1 The principal piece of legislation used by the Private Sector Housing team is the Housing Act 2004 (referred to as “the Act”). However, there are circumstances where other pieces of legislation may be more appropriate in dealing with the identified problem. Officers are expected to use professional judgement to determine the most appropriate piece of legislation to use. In some cases it may be appropriate to use a range of enforcement tools.

23.2 A list of legislation is attached at Appendix 3. This list is not infinite

23.3 A list of enforcement powers under the Housing Act 2004 at Appendix 4.

23.4 The Council has a statutory duty to act in the case of category 1 hazards and a power to act in the case of category 2 hazards.

23.5 The Council will exercise enforcement action in the following circumstances;

- Where a category 1 hazard or hazards are present in the dwelling
- Where a category 2 hazard is progressive and will likely become a category 1 hazard unless action is taken
- Where there are a number of category 2 hazards present in the dwelling likely to have a cumulative negative effect of the occupants
- Where there is a vulnerable individual or group in occupation or likely to be in occupation

23.6 Part 1 of The Housing Act 2004 includes the type of notice or order that can be issued, detailed in Appendix 4.

23.7 When any notice or order is served, officers will have full regard to the relevant areas within part 1, Housing Act 2004 and the appropriate schedules.

24. Houses in Multiple Occupation - Licensing

24.1 Mandatory Licensing of Houses in Multiple Occupation under part 2 of the Housing Act 2004. The Council is required to have a licensing scheme in place, seek properties that require licenses and license properties that are licensable.

24.2 From 1st October 2018 HMO licences are required for all HMOs of any storey height that are occupied by five or more persons, who form two or more households and share facilities (such as kitchens, living rooms and bathrooms).

OR

Purpose built flats where there are up to two flats in the block and one or both of the flats are occupied by 5 or more persons in 2 or more separate households. This will apply regardless of whether the block is above or below commercial premises. This will bring certain flats above shops on high streets within mandatory licensing as well as small blocks of flats which are not connected to commercial premises.

- 24.3 A person commits an offence if he manages or is in control of an HMO which should be licensed but does not have one or if he allows the property to be occupied by more than the agreed number of households or persons authorised in the licence conditions. Prosecution can result in unlimited fines and court costs or instead of prosecuting, the council can issue penalty charges of up to £30,000.
- 24.4 Rent re-payment orders – if a person has committed the offence of operating as an HMO without having an HMO licence, the Council or the tenants can apply for a rent repayment order. The First Tier tribunal (FTT) can award the order, which requires the appropriate person to repay all rents, periodical payments and housing benefits for the period up to a licence being issued. The order would state the amount to be repaid.
- 24.5 Termination of Tenancies – Landlords will not be able to issue any section 21 notices under the Housing Act 1988 (termination of a shorthold tenancy and possession of the property), whilst a licensable HMO is unlicensed.
- 24.6 Licences will normally be granted for the full five year period. We may reduce the length of the licence from five years to an appropriate lesser period.
- 24.7 Prospective applicants for a license will be vetted to determine whether they are a 'Fit and Proper' person to hold a licence as required by section 66 of the Housing Act 2004. Where a person is found not to be a 'Fit and Proper' person to hold a licence, this information will be stored within the Council's records and shared as necessary with other Departments and Local Housing Authorities.
- 24.8 The Council may, at its discretion bring into force licensing of other residential accommodation, as defined by parts 2 and 3 of the Housing Act 2004, which allows local authorities to require landlords of some privately rented properties to apply for a licence. There are two types of discretionary licensing.
- 24.9 HMOs will be inspected having regard to the Housing Health and Safety Rating System and the Management Regulations. If after an inspection

it is found the HMO does not meet the Council's standards or has serious hazards under the rating system, enforcement action will be considered.

24.10 The Management Regulations apply to Houses in Multiple Occupation (HMOs) in England, but do not apply to converted blocks of flats to which section 257 of the Act applies. These are buildings that have been converted into and consist of self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards and still does not comply with them, and less than two thirds of the self-contained flats are owner occupied.

24.11 A Public Register of

- Licensed HMO's,
- Dwellings with interim/final/empty dwelling management orders,
- HMO's with Temporary Exemption Notices,

will be available upon request for public inspection at the Civic Offices, Guildhall Square, Portsmouth, in line with the requirements of the legislation and guidance. A copy of the register can be provided by the Council, subject to a reasonable fee to cover administration costs as per section 232 of the Housing Act 2004.

24.12 The Council will consider suspending, revoking or refusing to renew a licence or authorisation, or to grant a new licence where licensing conditions are not being met and there are clear failings by the landlord in relation to Part 2 of the Housing Act 2004. The general principles of this policy will also apply to any action taken under this part.

24.13 Management Orders under the Housing Act 2004 will be used as a last resort where other attempts have failed, where there is no reasonable prospect of a licence being granted or it is necessary to protect the health, safety or welfare of occupiers, visitors or persons living in the vicinity or anti-social behaviour is affecting other occupiers, visitors or persons in the vicinity of the premises.

25. Caravan Sites

25.1 Caravan and camping sites provide accommodation both for residential, holiday and touring purposes. It is a requirement that all sites are registered with the council and that owners apply for a caravan site licence.

25.2 Licences are issued with conditions attached in accordance with their planning permissions and Model Caravan Standards.

- 25.3 The requirement to apply for a caravan site licence refers to all sites, including park home sites. However, it does not apply to council managed gypsy and traveller sites, nor to unauthorised sites without the appropriate planning permissions as these cases would require investigation from other enforcement bodies.
- 25.4 Caravan sites will be inspected on a cyclic basis or as a result of a complaint made to the service. This is to ensure that there is compliance with conditions listed on the site licence and also, where appropriate, with other legislative requirements.
- 25.5 Where there is non-compliance with licence conditions or legal requirements, these deficiencies will be notified to the licence holder, owner or manager. Formal action will be taken where there is insufficient progress, limited co-operation or, in the first instance, where serious issues are identified.
- 25.6 The council has the power to charge annual fees for residential caravan sites and mobile home parks under the Mobiles Homes Act 2013. All charges, where applicable, are set out in the Portsmouth City Council Fee Structure.

26. Empty Properties

- 26.1 This council will encourage owners of private sector empty homes to bring their properties back into occupation through letters, advice and referral to assistance schemes such as the Councils Rent it Right service, to assist in bringing the property back into use.
- 26.2 Where informal action is not successful, the service will consider using a range of enforcement measures shown in Stages 2 and 3 of the Enforcement Action which can include:
- the service of a statutory notice
 - arranging for works to be carried out in default of the owner
 - serving Empty Dwelling Management Orders (Part 4 of the Housing Act 2004)
 - enforced sale (Law of Property Act 1925)
 - compulsory Purchase Order action (Part 2 of the Housing Act 1985)

27. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

27.1 The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (ESSPRS) came into force on 1 June 2020. The regulations are designed to ensure electrical safety within the private rented sector in England by requiring landlords to have the fixed electrical installation within rented properties inspected at least every five years.

27.2 The Council must serve a remedial notice on the landlord within 21 days of deciding that it has reasonable grounds that a landlord has breached one or more of their duties under:

- Regulation 3(1)(a) – electrical safety standards have not been met during the period of a tenancy, or
- Regulation 3(1)(b) – that the electrical installation has not been inspected at regular intervals (5 years or shorter as required), or
- Regulation 3(1)(c) – that the first inspection was carried out before the tenancy began (for new tenancies) or by 1st April 2021 (for existing tenancies), or
- Regulation 3(4) – that remedial or investigative work was required to the electrical system and that this was not undertaken within 28 days (or a shorter period where required), or
- Regulation 3(6) – that remedial or investigative work was required to the electrical system as a result of further investigations and that this was not undertaken within 28 days (or a shorter period where required) of the further investigations; and the most recent inspection report does not indicate that urgent remedial action is required

27.3 The Council may impose a financial penalty where it is satisfied, beyond reasonable doubt, that a landlord has breached their duty under these regulations.

28. Smoke and Carbon Monoxide Regulations 2015

28.1 Smoke and Carbon Monoxide Alarm Regulations 2015 The Council has a duty to serve a remedial notice (within 21 days of having reasonable grounds to believe that a breach of the landlord's duty has occurred) on a private landlord if there is no smoke alarm fitted on each storey of the premises on which there is a room used wholly or partly as living accommodation.

28.2 The Council has a duty to serve a remedial notice (within 21 days of having reasonable grounds to believe that a breach of the landlord's duty has occurred) on a private landlord if there is not a carbon monoxide alarm fitted in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. The notice will require the landlord to take action within 28 days.

28.3 There is a penalty charge of up to £5,000 for not having a smoke alarm on every level of a premises used as a private rented dwelling and for not having a Carbon monoxide alarm fitted in rented dwellings where there are solid fuel appliances. The council has published a statement of principles regarding its fine structure. See Appendix 2 for more details.

29. Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

29.1 The Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015 are designed to improve the least energy efficient properties those with Energy Efficiency Performance Certificates (EPC) rated F or G.

29.2 Unless an exemption applies, a domestic Private Rented Sector property must not be let to a new Tenant after the 1st April 2018 unless it has a minimum Energy Performance Certificate (EPC) rating of E.

29.3 Exclusions and exemptions are detailed in Regulations and the Domestic Private Rented Property Minimum Standard Guidance (or any subsequent Government Guidance), and include:

- Where all ‘relevant Energy Efficiency Improvements’* for the property have been made (or there are none that can be made) and the property remains sub-standard
- Where a recommended measure is not a ‘relevant Energy Efficiency Improvement’ because the cost of purchasing and installing it cannot be wholly financed at no cost to the Landlord
- The relevant Energy Efficiency Improvement is wall insulation and it cannot or should not be installed on the property in question, where the Landlord has obtained written expert advice which indicates that the measure is not appropriate for the property due to its potential negative impact
- The relevant Energy Efficiency Improvements require third party consent, e.g. planning permission and consent has not been given
- The relevant Energy Efficiency Improvements would devalue the market value of the property by more than 5%
- Where the Landlord is exempt due to recently becoming a Landlord

29.4 All exclusions and exemptions must be registered by the Landlord on the National Private Rented Sector Exemptions Register and will last for 5 years.

29.5 Landlords of a domestic property for which an EPC is not a legal requirement (for example a property which has Listed Building status) are not bound by the prohibition on letting sub-standard property.

29.6 The Council will check for different forms of non-compliance with the Regulations including:

- For new Tenancies agreed after the 1st April 2018 whether the property is sub-standard (rated F or G); and to any property after April 2020 that does not have a registered exemption
- Where the Landlord has registered any false or misleading information on the Private Rented Sector Exemptions Register or has failed to comply with a compliance Notice

29.7 Buildings that are not legally required to have an EPC are not required to provide an entry on the Exemptions Register.

29.8 The Council will serve a Compliance Notice requiring information from the Landlord to help them decide whether the Landlord has breached the Regulations, this may be served up to 12 months after the suspected Breach. The information requested can include:

- The EPC that was valid for the time when the property was let
- Any other EPC for the property in the Landlord's possession
- The current tenancy agreement used for letting the property
- Any Green Deal Advice Report in relation to the property.
- Any other relevant document that the enforcement authority requires in Order to carry out its compliance and enforcement functions

29.9 Infringements which may result in a Penalty Notice:

- Failure to comply with a Compliance Notice
- The letting of a non-compliant property in breach of the Regulations or
- The uploading of false or misleading information to the Exemptions Register

29.10 A Penalty Notice may relate to a financial Penalty, a publication Penalty, or both and may be served on a Landlord (a person or entity that lets, or proposes to let, a domestic Private rented property) up to 18 months after the Breach.

Infringement	Penalty (less than 3 months in breach)	Penalty (3 months or more in breach)
Renting out a non-compliant property	£2,000 Penalty	£4,000 penalty
Providing false or misleading information on the Private Rented Sector Exemptions Register	£1,000 Penalty	
Failing to comply with a compliance Notice	£1,000 Penalty	

29.11 The financial Penalty amounts apply per property and per infringement up to a maximum of £5,000.

29.12 If the perpetrator demonstrates to the satisfaction of the Council that their income is less than £450 per week then a 50% reduction in the overall penalty will be applied.

29.13 A Publication Penalty will include the publishing of:

- The Landlords name (except where the Landlord is an individual)
- Details of the Infringement
- The address of the property in relation to which the infringement occurred
- The amount of the financial Penalty imposed

29.14 The Council may decide how much of this information to publish. However, the authority may not place this information on the PRS Exemptions Register while the penalty notice could be, or is being reviewed by the

Council, or while their decision to uphold the penalty notice could be, or is being, appealed.

29.15 The details will be published on a publicly accessible part of the Private Rented Sector Exemptions Register which will be available for view by the Public through the 'gov.uk' website. The Council can decide how long to leave the information on the Register, but it will be available for view by the public for at least 12 months.

29.16 The Council recognises that each case is unique and will be considered on its own merits. When deciding on the appropriate action, Officers will take into account the Law, Government Guidance, Council Policies and the sufficiency and reliability of the evidence.

30. Banning Orders

30.1 The Housing and Planning Act 2016 introduced (from 6 April 2018) a new power for local housing authorities to apply to the First-tier Tribunal for an order that bans a rogue landlord or agent from letting housing in England. The Housing and Planning Act 2016 (Banning Order Offences) Regulations 2017 set down the offences that can lead to an application for a banning order to be made. Once granted, a banning order remains in place for at least 12 months.

30.2 Once a banning order is in place, the Council can take over the management of the property or properties of the landlord or agent receiving the order.

30.3 The Council will pursue a banning order for serious offences. Where the Council decides to pursue a banning order, it will consider the scope for working together with other local housing authorities. For example, through using the Rogue Landlord Database, the Council will be able to establish whether a landlord has committed offences in other local authority areas.

30.3.1 When considering a banning order the Council will take into account:

- The seriousness of the offence
- Previous convictions/Rogue Landlord Database
- Harm caused to a tenant
- Punishment of the offender
- Deterring the offender from repeating the offence
- Deter others from committing similar offences

31. Rogue Landlord Database

31.1 The council can enter details of landlords considered to be "rogue" onto the government database. It is available to all Local Authorities to enable them to share information about criminal landlords who operate in multiple areas.

- 31.2 Councils have the discretion to make entries where a landlord or property agent has been convicted of a banning order offence or has received 2 or more civil penalties within a 12 month period.
- 31.3 Local authority officers will be able to view all entries on the database, including those made by other local housing authorities. The database can be searched to help keep track of known rogues, especially those operating across council boundaries and will help authorities target their enforcement activities.
- 31.4 Details held on the database will not be available to members of the public.

32. Other Statutory Provisions

32.1 There are a number of other statutes which give powers to Local Housing Authorities for a range of different issues. These will be used where appropriate.

33. Compliments and complaints policy

- 33.1 The council recognises the need to provide an excellent public service which is responsive to the views of both residents and businesses. We are therefore committed to continually improve the Private Sector Housing Service in Portsmouth and want customers and service users to provide feedback, which may be used to improve our services further.
- 33.2 As required by the Regulators' Code, the council has a compliments and complaints procedure which allows all service users to give a compliment, give feedback or make a formal complaint. This can be accessed through our website by searching "complaint" or by telephoning the complaints line on 023 9283 4702.
- 33.3 Through the compliments and complaints procedure, it is the aim that complaints are resolved speedily, effectively and fairly. The tone of our contact is open, responsive and avoids unnecessary formality. Our written correspondence uses plain English and where appropriate, will be backed up with action to resolve such complaints.
- 33.4 If a complainant is not satisfied at the end of the complaints process, the matter can be raised with the relevant ombudsman service

Appendix 1

Financial Penalties

Housing Act 2004 (as amended by the Housing and Planning Act 2016) and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Part 1

1.0 Introduction

- 1.1 The Housing Act 2004 was amended by the Housing and Planning Act 2016 to allow local authorities to impose a financial penalty as an alternative to prosecution of housing offences. These are known as Civil Penalty Notices (CPNs). On 1 June 2020, the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 came into force and CPNs were extended to include breaches under these regulations.
- 1.2 The value of the civil penalties, set by the Council and based on national guidance and legislation and a risk based process, can range from £25 to £30,000, per offence, dependent upon the nature of the offence and the resulting harm and culpability.
- 1.3 Importantly, once an individual is subject to a civil penalty fine for Housing Act offences, the Council must consider a Rent Repayment Order (RRO) to recover monies paid through Housing Benefit or through the housing element of Universal Credit.
- 1.4 The purpose of this Policy is to set out the framework within which decisions will normally be made to issuing civil penalties in relevant cases. This policy may be departed from where the circumstances so justify. Each case will be dealt with on its own merits, having regard to its particular circumstances.

This policy is designed to ensure transparency, consistency and fairness in how and when CPNs are imposed.
- 1.5 The list of offences under the Housing Act 2004 that that can currently be dealt with by way of a financial penalty are as follows:
 - Failure to comply with
 - improvement notice (Section 30)
 - with overcrowding notice, (Section 139(7))
 - Licensing of HMOs under Housing Act 2004 Part 2 (Section 72)
 - Licensing of houses under Housing Act 2004 Part 3 (Section 95)
 - Management regulations in respect of HMOs (Section 234)
- 1.6 If new legislation is introduced that permits the use of CPNs this Policy will be used (in consultation with the relevant Portfolio Holder).

2.0 Determining the appropriate course of action

2.1 Offences under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 are only eligible for financial penalty fines and not prosecutions.

2.2 For eligible offences, when the Council is satisfied that a relevant offence has been committed and that it is in the public interest to proceed formally it must decide whether to prosecute or issue a civil penalty. This will be determined on a case-by-case basis but whilst not an exhaustive list, the following factors are some of the issues that will be considered in determining if a civil penalty or prosecution should be applied to an individual offence:

- The severity of the offence and the resulting potential harm
- The offending history of the alleged offender
- If the offence was committed by mistake or with knowledge
- The health and capacity of the alleged offender
- The public interest in taking the alleged offender into court where the offence will be publicised and the individual held to account in public.
- The likely impact of Court action versus a civil penalty, in deterring further offending.

2.3 The following are situations where a prosecution may be appropriate;

- The offence was serious, for example breach of a Prohibition Order or where there was imminent risk of serious injury or loss of life;
- The offender has been prosecuted for similar Housing Act offences

2.4 The following factors, whilst not exhaustive, are situations where the issuing of a civil penalty may be appropriate;

- No history of previous non-compliance with relevant legislation
- No previous convictions of relevant offences
- The offence was committed as a result of a genuine mistake or misunderstanding. This must be balanced against the seriousness of the offence.
- Prosecution is likely to have a serious adverse effect upon the offender's physical or mental wellbeing, but this must be balanced against the seriousness of the offence.

3.0 Financial Penalties

3.1 The law currently allows a maximum financial penalty of £30,000 to be imposed per offence under the Housing and Planning Act 2016. The Government recommends that, to ensure that the civil penalty is set at an appropriate level, the local housing authority produce its own Policy to ensure fair and transparent application of penalties.

- 3.2 In determining whether to impose a financial penalty the Council will have regard to any relevant local enforcement policy and the Code for Crown Prosecutors. Due regard will also be given to any potential defences which will be considered by way of the representation received following the service of the 'Notice of Intent' to serve a CPN.
- 3.3 In certain circumstances, it may be appropriate to undertake an interview under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) to explore the defences but this will be entirely a decision for the Council. In total, we consider the procedure for issuing these penalties to be robust enough by way of providing fairness for the respondent.
- 3.4 In particular the factors set out in 3.6 of the Government Guidance on Civil penalties under the Housing and Planning Act 2016 have been incorporated into the charging table adjustments set out in Part 2 of this Appendix.
- 3.5 In determining the amount of penalty the Council will use the Financial Penalty Matrix (contained in Part 2 of this Appendix) which takes into account relevant matters including, but not limited to:
- The penalty should act as a deterrent to repeating the offence ,and to others from committing similar offences;
 - The penalty should remove any financial benefit obtained as a result of the commission of the offence;
 - The severity and seriousness of the offence;
 - The culpability and past history of the offender;
 - The harm, or potential harm, caused to the tenant and the impact on the wider community;
- 3.6 In determining the financial value of an imposed penalty, this Council shall have regard to the charging table and guidance notes in Part 2 of this Appendix.

4.0 Process for imposing penalty charges

- 4.1 Where it has been determined that a financial penalty may be appropriate to impose as an alternative to prosecution, the Council will follow the following process.
- 4.2 A "**Notice of Intent**" shall be served on the person suspected of committing the offence. The Notice shall specify:
- a. The amount of any proposed financial penalty
 - b. The reasons for proposing the financial penalty
 - c. Information about the right to make representation to the Council.
- 4.3 The person to whom the notice relates will be given 28 days to make **written representation** to the Council about the proposal to impose on them, a financial penalty. The representation may be via any legible written format, but to aid respondents, a template form will be included with the Notice of Intent.

- 4.4 Following the 28 day period the Council will decide:
- a. Whether to impose a financial penalty on the person, and
 - b. The final value of any such penalty imposed.
- 4.5 If the Council decides to impose a financial penalty, a **final notice** shall be issued imposing that penalty. The final notice will specify:
- a. the amount of the financial penalty,
 - b. the reasons for imposing the penalty,
 - c. information about how to pay the penalty,
 - d. the period for payment of the penalty,
 - e. information about rights of **appeal** to the first tier tribunal
 - f. the consequences of failure to comply with the notice.

5.0 **Consequences of non-compliance and miscellaneous provisions**

- 5.1 If, after any appeal has been finally determined or withdrawn, a person receiving a financial penalty does not pay all or part of the penalty charge, the Council will recover the penalty by order from a County Court. Where appropriate, the Council will also seek to recover the costs incurred in taking this action from the person to which the financial penalty relates.
- 5.2 Financial Penalties are an alternative to criminal proceedings and as such if a penalty is imposed, no criminal proceedings can be initiated for the same offence.
- 5.3 The Council may, at any time:
- A. withdraw a notice of intent or final notice
 - B. reduce the amount specified in a notice of intent or final notice

Where the Council decides to take either of these actions, it will write to the person to whom the notice was given.

- 5.4 Where a person has received two financial penalties under the Housing legislation in any 12 months period, irrespective of the locality to which the offences were committed, the Council will consider making an entry on the national database of rogue landlords and property agents. When considering making an entry, the Council will have regard to any guidance issued by the Secretary of State. The Government is consulting on making changes to this and any such changes will be applied as adopted under this policy.

Appendix 1 Part 2

Charging Table for determining value of Financial Penalties imposed under:

- a) Housing Act 2004 (as amended by the Housing and Planning Act 2016)
- b) The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and the

NOTES: The following notes relate specifically to the tables of charges and would be applied as appropriate depending on the offence.

Note 1 – Offences that may be dealt with by way of imposing a financial penalty

The starting point for a financial penalty is based on the type of offence, number of previous convictions or imposition of a financial penalty for the same type or similar offence in the previous four years.

After the starting point has been determined for the relevant offences, relevant premiums are added to the starting amount to determine the full financial penalty to be imposed. More than one premium can be added, where relevant.

No single financial penalty may be over £30,000. Where the addition of all relevant premiums would put the penalty above the maximum, it shall be capped at £30,000

Note 2 - 2nd subsequent offence by same person/company

The Council will take into account any such convictions or financial penalties secured irrespective of the legislation and the locality (including outside of Portsmouth) to which the offence relates.

Note 3 - Housing portfolio of 10 or more units of accommodation

The premium is applied where the perpetrator has control or manages 10 or more units of accommodation.

For the purposes of this premium, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

Note 4 - Multiple Category 1 or high Category 2 Hazards

This premium will apply where the failure to comply with the Improvement Notice relates to three or more Category 1 or high scoring Category 2 hazards (under the Housing Health and Safety Rating System) associated with different building deficiencies. For the avoidance of doubt this means that where two hazards are present but relate to the same property defect, they are counted as one hazard for purposes of this calculation.

For the purpose of this premium, a high scoring Category 2 hazard is defined as one scored following the Housing Health and Safety Rating System as “D” or “E”.

Note 5 - Vulnerable occupant and/or significant harm has occurred as result of housing conditions

This premium will be applied once if either the property is occupied by a vulnerable person or if significant harm has occurred as a result of the housing conditions.

For purposes of this premium a vulnerable person is defined as someone who forms part of a vulnerable group under Housing Health and Safety Rating System relating to hazards present in the property or an occupant or group of occupants considered by the Council to be at particular risk of harm that the perpetrator ought to have had regard.

For purposes of this premium, significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm under the Housing Health and Safety Rating System Operating Guidance. At the time of publication of this Policy, this document can be found at www.gov.uk and a summary table is below.

Hazard	Vulnerable age group (age of occupant)
Damp and mould growth	14 and under
Excess Cold	65 or over
Excess Heat	65 or over
Carbon Monoxide	65 or over
Lead	under 3 years
Personal Hygiene, Sanitation and Drainage	under 5 years
Falls associated with baths etc.	60 or over
Falling on level surfaces etc.	60 or over
Falling on stairs etc.	60 or over
Falling between levels	under 5 years
Electrical hazards	under 5 years
Fire	60 or over
Flames, hot surfaces etc.	under 5 years
Collision and entrapment	under 5 years
Collision and entrapment - low headroom	16 or over
Position and operability of amenities etc.	60 or over

Note 6 - Perpetrator demonstrates Income to be less than £450/week

This premium (acts as a reduction) will be applied after all other relevant premiums have been included and if applicable will reduce the overall financial penalty by up to 50%.

To be applicable, the person served by the Notice of Intent must provide sufficient documented evidence of their income to the Council. Where the property is managed by a company then they will need to provide evidence relating to the company income. The responsibility to do this rests with the person served with the notice.

The figure of £450 per week is to be calculated after omission of income tax and national insurance.

The Council reserves the right to request further information to support any financial claim by the person served with the Notice, and where this is incomplete or not sufficiently evidenced may determine that the premium / reduction in financial penalty should not be applied. This decision rests with the Council.

Note 7 - Previous history of non-compliance with these provisions

This premium is applied where there has been a conviction or imposition of a financial penalty for the same type of offence in the previous four (4) years. The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

Note 8 – Acts or omissions demonstrating high culpability

This premium will be applied where, the person to which the financial penalty applies, acted in the opinion of the Council in a reckless or deliberate manner in not complying with the statutory notice or previous relevant formal advice. This premium may also be added where the Council considers that the person / company has also sought to mislead the Council in the exercise of its statutory duties.

Tables of Civil Penalty Notice – Financial Level of Notices to be applied

A. Failure to comply with an Improvement Notice - Housing Act 2004 (Section 30)		
1st offence	<i>(note 1)</i>	£5,000
2nd subsequent offence by same person/company	<i>(note 2)</i>	£15,000
Subsequent offences by same person/company	<i>(note 7)</i>	£25,000
Premiums		
The following additional charges will be added to the charges above. All relevant charges will be applied i.e. more than one premium can be applied if relevant.		
Acts or omissions demonstrating high culpability	<i>(note 8)</i>	+£2,500
Housing portfolio of 10 or more units of accommodation	<i>(note 3)</i>	+£2,500
Multiple Category 1 or high Category 2 Hazards	<i>(note 4)</i>	+£2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions	<i>(note 5)</i>	+£2,500
Perpetrator demonstrates to the satisfaction of the Council that their income is less than £450 per week	<i>(note 6)</i>	-50% of overall charge

B. Offences in relation to licensing of Houses in Multiple Occupation (HMOs) under Part 2 of the Housing Act 2004 (Section 72)		
Failure to obtain Property Licence (section 72(1))	<i>(note 1)</i>	£10,000
2nd subsequent offence by same person/company and any subsequent offences	<i>(note 2)</i>	£30,000
Premiums The following additional charges will be added to the charges above. All relevant charges will be applied i.e. more than one premium can be applied if relevant.		
Acts or omissions demonstrating high culpability	<i>(note 8)</i>	+£2,500
Housing portfolio of 10 or more units of accommodation	<i>(note 3)</i>	+£2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions	<i>(note 5)</i>	+£2,500
Perpetrator demonstrates to the satisfaction of the Council that their income is less than £450 per week	<i>(note 6)</i>	-50% of overall charge

C. Breach of Licence conditions under Part 2 and 3 of the Housing Act 2004 (Section 72(2) and (3))		£5,000 per licence breach
Premiums The following additional charges will be added to the charges above. All relevant charges will be applied.		
Acts or omissions demonstrating high culpability	<i>(note 8)</i>	+£2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions	<i>(note 5)</i>	+£2,500
Perpetrator demonstrates to the satisfaction of the Council that their income is less than £450 per week	<i>(note 6)</i>	-50% of overall charge

D. Offences in relation to licensing of HMOs under Part 3 of the Housing Act 2004 (Section 95)		
Failure to Licence (section 95(1))	<i>(note 1)</i>	£10,000
2nd subsequent offence by same person/company	<i>(note 2)</i>	£30,000
Premiums The following additional charges will be added to the charges above. All relevant charges will be applied.		
Acts or omissions demonstrating high culpability	<i>(note 8)</i>	+£2,500
Housing portfolio of 10 or more units of accommodation	<i>(note 3)</i>	+£2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions	<i>(note 5)</i>	+£2,500
Perpetrator demonstrates Income to be less than £450 per week	<i>(note 6)</i>	-50%
Breach of Licence conditions (Section 95(2)) -		£5,000 Per licence breach
Acts or omissions demonstrating high culpability	<i>(note 8)</i>	+£2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions	<i>(note 5)</i>	+£2,500

Perpetrator demonstrates to the satisfaction of the Council that their income is less than £450 per week <i>(note 6)</i>	-50% of overall charge
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E. Offences of contravention of an overcrowding notice Housing Act 2004 (section 139)	
1st relevant offence <i>(note 1)</i>	£5,000
2nd subsequent offence by same person/company <i>(note 2)</i>	£15,000
Subsequent offences by same person/company <i>(note 7)</i>	£30,000
Premiums (use all that apply)	
Acts or omissions demonstrating high culpability <i>(note 8)</i>	£2,500
Vulnerable occupant and/or significant harm occurred as result of overcrowding <i>(note 3)</i>	£2,500
Perpetrator demonstrates to the satisfaction of the Council that their income is less than £450 per week <i>(note 6)</i>	-50% of overall charge

F. Offences of failure to comply with management regulations in respect of Houses in Multiple Occupation (HMOs) under the Housing Act 2004 (Section 234)	
1 st relevant offences <i>(note 1)</i>	£1,000 per offence
Second subsequent offences by same person/company for the same offence	£3,000 per offence
All subsequent offences by same person/company for the same offence	£5,000 per offence
Premiums (use all that apply)	
Acts or omissions demonstrating high culpability <i>(note 8)</i>	+£2,500
Housing portfolio of 10 or more units of accommodation <i>(note 3)</i>	+£2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions <i>(note 5)</i>	+£2,500
Perpetrator demonstrates to the satisfaction of the Council that their income is less than £450 per week <i>(note 6)</i>	-50% of overall charge

G. Offences of breaches under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.			
	Relevant Offences Note that the maximum fine per breach is £30,000	Relevant Regulation	Fine Amount
1	Failure to obtain a report from the person conducting an inspection and test, which gives the results of the inspection and test and the date of the next inspection and test;	(3)(a)	£5,000
2	Failure to supply a copy of that report to each existing tenant of the residential premises within 28 days of the inspection and test;	(3)(b)	£3,000
3	Failure to supply a copy of that report to the local housing authority within 7 days of receiving a request in writing for it from that authority;	(3)(c)	£2,500

4	Failure to retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test;	(3)(d)	£1,000
5	Failure to supply a copy of the most recent report to— i) any new tenant of the specified tenancy to which the report relates before that tenant occupies those premises; and ii) any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.	(3)(e)	£3,000
6	Failure to ensure that further investigative or remedial work is carried out by a qualified person within— (a) 28 days; or (b) the period specified in the report if less than 28 days	(4)	£2,500
7	Failure to obtain written confirmation from a qualified person that the required further investigative or remedial work has been carried out and that— (i) the electrical safety standards are met; or (ii) further investigative or remedial work is required;	(5)(a)	£2,500
8	Failure to supply written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to each existing tenant of the residential premises within 28 days of completion of the further investigative or remedial work; and	(5)(b)	£1,000
9	Failure to supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to the local housing authority within 28 days of completion of the further investigative or remedial work.	(5)(c)	£1,000
10	Failure to follow due process in respect of that further investigative or remedial work. Where further investigative work is carried out in accordance with paragraph (4) and the outcome of that further investigative work is that further investigative or remedial work is required, the private landlord must repeat the steps in paragraphs (4), (5a), (5b) and (5)(c).	(6)	£1,000

Premiums for offences under G

The following additional charges will be added to the charges above. All relevant charges will be applied i.e. more than one premium can be applied if relevant.

Acts or omissions demonstrating high culpability	(note 8)	+£2,500
Housing portfolio of 10 or more units of accommodation	(note 3)	+£2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions	(note 5)	+£2,500
Perpetrator demonstrates to the satisfaction of the Council that their income is less than £450 per week	(note 6)	-50% of overall charge

Section A

Mitigating factors that may be considered by the council and may reduce the level of a final penalty notice.

The council in considering written representation against Civil Penalty Notices will consider the information provided, if any, by the landlord (including from their agent). Where the council is satisfied that this provides mitigation in line with one or more of the following, the council may reduce the fine levied by a rate as stated by this policy.

The decision to apply a 'Mitigating reduction' in Final Penalty Notice fine rests with the council. The council's decision will be based on the landlord's written statement and any accompanying documents provided by them. It is their duty to provide their full evidence in support of their representation and not for the council to seek it out on their behalf.

1. Steps already taken to mitigate the offence(s) (up to 25% reduction in fine)

This will include but not be limited to:

- Submission of valid HMO licence application including making the relevant fee. Where an incomplete and or invalid or partial application is made this will not be considered sufficient to provide mitigation (25% reduction in fine).
- Completion of all (not part only) remedial works that were required under the Improvement or Remedial Notice:
 - Outside the Improvement or Remedial Notice specified period but within the Notice of Intent Period (15% reduction in fine). This is only applicable where all the specified improvement works have been completed to the satisfaction of the council including providing certificates where relevant. The onus is on the landlord to enable the inspection of completed works within the relevant Intention Notice period of 28 days.
 - Outside the Improvement or Remedial Notice specified period and outside the Notice of Intent Period (10% reduction in fine) but before the Final Notice is issued. This is only applicable where all the specified improvement works have been completed to the satisfaction of the council and relevant certificates provided. The onus is on the landlord to enable inspection of completed works within relevant times.

2. Full written acceptance of guilt for the offence(s) (10% reduction in fine)

This is only applicable where landlord accepts guilt (in writing) for all offences that have been listed within the Notice of Intention by writing to the council as part of their representation.

3. Written evidence from the landlord showing that the breach of the statutory requirements was by virtue of an omission and or an extenuating circumstance (up to 10% reduction in fine)

An example would be where the council has advised a landlord of their duty to apply for an HMO licence and the landlord has been unable to apply within a reasonable time period due to them having a serious and documented medical condition (evidenced by a medical practitioner).

4. Any further factor that the council considers to be sufficiently mitigating nature that is not covered above or within the culpability and harm factors. (10% reduction in fine)

Other situations

The council is aware that in some situations the landlord and their contractors may not be able to undertake the necessary repairs within the specified period of the Improvement or Remedial Notice as a result of a circumstance beyond their normal control. This may for example, be due to the tenant not giving access to them or their contractors to provide estimates for or to undertake the specified works. The council will only accept this as a mitigation where the landlord has given the tenant the required 24 hours' notice of their intention in writing but the tenant has failed to give them access. In most instances, one unsuccessful attempt will not be considered as mitigation. In these and other circumstances, the landlord must provide the council with sufficient evidence for consideration. The council in these cases may choose to:

- Extend the time for the landlord to secure compliance or
- Either not issue or suspend the issue of a Final Notice (therefore levy no fine at the time) or
- If the council is not satisfied with the evidence, they will ordinarily continue to issue the Final notice.

It is the landlord's responsibility to provide evidence of why they have been unable to undertake the works. Statement(s) to this effect must be signed by the respondent and or their contractor. Respondents may wish to submit copies of letters / emails sent by them to their tenant seeking appropriate access to undertake the works and any responses from their tenant to the same.

Section B

Minimum fine

The decision to manage private rented properties (which is ultimately a business decision) is a choice and landlords who are unable to do this appropriately themselves are able to appoint suitably qualified and registered agents to manage their properties on their behalf.

Civil penalties are issued where the council considers that an offence has occurred. A guiding principle in the level of fine that is used by the council is that,

*The civil penalty will be **fair and proportionate** but in all circumstances will **act as a deterrent and remove any gain** as a result of the offence(s).*

For this reason the council has set minimum fine levels as listed in **Table 1** below:

Table 1: Minimum Fines for first offences after considering mitigating factor(s)	Minimum Rate
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Failure to comply with an Improvement Notice - Housing Act 2004 (Section 30). Normal penalty £5,000	£2,500
Offences in relation to licensing of Houses in Multiple Occupation (HMOs) under Part 2 of the Housing Act 2004 (Section 72) Failure to obtain Property Licence (section 72(1)) Normal penalty £10,000	£5,000
Breach of Licence conditions under Part 2 and 3 of the Housing Act 2004 (Section 72(2) and (3)) Normal penalty £5,000	£2,500
Offences in relation to licensing of HMOs under Part 2 and Part 3 of the Housing Act 2004 (Section 95)	
Failure to Licence (section 95(1)) Normal penalty £10,000	£5,000
Breach of Licence conditions (Section 95(2)) Normal penalty £5,000	£2,500
Offences of contravention of an overcrowding notice Housing Act 2004 (section 139) Normal penalty £5,000	£2,500
Offences for failure to comply with management regulations in respect of Houses in Multiple Occupation (HMOs) under the Housing Act 2004 (Section 234) Normal penalty £1,000 per offence	£500 per offence
Offences of breaches under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	£1,000

Whilst mitigating factors may be considered and agreed by the council (see section A) these will not in any situation (individually or combined) reduce a civil penalty fine below the minimum fine level shown in Table 1 above.

Section C

Early Settlement of Final Penalty Notice Fine / Invoice

The council offers a 25% discount for prompt payment of fines / invoices relating to Housing legislation and Electrical Safety Regulations.

Final penalty notices are accompanied by invoices from the Council. If a person served with a final penalty fine makes a payment to the council as follows, the remaining 'balance' of fine will be 'written off' i.e. not sought. All conditions must be complied with:

- The payment must be made electronically (BACs only) within 30 days of the fine and invoice being issued;
- The payment must be to a total of 75% (rounded to the nearest whole pound) of the fine / invoice.

Section D

Calculation of total reduction in fine due to mitigation and early payment

The council will add all relevant mitigation discounts together and then deduct the resultant percentage from the original fine level.

As an example,

The council advises a landlord that a fine of £10,000 is proposed under a Notice of Intent for a landlord who fails to licence a licensable HMO where no premiums are applicable.

The landlord makes written representation as follows:

- A)** Mitigation of action – submits a valid HMO application with relevant fee within the representation period of 28 days of service of the Notice of Intent.
- B)** Makes a written statement that they admit their guilt and the offence of not previously securing a HMO licence

The council duly considers the above and applies mitigation reductions as follows:

For A) 25% and B) 10% the council applies this in total as a 35% reduction in the final civil penalty notice. The final civil penalty notice is issued at £6,500 rather than the original £10,000. As this is above the minimum fine level (Table 1) it is considered appropriate.

The landlord makes payment in line with the council's early payment reduction initiative (i.e. electronically within 30 days of the notice) and therefore makes a payment of £4,875 (i.e. 75% of the £6,500). Therefore by making a prompt payment, they have reduced their fine below the normal minimum fine level for this type of offence.

Appendix 2

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Statement of principles for determining financial penalties

Introduction

This statement sets out the principles that Portsmouth City Council (the Council) will apply in exercising its powers to require a relevant landlord to pay a financial penalty.

Purpose of the Statement of Principles

The Council is required under these Regulations to prepare and publish a statement of principles and it must follow this guide when deciding on the amount of a penalty charge.

The Council may revise its statement of principles at any time, but where it does so, it must publish a revised statement.

When deciding on the amount for the penalty charge, the Council will have regard to the statement of principles published at the time when the breach in question occurred.

The legal framework

The powers come from the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (the Regulations), being a Statutory Instrument (2015 No 1693) which came into force on 1 October 2015.

The Regulations place a duty on landlords, which include freeholders or leaseholders who have created a tenancy, lease, licence, sub-lease or sub-licence.

The Regulations exclude registered providers of social housing. The duty requires that landlords ensure that:

- a smoke alarm is installed on each storey of premises where there is living accommodation
- a carbon monoxide alarm is installed in any room of premises used as living accommodation, which contained a solid fuel burning appliance. AND for tenancies starting from 1 October 2015
- that checks are made by the landlord, or someone acting on his behalf, that the alarm (s) is/are in proper working order on the day the tenancy starts.

Where the Council has reasonable grounds to believe that a landlord is in breach of one or more of the above duties, the Council must serve a remedial notice on the landlord. The remedial notice is a notice served under Regulation 5 of these Regulations.

If the landlord, then fails to take the remedial action specified in the notice within specified timescale, the Council can require a landlord to pay a penalty charge. The power to charge a penalty arises from Regulation 8 of these Regulations

A landlord will not be considered to be in breach of their duty to comply with the remedial notice, if they can demonstrate they have taken all reasonable steps, other than legal proceedings to comply. This can be done by making written representations to the Council at the address given at the bottom of this document within 28 days of when the remedial notice is served.

Portsmouth City Council will impose a penalty charge where it is satisfied, on the balance of probabilities, that the landlord has not complied with the action specified in the remedial notice within the required timescale.

The purpose of imposing a financial penalty

The primary purpose of the Council's exercise of its regulatory powers is to protect the occupants' safety within a dwelling in the event of a fire. The primary aims of financial penalties will be to:

- ensure landlords take proper responsibility for their properties
- eliminate any financial gain or benefit from non-compliance with the regulations.
- be proportionate to the nature of the breach of the regulations and the potential harm outcomes.
- aim to deter future non-compliance.
- reimburse the costs incurred by the Council in undertaking work in default.
- Lower the risk to tenant's health and safety

Criteria for the imposition of a financial penalty

A failure to comply with the requirements of a remedial notice allows the Council to require payment of a penalty charge.

In considering the imposition of a penalty, the authority will look at the evidence concerning the breach of the requirement of the notice. This could be obtained from a property inspection, or from information provided by the tenant or agent that no remedial action had been undertaken.

For example, landlords can demonstrate compliance with the Regulations by supplying dated photographs of alarms, together with installation records or confirmation by the tenant that a system is in proper working order.

Landlords need to take steps to demonstrate that they have met the testing at the start of the tenancy requirements. Examples of how this can be achieved are by tenants signing an inventory form and that they were tested and were in working order at the start of the tenancy. Tenancy agreements can specify the frequency that a tenant should test the alarm to ensure it is in proper working order.

In deciding whether it would be appropriate to impose a penalty, the authority will take full account of the particular facts and circumstances of the breach under consideration.

A financial penalty charge will be considered appropriate if the Council is satisfied, on the balance of probabilities that the landlord who had been served with remedial notice under Regulation 5 had failed to take the remedial action specified in the notice within the time period specified.

Principles for determining the amount of a financial penalty

Any penalty charge should be set at a level which is proportionate to the risk posed by non-compliance with the requirements of the legislation and which will deter non-compliance. It should also cover the costs incurred by the Council in administering and implementing the legislation.

Fire and Carbon Monoxide are two of the 29 hazards prescribed by the Housing Health and Safety Rating System and often result in death and serious injury. In the case of fire, the absence of working smoke alarms in residential premises is a significant factor in producing worse outcomes.

This is particularly so at night, as without the early warning they provide, a small fire can develop unnoticed rapidly to the stage where smoke and fumes block escape routes or render a sleeping occupant unconscious. Working smoke alarms alert occupiers to a fire at an early stage before it prevents physical escape to safety.

Carbon Monoxide is a colourless, odourless and extremely toxic gas. At high concentrations it can cause unconsciousness and death. At lower concentrations it causes a range of symptoms from headaches, dizziness, weakness, nausea, confusion, and disorientation, to fatigue, all symptoms which are sometimes confused with influenza and sometimes with depression. For all these reasons Carbon Monoxide is often dubbed “the silent killer”. Open fires and solid fuel appliances can be a significant source of Carbon Monoxide. Carbon Monoxide alarms alert occupiers to the presence of the gas at an early stage before its effects become serious.

The provision of smoke detectors and carbon monoxide alarms does not place an excessive burden on a landlord. The cost of the alarms is low and in many cases they can be self-installed without the need for a professional contractor. The impact on occupiers, damage to property and financial costs resulting from a fire or Carbon Monoxide poisoning event are far out of proportion to the cost of installing alarms.

For these reasons, an effective incentive to comply with these Regulations is fully justified.

It is understood that the imposition of the maximum potential fixed penalty charge, being £5,000 under the regulations, can present an excessive financial burden but this is balanced against the risk, the low cost of compliance and the fact that all reasonable opportunity will have been given to comply prior to any penalty charge being levied. A recipient of a fixed penalty charge has a right of appeal.

For these reasons a penalty charge of £5,000 is set for non-compliance with a Remedial Notice. A reduction of 50% will apply in respect of a person / company who has not previously received a penalty charge under this legislation and payment is received within 14 days of service of the penalty charge notice. There is no reduction for early payment offered to a person / company who has previously received a penalty charge under this legislation.

The Council may exercise discretion and reduce the penalty charge if there are extenuating circumstances following a request for a review made by the landlord in writing.

This discretion will not apply when:

1. The person / company served on has obstructed the Authority in the carrying out of its duties; and / or
2. The person / company has previously received a penalty charge under this legislation;

The regulations state that the period for payment of the penalty charge must not be less than 28 days.

The sums received by the Council under the penalty charge will offset any remedial works undertaken by the Council and the balance may be used by the authority for any of its functions.

Procedural matters

The Regulations impose a number of procedural steps which must be taken before the Council can impose a requirement on a landlord to pay a penalty charge.

When the Council is satisfied that the landlord has failed to comply with the requirements of the remedial notice, all penalty charge notices will be served within 6 weeks.

A penalty charge notice will state:

- The reasons for imposing the penalty charge
- The premises to which the penalty charge relates
- The number and type of prescribed alarms (if any) which an authorised person has installed at the premises
- The amount of the penalty charge
- That the landlord is required, within a period specified in the notice:
 - To pay the penalty charge, or
 - To give written notice to the local housing authority requesting a review the penalty charge notice
- How payment of the penalty charge must be made
- Contact details of the person to whom the request for a review and representations should be sent, (including any email address).

Where a review is requested within 29 days from when the penalty charge notice is served, the council will consider any representations made by the landlord. All representations are to be sent to the address at the bottom of this document. The

Council will notify the landlord of its decision by notice, which will be either to confirm, vary or withdraw the penalty charge notice.

A landlord who has requested a review of a penalty charge notice and has been served with a notice confirming or varying the penalty charge notice, may appeal to the First tier Tribunal against the Council's decision. Appeals should be made within 28 days from the notice served of the Council's decision on review.

If the penalty charge notice is not paid, then recovery of the penalty charge will by an order of the court and proceedings for recovery will commence after 30 days from the date when the penalty charge notice is served.

However, in cases where a landlord has requested a review of the penalty charge notice, recovery will not commence until after 29 days from the date of the notice served giving the Council's decision to vary or confirm the penalty charge notice. Where landlords do make an appeal to the First-tier Tribunal, recovery will commence after 29 days from when the appeal is finally determined or withdrawn.

Remedial Action taken in default of the landlord

Where the Council is satisfied that a landlord has not complied with a specification described in the remedial notice in the required timescale and consent is given by the occupier, the Council will arrange for remedial works to be undertaken in default of the landlord. This work in default will be undertaken within 28 days of the Council being satisfied of the breach. In these circumstances, battery operated alarms will be installed as a quick and immediate response.

Smoke Alarms – In order to comply with these Regulations, smoke alarms will be installed at every storey of residential accommodation. This may provide only a temporary solution as the property may be high risk because of:

- its mode of occupancy such as a house in multiple occupation or building converted into one or more flats,
- having an unsafe internal layout where fire escape routes pass through a living rooms or kitchens, or
- is 3 or more storeys high.

A full fire risk assessment will subsequently be undertaken, with regards to Portsmouth City Council Fire Safety Protocol and LACORS Housing - fire safety guidance. This will consider the adequacy of the type and coverage of the smoke alarm system, fire escape routes including escape windows and fire separation measures such as fire doors and protected walls and ceilings. Any further works required to address serious fire safety hazards in residential property, that are not undertaken through informal agreement, will be enforced using the Housing Act 2004, in accordance with the Council's Enforcement Policy.

Carbon Monoxide Alarms – In order to comply with these Regulations, a carbon monoxide alarm will be installed in every room containing a solid fuel combusting appliance.

All communications for requests for review or representations made against the Remedial Notice (regulation 5) or the Penalty Charge Notice (regulation 8) are to be in writing, the details of who and where to send this will be detailed on the notice.

Appendix 3

Typical legislation used by this enforcement policy:

Housing Act 2004

Under the Housing Act 2004 Part 1, local housing authorities are able to assess housing conditions for specific hazards. It looks at the effect that deficiencies in the home can have on the health and safety of occupants and visitors by using a risk assessment approach called the Housing Health and Safety Rating System (HHSRS). There are a range of enforcement powers under the Housing Act 2004 which the Council will consider in its decision making process when Hazards are identified. See Appendix 4.

Local Government (Miscellaneous Provisions) Act 1976

This act enables the Council to re-connect or prevent the disconnection of gas, electricity or water supply in tenanted properties. These powers will be used in exceptional circumstances when all other negotiation has failed. These powers will only be used where the tenant is not responsible for the payment of the bill.

Local Government (Miscellaneous Provisions) Act 1976

This act enables the Council to obtain information about the interest in land. The notice is used to determine who owns, manages, and occupies a dwelling. The information must be provided within 14 days of service of the document. Failure to provide the information may result in the Council bringing a prosecution. On summary conviction the Magistrates Court can fine the relevant person.

Local Government (Miscellaneous Provisions) Act 1982

This act enables the Council to board up unsecure empty properties. The Council will attempt to contact the owner to carry out the work. If the property remains unsecure the Council may serve a notice giving the owner 48 hours to make the property secure. If the property remains unsecure after this the Council may carry out the work and re-charge its costs. A local authority need not to give any such notice if it is necessary to undertake works immediately or owner/occupier cannot be reasonably traced.

Public Health Act 1961

This act enables the Council to require owners / occupiers to unblock or repair toilets. If negotiation fails the Council may serve a notice requiring the toilet to be unblocked within 7 days. After which the Council may carry out the work and re-charge its costs. If the toilet requires repair the Council may serve a notice requiring the toilet to be

repaired within 14 days. After which the Council may carry out the work and re-charge its costs.

Environmental Protection Act 1990

This act enables the Council to deal with premises that are deemed to be a nuisance/prejudicial to health. Prejudicial to health is defined as injurious or likely to cause injury to health.

Building Act 1984

Section 59 of the Building Act 1984 allows by notice the Council to require owners to provide new, repair, or upgrade existing: drains, guttering, cesspools, sewers, drains, soil pipes, and rainwater pipes etc. The Council must give the owner of the property reasonable time to carry out the work. If the owner fails to carry out the work the Council may carry out the work itself and prosecute.

Smoke and Carbon Monoxide Alarm Regulations 2015

The Council has a duty to serve a remedial notice (within 21 days of having reasonable grounds to believe that a breach of the landlord's duty has occurred) on a private landlord if there is no smoke alarm fitted on each storey of the premises on which there is a room used wholly or partly as living accommodation. The Council has a duty to serve a remedial notice (within 21 days of having reasonable grounds to believe that a breach of the landlord's duty has occurred) on a private landlord if there is not a carbon monoxide alarm fitted in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. The notice will require the landlord to take action within 28 days.

The Electrical Standards in the Private Rented Sector (England) Regulations 2020

From 1 July 2020, all new private tenancies in England will need to ensure that electrical installations are inspected and tested by a qualified person before the tenancy begins. The landlord will then need to ensure that the installation is inspected and tested at least every five years – and more often if the most recent safety report requires it.

For existing tenancies, an electrical safety test will need to be carried out by 1 April 2021, with regular tests following this as outlined above.

Other legislation:

- Anti-social Behaviour, Crime and Policing Act 2014
- Caravan Sites Act 1968
- Caravan Sites and Control of Development Act 1960
- Deregulation Act 2015
- Energy Act 2013
- Enterprise and Regulatory Reform Act 2013
- Highways Act 1980
- Home Energy Conservation Act 1995
- Housing Act 1985, 1996 and 2004
- Housing and Planning Act 2016
- Housing Grants, Construction and Regeneration Act 1996
- Local Government and Housing Act 1989
- Local Government Act 2003
- Mobile Homes Act 2013
- Noise Act 1996
- Prevention of Damages by Pest Act 1949
- Protection from Eviction Act 1977
- Public Health Acts 1936
- Regulatory Reform (Housing Assistance) Order 2002
- Sustainable Energy Act 2003
- Town and Country Planning Act 1990

Including Regulations and Orders made under the Act.

Appendix 4

The Housing Health and Safety Rating System (HHSRS)

Under the Housing Act 2004, local housing authorities are able to assess housing conditions for specific hazards. It looks at the effect that deficiencies in the home can have on the health and safety of occupants and visitors by using a risk assessment approach called the Housing Health and Safety Rating System (HHSRS). The aim of individual risk assessment is to reduce or eliminate hazards to health and safety in domestic accommodation. Potentially there are 29 hazards and each hazard is assessed separately and rated according to how serious the likelihood of harm.

The 29 Hazards:

The assessment process is not just a question of examining defects to a property, but it comprises risk assessment, probable outcomes and the resulting effects on the occupiers' health, safety and welfare.

Two key tests are applied:

- The likelihood of an occurrence (such as an accident or ill health) as a direct result of this deficiency in the house;
- The likely outcomes in terms of injury or ill health (physical and mental) arising from the deficiency.

The final score is divided into bands ranging from A – J. Councils have a duty to take action to remedy hazards which fall into bands A – C. These are termed Category 1 hazards.

Category 2 hazards are also subject to enforcement powers by Councils. Each case is individual and the appropriate enforcement action will be chosen which reflects the circumstances concerned.

The Act also provides a range of enforcement tools:-

Improvement Notices – section 11 is used for category 1 hazards, section 12 is used for category 2 hazards. An improvement notice should be used where reasonable remedial works can be carried out to reduce the hazard sufficiently.

Prohibition Orders – section 20 for category 1 hazards and section 21 for category 2 hazards. This order may prohibit the use of part or all of premises for some or all purposes or for occupation by a particular number or description of people. An order may be appropriate where conditions present a risk but remedial action is not possible because of cost or other reason. It may also be used to limit the number of persons occupying the dwelling, or prohibit the use of the dwelling by specific groups. In an HMO it can be used to prohibit the use of specified dwelling units.

Hazard Awareness Notices – section 28 for category 1 hazards and section 29 for category 2. This is used where a hazard has been identified but it is not necessarily serious enough to take formal action. It is a way of drawing attention to the need for remedial action. This notice should not be used if the situation is considered serious enough for follow up inspections to be made. This notice is not registered as a land charge and has no appeal procedure.

Emergency Remedial Action - section 40 – this is only acceptable for use where there is an imminent risk of serious harm and the hazard must rate as a category 1. The authority must undertake any necessary remedial works that are required to reduce the immediate risk. A warrant to enter the premises in order to carry out the work may be granted by a Justice of the Peace where he/she is satisfied that the authority would not be granted admission by the owner.

Emergency Prohibition Order – section 43 – this is only acceptable for use where there is an imminent risk of serious harm, the hazard rates as a category 1 and where it is not practical to carry out the remedial works as in section 40.

Demolition Order – this can only be used in response to category 1 hazards, but not if the building is listed. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.

Clearance Area – All residential buildings in the proposed area must have at least one category 1 hazard. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.

Suspend Improvement Notices or Prohibition Orders – these notices may be suspended where enforcement action can safely be postponed until a specified event or time. This can be a period of time or a change in occupancy. Current occupation and wishes must be taken into account. These may also be used where there is programmed maintenance. The suspensions must be reviewed at the very least every 12 months. The advantage of suspending a notice is that there is a record of the LHA's involvement and the situation must then be reviewed. It is also recorded as a local land charge. The Act requires enforcing authorities to produce a statement of reasons justifying the type of action they are taking. This must accompany all notices and orders served.

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Financial appraisal for a proposed HMO additional licensing scheme, including PCC resources to operate it

Anticipated number of licences in each year of the scheme and proposed timescales

The City Council is unable to ascertain the total number of HMOs which may require an additional license, should a designation be made. Currently there is no legal requirement for landlords of HMOs to make their properties known to the local authority, other than those which require a mandatory HMO license. From 2011 any change in use from a single person or a family dwelling (C3 planning designation) to a HMO (C4 planning designation) requires planning permission.

There are currently 3042 non-licensable HMOs known to the council's planning department. A database of known HMOs can be found on the council's website via: [Houses in Multiple Occupation \(HMO\) database - Portsmouth City Council](#)

Data available to the council from the Building Research Establishment (BRE) estimates a total of 4748 non-licensable HMOs are currently operating in Portsmouth. The total estimated number of HMOs, licensed and non-licensed, in Portsmouth is thought to be 5974.

The information below is based on an estimated 4748 non-licensed HMOs in Portsmouth and shows planned timescales per licence under and Additional Licensing Scheme.

Action	Resource	Estimated time scale
Licensing letter exercise to all suspected HMOs affected by designation	Housing Regulation Liaison Officer	Months 1 - 3 prior to scheme starting
Process applications	Housing Regulation Liaison Officer	Months 1 - 12 of scheme
Verification checks (suitability), Fit and Proper checks and issue draft licenses	Housing Regulation Officer	Months 1 - 12 of scheme
Full Licenses Issued	Housing Regulation Officer & Housing Regulation Liaison Officer	Months 1 - 12 of scheme
Complete HHSRS inspections and any	Housing Regulation Officer	Months 12 - 60 of scheme

required follow ups inspections		
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It is likely that some landlords, especially if a city wide designation of Additional Licensing is made, will not comply with the scheme. This may also impact on the above prediction that all applications will be processed within the first 12 months of the scheme, where some applications may be received late or following Officer investigations into unlicensed HMOs.

Total resources involved in providing an Additional Licensing scheme

Portsmouth City Council currently operates its Mandatory Licensing scheme, through its Private Sector Housing team. This scheme oversees approximately 1200 licensed properties, all of which will have 5 or more occupants.

To deliver this scheme the council employs Housing Regulation Officers, Senior Housing Regulation Officers and a Housing Regulation Liaison Officer. Other additional members of staff contribute towards the management of this scheme, such as a Landlord and Tenant Support Officer and Administration Support Officer.

Any designation of an Additional Licensing scheme in Portsmouth will require more staff to deliver the scheme. Any designation will need to allow a period of time in which to employ and train these staff so that the scheme can be delivered effectively.

The below information is based on the estimated maximum number of applicable licenses in Portsmouth. It also assumes that licenses will be given on a five yearly term. However where the suitability of the property, or its management, are brought into question licenses may be given on a one year term.

Initial demand will be administrative, where properties effected by the scheme will be required to apply for a licence. The council estimates that this could apply to 4748 properties if a city-wide designation were to be made. Typically Private Sector Housing currently administer 250 licenses per year (a combination of renewal and new licenses) with existing resources This yearly figure can vary greatly due to the nature of when licence application are made to the council, with a significant increase in application made in 2018 and 2019 following changes in legislation. These are typically administered within three months.

An upfront demand of 4748 licence applications will require significant amount more resource to administer, which will take longer to administer compare with current mandatory licenses due to the high volume of applications anticipated within a short period of time. Any licensable HMO will be able to continue to operate as a HMO providing an application has been submitted to the council. The below information gives an initial period of 52 weeks to process and verify any additional licensed properties under the scheme.

The below model demonstrates the volume of staff required should a designation of Additional Licensing be made. For the purposes of illustrating resources required the

model assumes the maximum number of suspected HMOs in Portsmouth will require a licence. Should a smaller designation be made volume of staff will be apportioned accordingly, as shown in the model below.

Some variation can be seen in the below resource planner from year 1 of the scheme, compared with years 2 - 5. This is due to a change in task to deliver the scheme after the initial 12 months. Officers administering the scheme will initially be tasked with processing a significant volume of HMO applications, with an anticipated two thirds of properties expected to be verified to ensure they are suitable to operate as a HMO as per *The Management of Houses in Multiple Occupation (England) Regulations 2006*.

Staffing Structure						
	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers
Licence Numbers	4,750	4,000	3,500	3,000	2,500	2,000

Housing Regulation Liaison Officer Year 1						
Action - Licence Application Time Taken	2.44	2.44	2.44	2.44	2.44	2.44
Time required	11,574	9,747	8,528	7,310	6,092	4,873
Average Worked hours per year	1,554	1,554	1,554	1,554	1,554	1,554
Number FTE required	7.4	6.3	5.5	4.7	3.9	3.1

Housing Regulation Liaison Officer Year 2 - 5						
Action - Licence Application Time Taken	3.48	3.48	3.48	3.48	3.48	3.48
Time required	16,546	13,933	12,192	10,450	8,708	6,967
Average Worked hours per year	1,554	1,554	1,554	1,554	1,554	1,554
Number FTE required	2.7	2.2	2.0	1.7	1.4	1.1

Housing Regulation Officer Year 1						
Action - Licence Application Time Taken	2.59	2.59	2.59	2.59	2.59	2.59
Time required	12,303	10,360	9,065	7,770	6,475	5,180
Average Worked hours per year	1,554	1,554	1,554	1,554	1,554	1,554

Number FTE required	7.9	6.7	5.8	5.0	4.2	3.3
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Housing Regulation Officer Year 2 - 5						
Action - Licence Application Time Taken	1.56	1.56	1.56	1.56	1.56	1.56
Time required	7,402	6,233	5,454	4,675	3,896	3,117
Average Worked hours per year	1,554	1,554	1,554	1,554	1,554	1,554
Number required	4.8	4.0	3.5	3.0	2.5	2.0

Staffing Structure *(continued)*

Senior Housing Regulation Officer Year 1 - 5						
Licence numbers	4,750	4,000	3,500	3,000	2,500	2,000
Number of Officers required	3.2	2.7	2.3	2.0	1.7	1.3

landlord & Tenant Support Officer Year 1 - 5						
Licence numbers	4,750	4,000	3,500	3,000	2,500	2,000
Year 1 - 5 Number of Officers required	2.0	2.0	2.0	1.0	1.0	1.0

Staffing Structure - Year 1	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers
	4,750	4,000	3,500	3,000	2,500	2,000
Manager	0.25	0.25	0.25	0.25	0.25	0.25
Senior Housing Regulations Officer	3.20	2.70	2.30	2.00	1.70	1.30
Housing Regulation Liaison Officer	7.40	6.30	5.50	4.70	3.90	3.10
Housing Regulation Officer	7.90	6.70	5.80	5.00	4.20	3.30
Landlord & Tenant Support Officer	2.00	2.00	2.00	1.00	1.00	1.00
Admin Officer	0.00	0.00	0.00	0.00	0.00	0.00

Staffing Structure - Year 2 - 5	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers	Based on Estimated Licence numbers

	4,750	4,000	3,500	3,000	2,500	2,000
Manager	0.25	0.25	0.25	0.25	0.25	0.25
Senior Housing Regulations Officer	3.20	2.70	2.30	2.00	1.70	1.30
Housing Regulation Liaison Officer	2.70	2.20	2.00	1.70	1.40	1.10
Housing Regulation Officer	4.80	4.00	3.50	3.00	2.50	2.00
Landlord & Tenant Support Officer	2.00	2.00	2.00	1.00	1.00	1.00
Admin Officer	0.00	0.00	0.00	0.00	0.00	0.00

Once these applications are processed, the level of resources required is expected to reduce to reflect a reduction in demand. Some key tasks following year 1 of the scheme will include: undertaking HHSRS inspections, investigating suspected unlicensed HMOs, providing ongoing support to landlords and tenants and processing applications where properties are bought and sold during the term of the scheme.

The council will make reasonable decisions regarding resourcing based on recruitment and realistic staffing levels. For example, it may not be possible to recruit 7.4 Housing Liaison Officers in year 1, and instead the council may decide to recruit 7 Officers only. These decisions will be made prior to a scheme commencing and all fees would be adjusted accordingly.

Where it is not possible to define individual work flows, and provide accurate timing for these, assumptions will be made based on what the council knows is required to deliver its current scheme. For example, the Senior Housing Regulation Officer, acting in a manager capacity, will be required to provide ongoing support, guidance and coaching for Officers in the team. This will include staff management duties which cannot be easily measured regarding time spent.

The above table indicates that Housing Regulations Officers will be required to support with the processing of HMO licence application. This is based on an estimated 63% of applications requiring a verification visit, indicated through 2017 data which suggests 37% of Licence Holders still held licenses in 2021 under the Mandatory Licensing scheme.

This data is limited in that the council has no way of knowing how many HMO properties from Additional Licensing in 2017 have been bought and sold since the scheme ended in 2018. The previous scheme was contained to the PO1, PO4 and PO5 postcode areas and does not reflect a city wide designation although did focus on the areas of highest HMO density. Landlords or managers known to be suitable, because they already operate a licensed HMO elsewhere in Portsmouth, will likely not require a verification on the property or a fit and proper person check.

This information is only an estimate based on previous information known to the council under its Additional Licensing scheme which ended in 2018. The council has no way of knowing how many properties have undergone a change in management since 2018 and may learn that fewer or indeed more HMO applications will require

verification, as per *The Management of Houses in Multiple Occupation (England) Regulations 2006*.

Cost per licence, showing that licence costs will rise with inflation over the 5-year period

The council are able to charge a fee for HMO licenses, in order to recover its costs for delivering the scheme. Section 63 of Part 2 of the Housing Act 2004 grants local housing authorities the legal mechanism to do this. The fee will take into account all costs incurred by the authority in carrying out their functions and any costs incurred in carrying out a management order under chapter 1 of part 4 of the act.

Additional Licensing schemes are expected to last 5 years, although can be revoked sooner than this. The below model shows how the council expects to charge for an additional licensing scheme:

HMO Licences Cost of 5 year Licence (example of cumulative inflation applied) Rounded to nearest £5	Example of CPI (+1%) increase	5 year projection based on Licence numbers	5 year projection based on Licence numbers	5 year projection based on Licence numbers	5 year projection based on Licence numbers	5 year projection based on Licence numbers	5 year projection based on Licence numbers
Number of Licence Applications		4,750	4,000	3,500	3,000	2,500	2,000
Year 1 Fee (for 5 year licence)	0%	855	875	885	830	855	870
Year 2 Fee (for 5 year licence)	3%	880	900	910	855	880	895
Year 3 Fee (for 5 year licence)	3%	905	925	935	880	905	920
Year 4 Fee (for 5 year licence)	3%	930	955	965	905	930	950
Year 5 Fee (for 5 year licence)	3%	960	985	995	930	960	980

The above model is based on expected expenditure for delivering the scheme, such as staff salaries, expenses and equipment costs. The proposed fees have been set at a level to recover the full costs of the scheme. To ensure that fees and charges remain current, annual changes to fees will be determined by the Director of Housing, Neighbourhood and Building Services, and S151 officer and anticipated to be up to, but no more than CPI+1%

A stepped increase can be observed in the above pricing, this is due to an increase in fixed staff from 3000 licenses to 3500 licenses. After the stepped cost a decrease in cost can be seen as the number of licenses increases, this is due to economy of scale applied against fixed costs.

It is expected that the vast majority of licence application will be made in year one of the scheme, however as licence fees are not transferable when a property is sold and purchased a new licence will need to be applied for.

Fee Split - initial payment (draft licence) and final payment (full licence)

Payment of HMO licence fees is required to be split into two payments, an initial payment on application and a final payment is issue of full licence. The below table shows how these fees will be split and what fees apply:

HMO Licences Year 1 Fee (Example) 1 st payment Rounded to nearest £5	%'age payable	5 year projection based on Licence numbers	5 year projection based on Licence numbers	5 year projection based on Licence numbers	5 year projection based on Licence numbers	5 year projection based on Licence numbers	5 year projection based on Licence numbers
Number of Licence Applications		4,750	4,000	3,500	3,000	2,500	2,000
Initial payment on Application	15%	130	130	135	125	130	130
Final payment on issue of licence	85%	725	745	750	705	725	740
Total Licence Fee due		855	875	885	830	855	870

15% is typically the cost of set up administration from receipt of application, based on time spent.

Summary:

The information presented in this document gives an indication of staffing resources required to deliver an Additional Licensing scheme, scaled from a city wide designation down to smaller designations and is based on data available to the council on the expected number of HMOs in Portsmouth. The licence fee costs shown in this document are based on these resources, as well as additional costs incurred by the council in running a licensing scheme, such as equipment and training.

Due to the likely high volume of HMO applications within a short period of time it is estimated the first 12 months of the scheme will be committed towards processing applications received, along with an anticipated two thirds of applications requiring verification visits and/or fit and proper checks. Typical tasks in the remaining four years of the scheme will include: Officers completing HHSRS inspections, including liaising with tenants, landlords or managers on improvement works, any associated enforcement action where necessary and conducting investigations on suspected unlicensed HMOs.

The council has made the projections within this report based on data available on the number of small HMOs in Portsmouth. A financial risk may be identified where the council does not recoup its spend on the licensing scheme, should more properties require a license which were not highlighted in the data sources available to the council. This risk is mitigated, as much as possible, by implementing an exercise to learn how many of the suspected HMOs exist within the designation area prior to the beginning of any scheme. In addition to this, projections have been made based on the maximum anticipated number of HMOs in Portsmouth with resources

and costs scaled accordingly to this. The council cannot guarantee all HMO landlords will fully comply with any additional licensing scheme, investigations into suspected unlicensed HMOs will form part of Officers work and financial penalties can be used in cases of unlicensed HMOs. Fixed costs included within the above report include: premise, start-up costs, marketing and communications.

The above calculations are based on data and financial modelling available to the council, with knowledge taken from how it administers its current licensing scheme.

Standard Licence Conditions to be applied to properties impacted by HMO Additional Licencing

1. The licence holder will provide to Portsmouth City Council (The Council) copies of the following documents on, or within, 2 weeks of each anniversary of the granting of this licence:
 - a) A current certificate certifying the safety of the landlord's gas appliances and installations (if present)
 - b) A current certificate of service demonstrating the proper operation of the fire alarm system(s) (If required).
 - c) Details of visual inspection and testing of the fire alarm system by the licence holder.
 - d) A current certificate of service demonstrating the proper operation of the emergency lighting system (if present).
 - e) A current PAT certificate (electrical appliance safety certificate) for appliances provided by the landlord (if required).

2. With the exception of item (c) above, all these documents are to be provided by a competent person (fully qualified Electrician who is a member of a recognised Electrical association such as NAPIT or other similar association). Or a member of Gas Safe association with regards to gas safety certificates.

3. The following rooms are to be occupied for sleeping purposes by no more than the number of persons stated below:

Room number on plan	Occupancy level
X	xxx

4. The following room(s) are NOT to be used as sleeping accommodation by any person:

5. The licence holder will inform the local housing authority of any rooms within the property which have a floor area of less than 4.64 square metres.

6. A copy of the following documents shall be displayed in the HMO to which all tenants have access:
 - a) this licence, and the conditions attached thereto;
 - b) the manager's contact details; and
 - c) the procedure for notifying the manager of any emergency and other complaints concerning the property and details of how the manager will address them.

7. The licence holder must comply with any waste management scheme, introduced by the local housing authority in respect of the storage and disposal of the household waste from the property pending collection.

8. Any alteration to the electrical wiring must be completed by a competent fully qualified Electrician as mentioned in section 2.
9. The licence holder is required to ensure that smoke alarms are installed in the property and that these are kept in proper working order. Further, a licence holder will be required to supply the local housing authority, on demand, with a written declaration by him as to the condition and positioning of such alarms.
10. The licence holder is required to ensure that the carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance and that these are kept in proper working order. Further, a licence holder will be required to supply the local housing authority, on demand, with a written declaration by him as to the condition and positioning of such alarm.
11. The licence holder is required to ensure that furniture made available by him in the house is in a safe condition. Further a licence holder will supply to the local housing authority on demand, with a written declaration by him of the safety of such furniture.
12. The licence holder is to ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations; "electrical installation" has the meaning given in regulation 2(1) of the Building Regulations 2010."
13. At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear, plus how to use the fire alarm system, fire extinguishers and fire blankets.
14. The licence holder is to ensure that the requirements of landlord and tenant legislation are properly adhered to. In particular, the licence holder will ensure that written terms of tenancy are to be provided for all occupiers. These terms will describe and give details of:
 - a) The type of tenancy, its duration and terms of notice.
 - b) The amount of rent due together with dates and method of payment, and the circumstances when the rent may be reassessed.
 - c) The amount of deposit taken, how it is held and the terms for its return.
 - d) An inventory of contents and condition at the commencement of the tenancy.
 - e) The means of contacting the property owner and/or property manager to report repairs, etc.
15. The licence holder (or the property manager) shall attend the property at frequent intervals. The frequency of the inspections will be determined by Portsmouth City Council and the licence holder. The purpose of inspections is to:

- a) Ensure the proper management of the property;
 - b) Ensure compliance with The Management of Houses in Multiple Occupation (England) Regulations 2006, and any revisions thereto; and
 - c) Ensure the property is maintained in such a condition that category 1 hazards, within the meaning of Part 1 of the Housing Act 2004, are not present or quickly eliminated.
16. The licence holder will provide to the council copies of all the current tenancy agreement(s), and details of where any security deposit is held, on demand.
 17. The licence holder is required to notify the Council of any changes to the property, including structural alterations, changes to the ownership or management, or events that may affect the fit and proper person status of the owner, licence holder or manager, which may affect the licence.
 18. The licence holder (or his manager) will attend the property as may be reasonably necessary for the purposes of inspection by the council.
 19. The licence holder will work pro-actively and responsibly with all enforcement agencies in response to anti-social behaviour caused by tenants within the curtilage of the property and take all reasonable steps to prevent anti-social behaviour from within the boundaries of the property.
 20. The licence holder and, where appropriate, their nominated managing agent are required to undertake a detailed investigation of any complaints which have been made either directly to them, or via the Local Housing Authority, regarding their tenants and keep a written record.
 21. The licence holder must inform the Council if they no longer reside at the address given and provide the Council with the new address details within 21 days.
 22. The licence holder must inform the Council if there is a change in managing agent, within 21 days.
 23. If the licence holder is a managing agent they must inform the Council if the person who is specified as the main contact ceases to be employed by them and inform the Council of a new contact, within 21 days.
 24. If the licence holder is a managing agent they must inform the Council if they cease to have an interest in the property, within 21 days.
 25. A written record of visual inspections of the property undertaken by the licence holder relating to the overall condition of the property and Management Regulations shall be maintained by the licence holder and produced to the council when requested.
 26. Produce to the local housing authority for their inspection a written copy of the Fire Risk Assessment. (Reviewed annually).

27. The licence holder and/or manager shall attend a specified training course if and when required to do so by the Council. (The arrangements for this will be by negotiation, but an unreasonable failure to attend such a course will be a breach of the conditions of licence).
28. The licence holder is to ensure that any works carried out at the property are done so with due regard to the comfort of the occupying tenants.

Proposed additional licensing consultation plan

Purpose of this document

This document outlines the approach that would be taken to deliver the statutory consultation required should Portsmouth City Council decide to make a designation for additional licensing of houses in multiple occupation (HMOs) in Portsmouth.

Some details about target audiences, activity and promotion may change depending on details of the proposed scheme.

Aims and objectives

The overarching aim of this activity is to support the successful delivery the statutory consultation required, which in turn will enable the City Council to make a decision about the introduction of additional licencing for HMOs in Portsmouth.

The aims of the activity are:

- To inform those likely to be affected by the decision to introduce additional licensing for HMOs.
- To capture any representations made by those impacted by the decision to introduce additional licensing for HMOs.

Audiences

Primary audiences:

- Private sector tenants, particularly those living in HMOs.
- Private sector tenant groups and local support groups.
- Landlords, particularly those that own smaller HMOs.
- Managing agents.
- Landlord associations.
- Residents, particularly people living near smaller HMOs.
- Businesses, particularly those operating near smaller HMOs.
- Students, particularly those living in smaller HMOs.
- Councillors.

Secondary audiences

- Neighbouring local authorities.
- Portsmouth City Council staff, particularly those working in housing and planning.
- Police, fire & rescue, and probation services.
- Voluntary, community and social enterprise groups, particularly those providing support services to tenants.

Consultation design

Please note: This is an indicative design only. A full implementation plan will be developed if a designation for additional licensing is made, along with detailed proposals for any designation area.

Fieldwork period	The statutory consultation will run for 10 weeks, from Monday 23 May to Sunday 7 August.	
Consultation design	Survey to capture attitudes to proposal, capture levels of support for each element of the proposal and to capture representations. Proposed structure:	
	Intro page	Outline purpose of statutory consultation, and provide context for the additional licensing.
	1	Classification of respondents - use audience list from proposal (primary/ secondary audiences)
	2	Description of the scheme and why it is necessary (include link to full evidence base). To what extent do you agree or disagree with the scheme? If strongly agree / slightly agree: why (free text box) If strongly disagree / slightly disagree: why (free text box)
	3	Description of the scheme and why it is necessary (include link to full evidence base). To what extent do you agree or disagree with the scheme's stated purpose? If strongly agree / slightly agree: why (free text box) If strongly disagree / slightly disagree: why (free text box)
	4	Explanation of how the scheme links to the city's housing strategy. To what extent do you agree or disagree that the proposed scheme will support the city's housing strategy? If strongly agree / slightly agree: why (free text box) If strongly disagree / slightly disagree: why (free text box)
5	Explanation of how the scheme links to the city's housing strategy and how the areas will be improved. To what extent do you agree or disagree that the proposed scheme will lead to the following improvements in the area If strongly agree / slightly agree: why (free text box)	

		If strongly disagree / slightly disagree: why (free text box)
	6	Proposed location of the scheme, including a map. To what extent do you agree or disagree with the scheme location? If strongly agree / slightly agree: why (free text box) If strongly disagree / slightly disagree: why (free text box)
	7	Explanation of why these areas have been selected. To what extent do you agree or disagree with the reasons why these scheme locations have been selected? If strongly agree / slightly agree: why (free text box) If strongly disagree / slightly disagree: why (free text box)
	8	Outline proposed fees. To what extent do you agree or disagree with the proposed fees? If strongly agree / slightly agree / strongly disagree / slightly disagree: 'Do you think the proposed fees are much too high/ a little too high/ about right/ a little too low/ much too low.
	9	Outline potential licence conditions. To what extent do you agree or disagree with the potential license conditions? If disagree with the potential license conditions: 'Which potential license conditions do you disagree with? (provide a list of the license conditions)'
	10	Which of the following best describes your current situation? I currently live in an HMO I currently own or manage an HMO I currently live or work near an HMO
	11	Demographic questions: What is your sex? What is your age group? Wat is your ethnic group? Do you consider yourself as having a disability under the Equality Act 2010? What type of disability do you have? Which of the following best describes your current situation? Which of the following best describes your annual household income?
	12	Please provide your full postcode.

<p>Proposal documentation</p>	<p>Digital channels Accessible web pages including:</p> <ul style="list-style-type: none"> • Description of the scheme and areas included, including a map • Explanation of why area(s) have been selected • Evidence base outlining why the scheme is necessary, how it will contribute to housing strategy and how the areas will be improved • Fees and potential licence conditions • FAQ outlining purpose and limitations of additional licencing for smaller HMOs <p>Offline channels Proposal document including:</p> <ul style="list-style-type: none"> • Description of the scheme and areas included, including a map • Explanation of why area(s) have been selected • Evidence base outlining why the scheme is necessary, how it will contribute to housing strategy and how the areas will be improved • Fees and potential licence conditions • FAQ outlining purpose and limitations of additional licencing for smaller HMOs
<p>Ways to take part</p>	<p>To ensure that the consultation is accessible for all, there will be a range of options for people to take part:</p> <ul style="list-style-type: none"> • Web page and online survey available on the council website • Paper copies of the survey and supporting documentation available by calling city helpdesk • Drop-in sessions with explanatory materials and paper copies of the survey that can be completed at the session or that can be returned using business response envelopes

Proposed activity

Please note: This is indicative activity only. A full implementation plan will be developed if a designation for additional licensing is made, along with detailed proposals for any designation area.

To ensure that the consultation is accessible for all, there will be a range of channels used to engage audiences.

Activity	Notes
Roadshows	Events at sites across the city to provide people the opportunity to review proposals and ask questions of council officers before submitting responses.
Flagship	Article in resident magazine, delivered to all homes in the city.
Letters - tenants	Details of the consultation sent to tenants living in registered HMOs, or those properties suspected to be small HMOs that are not currently required to be licensed.
Letters - licensing	Details of the consultation sent to landlords and managing agents currently operating licensed HMOs
Door drops	Details of the consultation sent to homes and businesses in areas of the city with HMOs.
Social media	Regular posts to council owned channels.
PR	Press releases at key points of the consultation period.
Digital display budget	Targeted digital display to reach key audiences and increase response in underrepresented groups.
Email marketing - external	Stories included in relevant newsletters, including Flagship, Flag It Up, Family Life, Recycling and Rubbish, Health and Care, and Your City Your Say - approx. 18,500 unique recipients.
Email marketing - landlord newsletter	Landlord focused article for landlord newsletter.
Email marketing - staff	Story included in relevant newsletters, including In The Know (all staff), HNBS staff bulletin and ASC bulletin.
Partner packs	Packs explaining the proposals for key partners in the city, including details on how to share the consultation with their contacts.
Posters - council sites	To be distributed to key locations including community centres and libraries.
Leaflets - council sites	To be distributed to key locations including community centres and libraries.
Councillor briefing	Briefing for members to find out about the proposals and what it means for local people.

Budget

Please note: This is an indicative budget only. A full budget will be developed if a designation for additional licencing is made, along with detailed proposals for any designation area.

Promotional costs

To include production and distribution of Posters, Letters to HMO properties, door drops, proposal documents, paper survey, banners, social media assets, email marketing assets, digital display advertising, flagship advert & business reply envelopes. Total estimated cost of £13,690.

All promotional activity will be undertaken by staff in the council's marketing and corporate communications team.

Research costs

The research will be designed and analysed by the council's internal research and engagement service. A cost of £7,560 is proposed to cover:

- Survey design, development and testing
- Data cleaning and analysis
- Report writing
- Creation of accessible output for council website

Therefore the total anticipated cost of running this consultation exercise is £21,250. There is no identified budget within the Private sector Housing cash limit for this survey work

Evaluation

Measure	Source of information
Broadly representative sample	Market research team, survey responses
Number of survey responses	Market research team, survey responses

HOUSING POLICY RECOMMENDATIONS IN RESPONSE TO THE PCC HMO SURVEY

I'd like to start by saying thank you for including me in this process and providing me with an additional opportunity to consolidate our students' rights. From analysing the recent PCC HMO survey results, I have a few thoughts and recommendations. This response is as an Elected Officer and PRS Governance Board member. We will seek further student consultation on creating formal priorities on housing and are grateful for the opportunity to do so.

Recommendation One - HMO licensing should be strengthened.

The need for this is evident in at least 33% of tenants stating that their property isn't safe and well managed, and 30% indicating that their property isn't in a good standard of repair and condition.

- We could improve this by necessitating three-year renewals instead of five-year renewals for HMO licences. This would help to ensure that the information kept on HMO properties is accurate and relevant. Moreover, by doing this, HMO's will more likely be kept to a higher standard since landlords want to keep their licence, raising living standards. This will also set a best practice precedent that may inspire other councils to do the same.
- PCC should enhance the criteria for their regulation of HMOs by setting more stringent specifications for building standards and their history of HMO leasing as a prerequisite for being awarded an HMO licence. Thus, landlords are forced to keep their properties better maintained for the benefit of tenants and living standards in Portsmouth.
 - This could be measured via an increased quantity of inspections for HMO properties.
- Receipts should be provided by landlords for deposit deductions as a condition of an HMO licence, specifically deductions for cleaning and repairs. The need for this is exemplified in 22% of respondents stating that they fear repercussion from their landlord consequent to asking for repairs. Further, 88% of respondents said that the council should intervene in HMOs more. By implementing this, landlords are held more to account for the way they treat tenants, and a fairer system is born.

Recommendation Two - There should be stricter policies on HMO repairs.

Repairs in HMOs are a prevalent issue, shown in a large proportion of tenants saying that their repairs are delayed, or that they feel intimidated by their landlord when asking for repairs.

- This could be done by mandating repairs to be completed within a specified time frame, with penalties for those failing to meet said timeframes without evidence of unavoidable delays (such as a verifiable email).

Ergo, resolving issues in HMOs become more efficient and tenants feel safer and more comfortable in living within said premises. This also stresses the importance of timely repairs, which is quintessential in maintaining adequate living standards.

Recommendation Three - There should be better reporting structures available for students.

The discrepancy between landlord and tenant responses is significant. For instance, 98% of landlords feel confident in their property conditions. This is a stark contrast to 33% of tenants disagreeing that their property is safe and well-managed, and 30% of tenants indicating that their property is in a poor state of repair and condition. These patterns of divergence are also visible in the age of respondents for both landlords and tenants. Subsequently, it can be inferred that the perceptions of an adequate property condition differ between the two groups, which causes less investment and reduced living standards for tenants.

- We should establish clearer definitions on what constitutes suitable living conditions and ensure understanding of both tenants and landlords of maintaining those living standards

Recommendation Four - Landlords proven to be responsible for subpar living standards (such as poor building conditions) should receive harsher penalties (e.g fines).

Recommendation Five - PDPLA, PCC, UoP and UPSU should do more to increase community cohesion.

- A large number of residents stated that they have faced problems from HMO tenants.
- Negative perceptions towards HMO tenants.
- Perceptions from tenants are okay regarding the relationship with the community - clear divergence.

To conclude, UPSU is pleased to be involved in further conversations about how we can increase living standards within Portsmouth.

For example, we can collaborate by, but not limited to:

- Representing student needs.
- Helping publicise content.
- Providing new solutions.
- Utilising pre-existing connections.
- Create and disseminate campaigns.
- Lobby entities to create positive change.

We have developed a student-specific survey in partnership with the University to collect more data on a granular level. This will be going out shortly and we would appreciate your support in this activity. I hope that we keep the dialogue open to make students' tenants' and landlords' lives better, since we have swathes of expertise from numerous fields, in addition to direct feedback from students. In terms of the next steps, I believe that we should discuss these recommendations and how they can be best implemented.

These will improve the lives of tenants, and as a result, landlords, in Portsmouth.

Dom Owen

UPSU Elected Democracy & Campaigns Officer

Agenda Item 5



THIS ITEM IS FOR INFORMATION ONLY

Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken

Title of meeting:	Cabinet
Date of meeting:	22 nd March 2022
Subject:	Update on the Street Homelessness & Rough Sleeping Partnership Strategy
Report by:	James Hill - Director of Housing, Neighbourhood and Building Services
Report Authors:	Teresa O'Toole - Head of Housing Needs, Advice & Support Lauren Taylor - Rough Sleeping Manager
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Requested by Cabinet

2. Purpose

- 2.1. To provide an update on rough sleeping services in the city.
- 2.2. To provide an update of the Street Homelessness & Rough Sleeping Partnership strategy 2018 - 2020.
- 2.3. To provide an update on bids for Rough Sleeping Initiative funding for services for the period 2022-2025.

3. Background

- 3.1. Since the pandemic began in March 2020, the city council's services for rough sleepers have been through a transformational change. This has gone from a night bed and day centre service, through the use of hotels during the 'everyone in' phase of 2020, to a new pathway which gives real hope to rough sleepers who need support to turn their lives in a different direction. The support of councillors has been integral to this change, and regular reports been brought to outline the developments. In addition, the Portsmouth City Rough Sleeping and Homelessness Partnership Group has provided support and oversight throughout.

- 3.2. The use of hotels in 2020 was not an ideal solution, but the city council made the best provision that was possible given the challenges it faced. It is known that not everyone felt that it gave rough sleepers what they needed, and the learning those facilities provided enabled the Rough Sleeping team that to develop the rough sleeping pathway which began in late 2020 with the leasing of three ex-student blocks.
- 3.3. The most significant development for the pathway in 2021 was the purchase of three accommodation settings, providing over 100 rooms, many self-contained, with on-site support 24 hours a day, every day of the year. Services from across the city council, including public health, social care and many more have worked with our support providers to create the pathway, and more information can be found on the city council's website [Sleeping rough - Portsmouth City Council](#)
- 3.4. Vaccination programmes have been made available, both for rough sleepers on the street and those accommodated in the pathway, and this has meant that the instances of Covid in this vulnerable group have remained low. When Covid cases have occurred, the ability to self-isolate has been available and this has meant that outbreak numbers in any single location have remained under control. Regular updates on any Covid outbreaks have been shared through the multi-agency Health Protection Board and the city council's Business Continuity 'Gold' command structure.
- 3.5. Properties have been developed, with building and personal safety a top priority. Sprinkler systems and oven isolators have been just two of the developments made to help keep service users safe. More importantly, accommodation has been developed to ensure that they feel like home for those who use them.



Example of the kitchen facilities in Kingsway House



Example of a timer switch to minimise fires in cookers and hobs

3.6. However, the Rough Sleeping team is not complacent. There are unfortunately still those who sleep rough on the streets, despite the Rough Sleeping Pathway, and new rough sleepers every month. These are for a wide range of complex reasons, and Outreach and Navigators continue to find and support people on the streets, and help those people gain find accommodation that is right for their needs.

4. Operational update to the existing Street Homelessness & Rough Sleeping Partnership strategy

4.1. Since the publication of the Homelessness & Rough Sleeping Partnership Strategy in 2018 there has been significant change to operational service delivery. This is captured within the updated strategy (Appendix 1) and summarised as follows:

4.1.1. Night Beds

The Night bed provision has evolved into the newly formed Rough Sleeping Pathway

4.1.2. No second Night out Beds

The Rough Sleeping Hub has access to two 'no second night out' beds. The purpose of this provision is to ensure there is a bed available to prevent any person spending a second night out on the streets. Support is offered to those accessing this service to understand the longer-term need.

4.1.3. Rough Sleeping Pathway

Portsmouth City Council has procured and renovated three buildings, which has created a Rough Sleeping Pathway. This pathway comprises high support needs accommodation containing 41 self-contained ensuite rooms; medium needs accommodation containing 9 shared flats with 45 rooms and low



support needs accommodation containing 5 flats, which makes available 19 rooms.

4.1.4. Homeless Day Services

The homeless day services has re-located from Yew House to Kingsway House, Elm Grove, co-locating it within the accommodation pathway and re-naming it the Rough Sleeping Hub. The service is now open 7 days a week 8am to 4pm.

4.1.5. Commissioned support

Following a tendering process, Society of St James (SSJ) were awarded the contract to deliver the support element of the accommodation pathway, and operational delivery of the rough sleeping hub. The contract commenced in October 2021 for a three-year contractual term.

4.1.6. Grant funding

The government has set out its ambition to end rough sleeping by the end of this parliament and is providing financial support to local authorities to achieve this aim. A total of £1.9 billion of funding has been made available until 2025, and the council has already received £4,608,403 from the Rough Sleeping Action Programme (RSAP) for the provision of the rough sleeping pathway, and over £1million in 2021/22 from the Rough Sleeping Initiative fund to support other rough sleeping services.

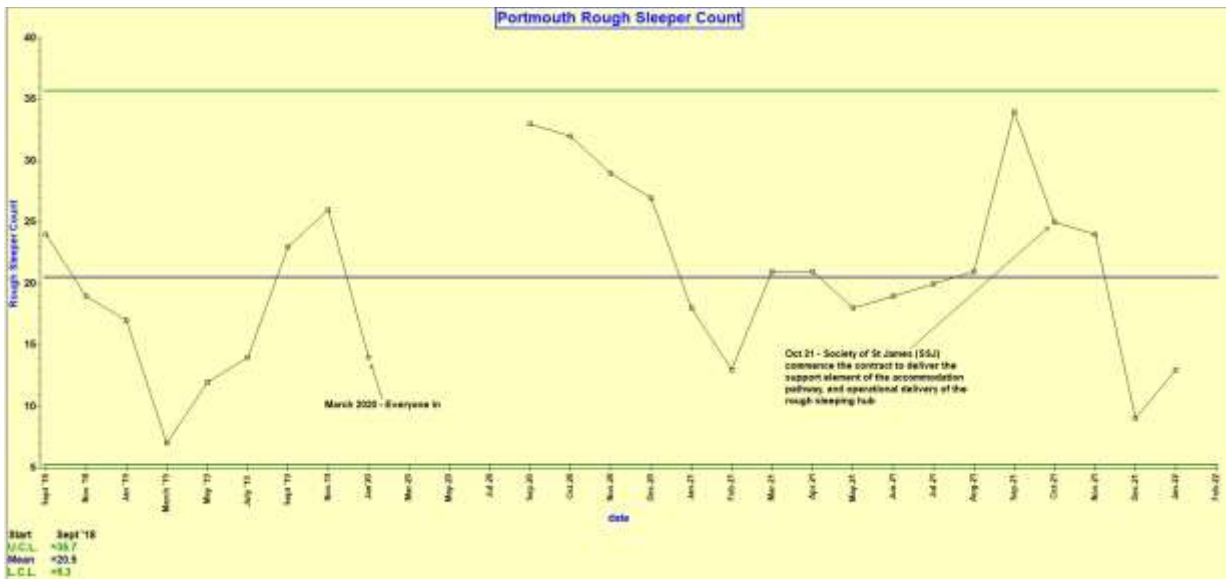
The city council is seeking further funding support, from the department for Levelling Up Housing & Communities (DLUHC)'s Rough Sleeping Initiative programme for the period 2022 to 2025.

4.2. Whilst there have been operational changes to the provision available for those sleeping rough, the strategy and approach remains fundamentally unchanged at this time. The operational developments have improved service delivery in line with the updated vision.

4.3. The outline of this plan was discussed and approved with the Portsmouth City Rough Sleeping and Homelessness Partnership Group on 10th February 2022, and the strategy document will be updated on the city council's website in due course.

5. Current Rough Sleeping data

5.1. The number of rough sleepers is slowly reducing, with the count for November 2021 showing that there were 24 people sleeping rough in Portsmouth. This demonstrates a reduction when comparing figures from previous years, where there were 29 recorded rough sleepers in November 2020 and 26 in November 2019. The graph below shows the numbers of recorded rough sleepers in Portsmouth since 2018.



5.2. Between the October and November 2021 (the first quarter of the support contract for the rough sleeping pathway), 79 individuals were identified to be sleeping rough or at risk of sleeping rough have accessed the Rough Sleeping Pathway. Within this same period, 8 people have moved on from the pathway to long term supported housing and 12 have moved out of the pathway with assistance to secure settled accommodation in the private rented sector.

5.3. In the same time period, there were 1185 separate visits made to the Rough Sleeping Hub by 175 different people. Many of the individuals have accessed accommodation within the Rough Sleeping Pathway, Commissioned Supported Housing services or directly into the private rented sector.

5.4. In the current financial year so far, 44 rough sleepers / ex-rough sleepers have been supported to access Private Rented Sector accommodation.

6. Next Steps - Strategic plans

6.1. Two decisions were taken by Cabinet on the 30 November 2021 in relation to the work undertaken by the city council on homelessness and rough sleeping. These decisions were to:

6.1.1. Approve the plan for the creation of the new Homelessness and Rough Sleeping Strategy 2023 - 2028, and

6.1.2. Approve the option to update the operational elements of the Street Homelessness & Rough Sleeping Partnership Strategy 2018 - 2020 by the end of 2021/22.

6.2. With regard to the first decision, in 2022/23 the Housing Needs, Advice and Support service will continue the work to review and merge the Street Homelessness & Rough Sleeping Partnership Strategy 2018 - 2020 (2023) and Homelessness Strategy 2018 - 2023 to form a single strategic document called the Homelessness and Rough Sleeping Strategy 2023 - 2028.

- 6.3. This will require formal consultation and is intended to create a single clear and cohesive strategy covering the statutory and non-statutory functions of the city council in all aspects of homelessness.
- 6.4. With regard to the second decision, operational elements of The Street Homelessness & Rough Sleeping Partnership Strategy 2018 - 2020 have been updated with the aim of extending the relevance of that document until the new Homelessness and Rough Sleeping Strategy is complete.

7. Next Steps - Rough Sleeping Initiative funding bid 2022-25

- 7.1. The Department for Levelling Up, Housing and Communities (DLUHC) has announced a three-year funding from its Rough Sleeping Initiative (RSI) for 2022-2025 to support with the aim to reduce and end rough sleeping. The expectation is that local authorities build on the learning from previous RSI funding awards in developing a plan to end rough sleeping for their local areas.
- 7.2. The city council has reviewed its needs and submitted a bid for funding to continue existing interventions and create new ones. This was shared with the Portsmouth City Rough Sleeping and Homelessness Partnership Group on 10th February 2022 and includes the following:

7.2.1. Rough Sleeping Navigators: co-ordinate services around the individual to meet all identified needs, including accommodation, health and employment, and seek to remove barriers in accessing services/support. The team works alongside partner agencies in supporting individuals sleeping rough or who are at risk of sleeping rough. The team works flexibly and innovatively in exploring options which fall outside of typical accommodation/support options to personalise housing solutions for those individuals who are entrenched in rough sleeping and challenging behaviours

7.2.2. Health Navigators: co-located within both the ambulance service and the hospital discharge team to support individuals who are sleeping rough or at risk of sleeping rough to access accommodation, primary health care services, pull in appropriate support. The aim is to ensure that no one is discharged from hospital without an address/accommodation offer, and also seeks to engage with individuals to prevent hospital admissions and bed blocking, when community-based support is appropriate or better suited to meet the need.

7.2.3. Private Rented Access: seek to prevent rough sleeping by offering help and support to those individuals at risk of losing their settled home, and work to enable them to continue to reside in that home. The service helps those individuals who are sleeping rough to find an affordable and sustainable solution in the private rental sector, by providing money advice and financial support to secure accommodation as well as providing initial support and advice to both the landlord and the tenant, with the aim of creating settled tenancies.

7.2.4. Rough Sleeping Outreach: act as a first point of contact for those rough sleeping. Proactively engaging with any individual who is found or reported to be sleeping rough to build relationships, signpost to appropriate services and support to engage with services/attend appointments. The bid seeks to improve

response times to notifications of individuals sleeping rough, and to maintain an accurate picture of rough sleeping in Portsmouth to inform developments in prevention interventions.

7.2.5. Criminal Justice Navigator: co-located across the city council and the National Probation Service. To support individuals released from prison or who are engaging with probation and are sleeping rough or at risk of sleeping rough. Building on the impact of other roles, this role is intended to co-ordinate partnership agencies to provide wrap around support to the individual to prevent re-offending and homelessness. This role would lead on risk assessing accommodation options to ensure there is opportunity for success in every case

7.2.6. In-reach support: Supporting 'ex-rough sleepers' to maintain settled accommodation. The aim of providing continuous on-going support is to prevent a return to the streets. From learning, it is recognised that this lack of support can lead to the cycle of homelessness continuing. This support offer will include money advice, responsibilities of a tenant (and a landlord) and practical support to manage a home.

7.3. The city council's Rough Sleeping team worked closely with DLUHC to ensure that the bid was co-produced and met the needs of both government and the city.

7.4. The outcome of the funding application is unlikely to be announced until May 2022. However approximately £149,000 of funding has been confirmed for the first quarter of FY 2022/23 to cover the costs of existing services. Once the outcome of the full bid is known, officers will review the services that will be provided and update the partnership Board, and members, accordingly.

.....
Signed by: **Director of Housing, Neighbourhood and Building Services**

Appendices:

Appendix 1: Homelessness & Rough Sleeping Partnership strategy

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Report to Cabinet 30 November 2021	Plan for the next Homelessness and Rough Sleeping Strategy.pdf (portsmouth.gov.uk)
Report to Housing & Preventing Homelessness 26 July 2021	Update on Rough Sleeping Pathway.pdf (portsmouth.gov.uk)



Report to Housing & Preventing Homelessness 25 January 2021	Pathway for rough sleepers and purchase of associated property.pdf (portsmouth.gov.uk)
Current Street Homelessness and Rough Sleeping Partnership Strategy	Street-Homelessness-and-Rough-Sleeping-Partnership-Strategy-2018-2020.pdf (portsmouth.gov.uk)
Current Homelessness Strategy	Portsmouth City Council Homelessness Strategy
City Council webpage on rough sleeping services	Sleeping rough - Portsmouth City Council

City of Portsmouth

**'Street Homelessness and
Rough Sleeping Partnership
Strategy'**

2018 – 2023

Version 1.1

Introducing the Strategy - Cllr Darren Sanders

Thank you for taking the time and trouble to read this strategy, a first for this city.

More and more people sleep on the streets of this great city and many others. That is unacceptable in this day and age, yet the truth is that the reasons for this are many and complex, defying the traditional 'one size fits all' response the public sector has.

Whether it is the veteran who cannot cope after the horrors of battle or the child asked to leave their family home because their parents want their bedroom as an office, every person who sleeps rough is different. What unites them is the human cost of doing so, for instance dying on average 30 years younger than the rest of the population - a shocking waste of human life.

The last few years have seen major efforts to try and deal with rough sleeping. We have seen a the Portsmouth City Rough Sleeping and Homelessness Partnership Group examining the issue in detail. This work has done a lot to try and deal with the issues. There are also many, many voluntary groups that do a fantastic job dealing directly with those who happen to sleep rough. Everyone involved with it must be applauded.

The situation we face now requires more comprehensive work, of which this strategy is the starting point. It has two overarching themes. The first is treating every person who happens to sleep rough as part of our community, not part of the problem; an individual, not a number.

The second is to accept that the Council's role is to enable others to do the job, rather than pretending it has all the answers. That is why this strategy is unusual. It is the start of a dialogue, albeit one based on listening to what we have been told. Dealing with such a complex matter requires a co-ordinated approach that means groups and individuals - including politicians - putting aside differences and working together on an equal footing to create a better life for this group of people.

There will be ideas in here some people will not like. For instance, it is not equating people who need our help with professional street beggars who prey on people's natural humanity. They must and will be dealt with; here is the wrong place to do it. That is not to say we will not tackle issues of antisocial behaviour, but doing so must form part of a balanced package of measures consistent with the 'Prevention, Intervention, Recovery' approach in the Government's 2018 Rough Sleeper Strategy.

Key suggestions include:

- **Accommodation First, not Accommodation Only.** This recognises that the increasingly diverse nature of the people who happen to sleep rough in our city requires support as well as accommodation, especially those who wish to 'move on' We wish to consult on this.
- **Changing services away from traditional public sector models to personalised plans** that focus on the needs of individuals and identify the most appropriate support for them
- **Improving the quality of accommodation**, including exploring 'safe houses', enabling those who wish to move on live in places that avoid substance misuse

- **Exploring an 'alternative giving campaign'** to encourage people to focus their generosity at groups that help people who happen to sleep rough, including exploring using the money given to enable individuals to improve their lives
- **Encourage the public sector and private companies to utilise or buy buildings to accommodate those who happen to sleep rough and explore providing employment opportunities for them**
- **Get the Council, other statutory partners and voluntary groups and people who happen to sleep rough to work together to deliver this approach** and encourage a 'City Conversation' to help develop it
- **Build on the Government's idea of navigators** - a concept first devised here in Portsmouth - beyond people who merely highlight services to ones who can develop the relationships that are so vital to getting many people who sleep rough to engage

This is not a complete list of the points in this document. They do, though, point to an approach that balances support, opportunity and hope to ensure no-one is left behind.

I would like to thank many people for putting together this strategy. You have helped shape the thinking in this initial strategy document. Thank you.

Cllr Darren Sanders

Cabinet Member for Housing and Preventing Homelessness
Portsmouth City Council

Introduction

Portsmouth, like many other Local Authority areas, has seen an increase in street homelessness and rough sleeping. There has been a significant increase in the number of homeless people congregating within the city, and often in areas where they are highly visible and potentially vulnerable in the City Centre, Central Southsea and areas within the night-time economy.

The common perception is that those who happen to sleep rough are all beggars. Though some are, the truth is that most are not. Anyone can end up sleeping rough. Tackling it is complex and needs to consider many factors. One response does not fit all. Every person who ends up on the streets has a story to tell as to why they are there. In every case the story is different, they are part of our community. Our response must reflect that reality.

Rough sleeping can damage a person's physical and mental health. Many experience issues with mental and physical health, and substance misuse problems as a result of the conditions in which they live.

This strategy - the first our city has produced - is the starting point in reversing that in a comprehensive way. It will offer a general approach, the context within which it operates, some pointers on what to do and what happens next.

Much has happened in Portsmouth, particularly attributed to the Covid-19 pandemic and the 'Everyone In' government directive of March 2020. This directive provided the opportunity to, initially, expand our night bed accommodation provision and then to develop this into a rough sleeping accommodation and support pathway. Considering this, and the recognition that there needs to be greater synergy between this strategy and the Homelessness Strategy, we have updated the operational elements of this strategy to reflect the current offer to those who are or who are at risk of rough sleeping. This strategy will therefore function as an interim strategy, whilst work is undertaken to, firstly, review homelessness across the city and then to produce a newly formed homelessness and rough sleeping strategy for the city.

Whilst the current Homelessness Strategy runs until the end of 2023, the Street Homelessness & Rough Sleeping Partnership Strategy had an end date of 2020. In addition, there have been a number of operational changes to the services that rough sleepers can access in the city. This has been recognised within this update document.

Context

In Portsmouth we believe that nobody should be sleeping on the streets and with appropriate support everybody can live a happier and healthier life.

The Council and other statutory bodies in our city do this within a context set out in law and Governmental strategy and policy.

1. The Law

There are several laws that cover street homelessness and rough sleeping. They matter because those who happen to do those things fall outside the groups councils must give priority to under the Housing Act 1996.

Generally, the Public Service Equality Duty (Equality) Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. However, local authorities are under no obligation to produce strategies like this.

There is also legislation that deals specifically with homelessness. The Homelessness Act 2002 introduced the power for Local Authorities to take reasonable steps to prevent homelessness for those households that do not meet any of the categories for priority needs under the 1996 Act and where their homelessness would be unintentional. This is the case in Portsmouth.

The focus on preventing homelessness has been further cemented through the new Homelessness Reduction Act (2017), which began to be implemented in Portsmouth on 1 April 2018.

The new Act seeks to address some of the problems with the current Acts, particularly in relation to single homelessness, through earlier intervention, prevention, appropriate assessment of needs and the development of individualised plans. Key elements include:

- A change to the definition of a person who is 'threatened' with homelessness to people likely to become homeless within 56 days. Previously this was 28 days
- The local authority must take 'reasonable steps' to help such avoid becoming homeless. This includes providing free information and advice on preventing homelessness and securing accommodation if homeless or threatened with it
- Local authorities designing services that meet the needs of those at increased risk of becoming homeless, such as care leavers, those leaving prison, hospital or the armed forces, victims of domestic abuse, and those with mental health problems
- A duty on local authorities to assess eligible applicants who are or at risk of becoming homeless and agree the actions to be taken through the development of a personalised plan of action, irrespective of their priority need status.
- Local authorities taking reasonable steps to help all eligible applicants secure accommodation for at least six months.
- All applicants must cooperate with local authority attempts to comply with their duties. Local authorities can serve notice on applicants it considers have deliberately and unreasonably refused to cooperate.

Taskforce was held setting out the need to work together across Government to reduce rough sleeping.

In August 2018, the Government announced its rough sleeping strategy. It established three aims: prevention, intervention and recovery. This has been supported through the multiple opportunities to apply for funding and the council has been successful in obtaining funding to support rough sleeping. A further application will be made for funding April 2022 - March 2025.

- Helping key groups, such as care leavers with complex needs and those leaving prison
- Reviewing laws such as the Vagrancy Act to reduce discrimination against those who sleep rough
- Funding homelessness workers, bed spaces and 'navigators' to help people through the system
- Money for those with mental health and substance misuse issues who sleep rough
- A new supply of homes outside London for people who sleep rough and those who are ready to move on from hostels or refuges and might need additional support
- Flexible support funding to help over 5,000 people at risk of rough sleeping, over the next two years, to sustain their tenancies in homes across the housing sector.

Portsmouth's approach is similar in many ways and, later, this strategy will explain how we want to seek what the Government has to offer.

3. The Local Position

The last few years has seen an increased focus on tackling street homelessness. The Council created a Homelessness Champion in former Cllr Paul Godier and a cross-party working group that produced a report to Cabinet in June 2017. Its recommendations have been or are being carried out. In addition, there was a workshop dealing with the issue of rough sleeping. The idea of a strategy on this matter is one of the products of that session.

The Day Service within the Rough Sleeping Hub, is open seven days a week and offers individuals who are experiencing rough sleeping a place to shower, do laundry, receive support and advice around their housing and health needs. Employment advice is also offered.

Within the Rough Sleeping Hub where the day service is held, there are 2 'no second night out beds.' The purpose of this provision is to offer a bed to prevent any person spending a second night on the streets. The service provider works alongside Housing Needs Advice and support (HNAS) to carry out a holistic assessment of the individual's needs.

An independent Supported Housing Assessor (ISHA) progresses the assessment collaboratively with HNAS to understand whether the Rough Sleeping Pathway would be the right accommodation option.

Staff at the Rough Sleeping Hub will also work with individuals to reconnect them to their last settled accommodation or local connection area, if appropriate.

Portsmouth City Council has created a Rough Sleeping Pathway, utilising funding from the Department of Levelling up, Housing and Communities (DLUHC). 3 buildings were procured, and renovations were completed to build a pathway of accommodation with 24 hours support for people who are rough sleeping or at risk of Rough Sleeping.

The 3 buildings are as follows;

The Registry, St Michael's Rd, Portsmouth PO1 2EE

- High Support
- 41 self-contained rooms with ensuite bathing facilities.
- Shared cooking facilities
- Staff on site 24/7
- 2 welfare checks carried out to each room daily

Kingsway House, Elm Grove, Southsea, PO5 1LR

- Medium Support
- 9 flats containing 45 rooms with shared kitchen and bathrooms inside each flat.
- The Rough Sleeping Hub is based on the ground floor of Kingsway House
- Staff on site 24/7
- 2 welfare checks carried out to each room daily

155-157 Elm Grove, Portsmouth, PO5 1LJ

- Low support
- 5 flats containing 19 rooms with shared kitchen and bathrooms inside each flat.
- 1 welfare check carried out daily
- Staff are based directly across the road

4. The issues we face in Portsmouth

The last rough sleeping count, conducted in November 2021, showed there were 24 rough sleepers in Portsmouth. This is a reduction on previous years with 29 recorded rough sleepers recorded in November 2020 and 26 in November 2019.

Whilst the number of people sleeping on the streets is stable and slowly reducing, there are 45 people who are in the Target priority group (TPG).

This group is formed with DLUHC. This number is a reflection of Rough Sleepers who have spent:

- 2 or more months on the sleeping rough street on the last 12 months
- 1 or more day on sleeping on the streets in 2020 and 2019

Given that each person is different, there will be as many issues faced as there are people who happen to sleep rough. However, some general trends do emerge.

- a. Some do not engage with services. This is the most challenging group and, for obvious reasons, the hardest to reach. There are, though, many reasons for this, such as: a sense that the level and quality of current services do not offer what they want; people

who had substance misuse issues fearing that engaging means meeting people who will tempt them back into the old ways; losing a job - often in the unregulated economy - that pushes them back on the streets.

- b. We need a distinct path for people who wish to 'move on'. This group of people want to leave the streets behind but need relevant accommodation and assistance in getting jobs and help in resuming a conventional life.
- c. Services need co-ordination and work best when people who happen to sleep rough are involved in creating them. Too many groups in the city do great work, but in an unco-ordinated way. A coherent approach means statutory and voluntary groups working together and - following the example of places like Manchester - involving people who do or did sleep rough in the services on offer.
- d. Giving people an outlet for their common decency. Many people give money to beggars - professional and otherwise - when the law and experience show this is not the best way. Professional street beggars play on this. We want to harness people's desire to help in a way that in the medium-and long-term, can help those on the streets break the cycle, perhaps through a central repository for funds to be devolved to homeless charities.
This is particularly true for adults with complex needs and those who misuse substances. A recent Public Health England report on this describes the correlation between the use of substances and begging. It is difficult to disaggregate these two things and further work is needed to understand this.
<https://www.gov.uk/government/publications/homeless-adults-with-complex-needs-evidence-review>
What is clearer is that the link between poor outcomes and adverse childhood experiences (especially exposure to domestic abuse/violence and substance use/mental health problems in a carer/parent) is very strong and we need to do work around that.
- e. We need to tackle the reasons why antisocial behaviour involving people who happen to sleep rough occurs. Many people who sleep rough face emotional and sometimes physical abuse. Those who do not also complain about issues such as street drinking by people they believe do. We need to look at the causes of this, as well as deal properly with the symptoms.

Our vision

Working together to end rough sleeping in our city. Building partnerships to understand the path to rough sleeping, creating innovative person-centred solutions to prevent and relieve homelessness.

Vision Statement

Portsmouth's city vision works in parallel with the Rough Sleeping Vision as a city that believes its community, in collaboration, equality, respect and innovation.

We recognise that for various reasons some people will end up on the streets and this is where multi-agency partners will work closely together to identify them, assess their individual needs and work to bring them off the streets as quickly as possible. Access to a self-managed space with support from health, social care, and housing will be available for all. An adaptable and flexible housing solution should be sought taking a holistic approach with the person at the centre. For many this will be through an established pathway model, that will lead to a self-sustained tenancy, however alternative options will be available for those who cannot enter the pathway.

Whilst an accommodation offer will be made available to all there may be occasions when individuals do not wish to leave street homelessness or are not ready to engage. Support will be available to help them live a safe and secure lifestyle which avoids antisocial behaviour and keeps the door open for leaving that lifestyle when they are ready to do so.

Our approach will be engagement led with outreach services engaging individuals identifying as homeless, understanding their needs. Being homeless is not a crime, but some activities undertaken by street homeless individuals may be. For those that use the streets as a place for crime and anti-social behaviour, multi-agency partners will work vigorously to minimise and remove that behaviour for the protection of those most vulnerable as well as the public. We want to build on work being completed that identifies and prevents root causes of homelessness. This is achievable only when major agencies, stakeholders and individuals work together to tackle causes of trauma in a person's life which impact on future chances of stability and may lead to them sleeping on the streets.

Where a preventative approach does not work, and a person becomes at risk of rough sleeping, the role of multi-agency partners will be to work together to identify the person and remove all possible barriers to enable their life to get back on track. Agencies will have robust information sharing channels and step forward in finding solutions. For the Housing Needs, Advice and Support this will include helping individuals to find and sustain a home before they need sleep rough by offering financial incentives to landlords, and support to enter the private rented sector and sustain a tenancy.

The voluntary sector plays a pivotal role in supporting current and ex-rough sleepers providing advice, guidance, food and other essentials when a person needs it without prejudice. Voluntary sectors act as an insight to this communities needs working on barriers which prevents a person from accessing support when they are ready to engage.

Whatever route off the street is taken, it is vital to help that individual to minimise the chances of returning to the street. Therefore, addressing physical and mental health, substance abuse

and general lifestyle choices are all a vital part of the pathway. Support offers will also incorporate life-long learning opportunities and employment support.

As a City, across neighbourhoods, communities, organisations, sectors and businesses, we will all take responsibility to work to prevent and relieve rough sleeping. This has been at the heart of the Rough Sleeping and Homelessness Partnership board which will continue to be a forum and model which leads on change.

Everyone will have the opportunity to succeed, with differences in need respected, making sure everyone feels included and safe. We are ambitious and action-oriented, welcoming new ideas and embracing changes that improve people's lives.

Our approach

As a city, we must do all we can to stop street homelessness and rough sleeping. This strategy outlines some ways in which this can be done. It works on some basic principles:

1. **Services for people who happen to sleep rough or are street homeless must be built around that person.** Too often people - especially those with mental health or substance misuse issues - fall through the cracks. Building relationships to ensure engagement is crucial.
2. **The Council cannot and should not do this alone.** It requires a partnership between it, other statutory bodies and the many voluntary groups who do such great work in helping people who happen to be street homeless.

The service on offer must be co-ordinated. There are several statutory and voluntary agencies but to date their services have largely been unconnected which leads to fragmentation and duplication of cost and effort. This strategy aims to provide a co-ordinated approach to rough sleeping and to ensure that all services work together to minimise duplication and maximise resource and expertise. To that end, some local authorities have introduced an accreditation scheme for voluntary homeless/rough sleeping charities and this should be considered in Portsmouth. We are working with 'Project Bridge', a partnership arrangement between Public Sector and Voluntary Sector services, to help us understand the need better. Better data sharing mechanisms will help co-ordination too.

3. **'Accommodation First, not Accommodation Only'.** Housing First is a specific, licensed approach - trialled in the United States - that gives people with complex needs who sleep rough a home. Support can be provided via 'assertive engagement', but is not inherent in the package. The Government is piloting this in parts of England, just as parts of the United States are moving away from it.

Our approach is different in some ways. It meets the increasingly diverse nature of those who happen to sleep rough and reflects the approach of putting the individual, not the process, first. As it is different to Housing First, we must give it a different name. 'Accommodation First, not Accommodation Only' balances the need for a home - especially for people who wish to move on - with offering the ongoing tailored support so many need and want upfront, not as an add-on.

4. **We must help homeless veterans.** Every Local Authority including Portsmouth has an Armed Forces Covenant and signed Covenant pledges. We need to do all we can to make sure that members of the Armed Forces Community are taken into consideration in developing our plans.

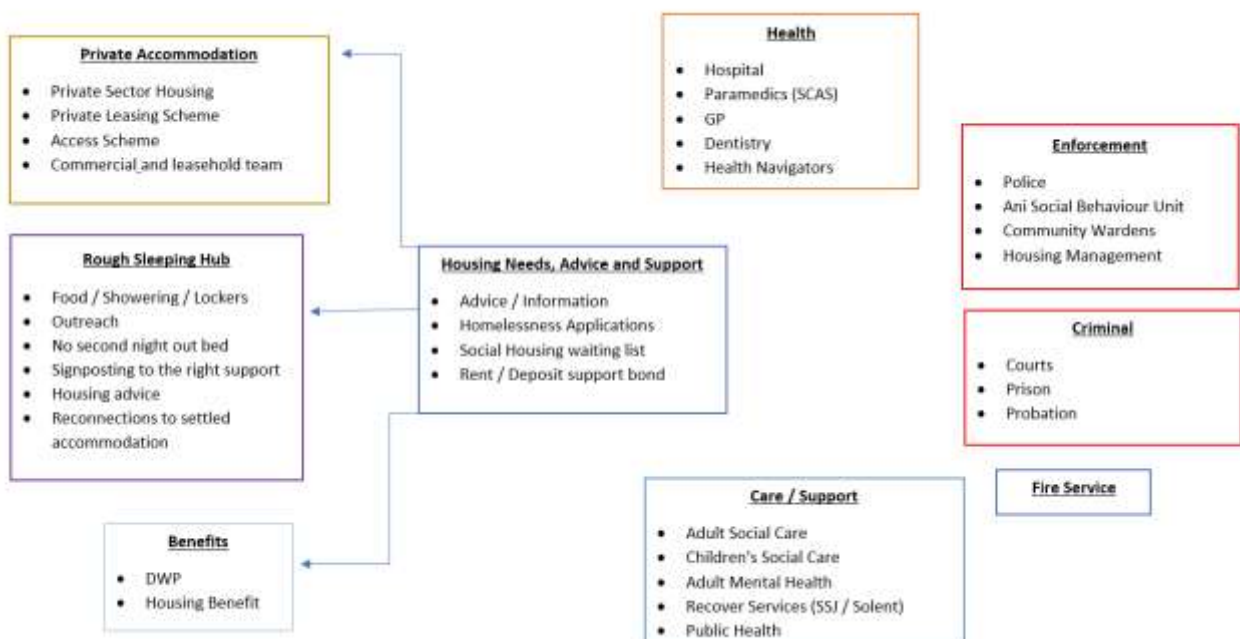
Who are the services?

In Portsmouth there are many partners with direct or indirect links to this issue. The list below highlights some of them: There is a need for all services to work together around the needs of everyone.

- Local Authority Property and Housing Services
- Public Health
- Adult Social Care
- Hampshire Constabulary
- Probation Services
- Commissioned homelessness support focussed services
- Children's Services
- Educational establishments
- Voluntary services including faith groups
- Safer Portsmouth Partnership
- Health & Wellbeing Board

Figure 1 (below) provides a visual of the existing relationships between these statutory services, in respect of rough sleeping:

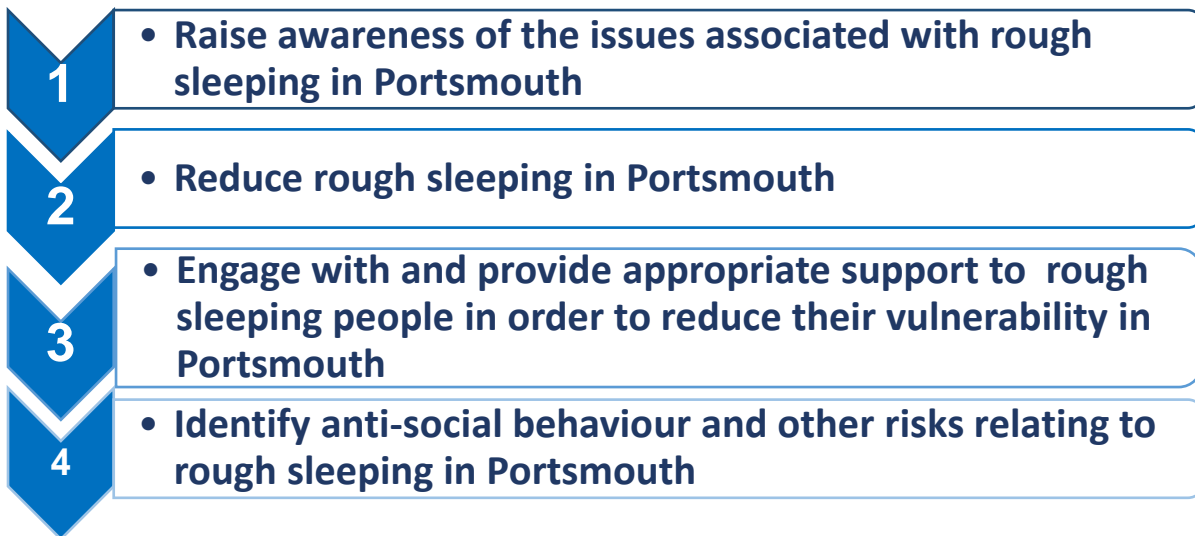
Statutory Provision



How will we achieve the Vision?

a. Strategic objectives

Working together, we will:



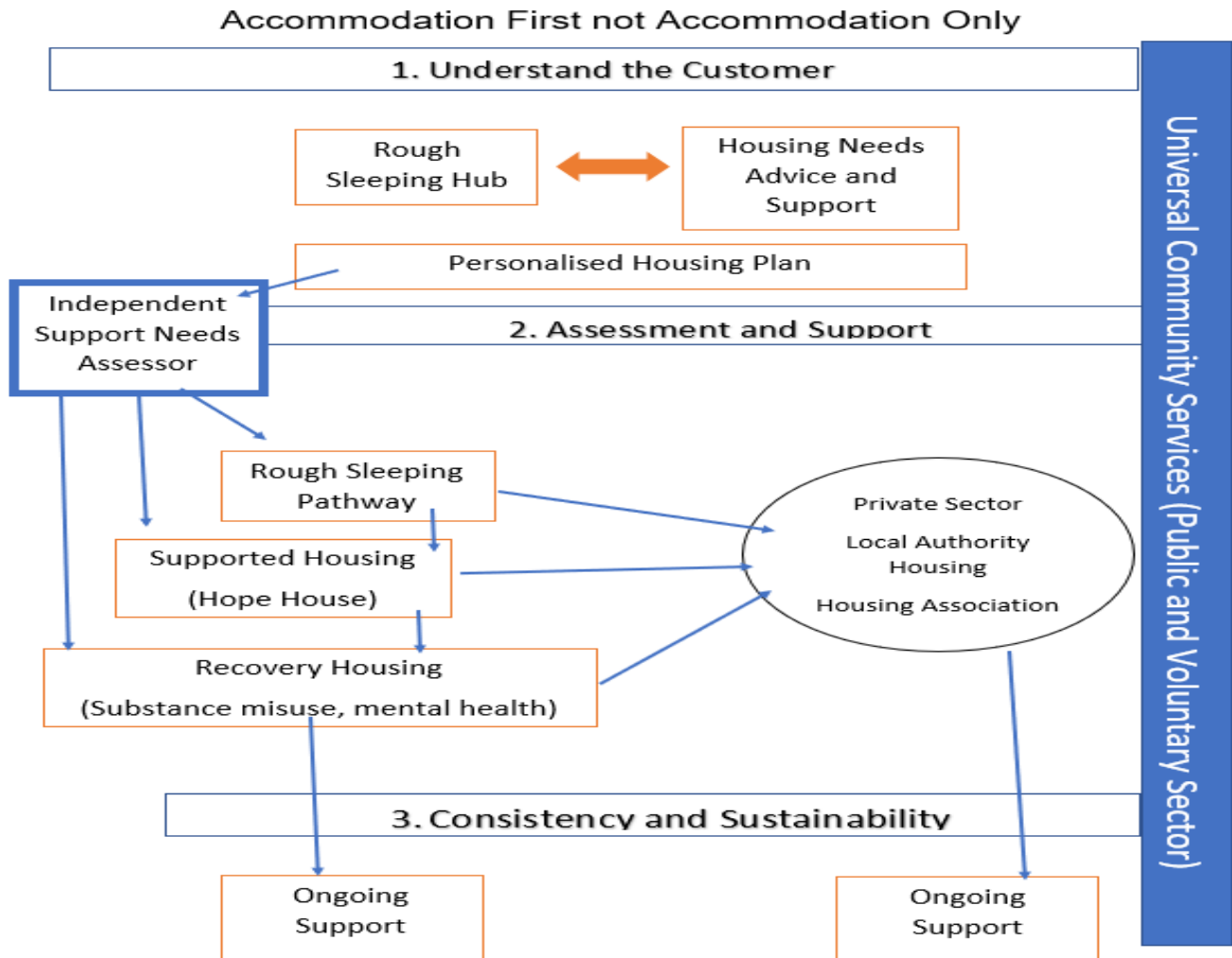
Accommodation First Not Accommodation Only (Fig. 2 below)

In addition to our own learning, the proposed 'Accommodation First, Not Accommodation Only' model builds on some of the emerging learning from the evidence-based model, Housing First.

The principles of 'Accommodation First, Not Accommodation Only' are:

- Getting somewhere to live isn't the end of the support needed; for many residents it is the beginning
- Starting support with having somewhere to live offers the safety and stability needed to develop a support plan that will help address other issues/make changes
- Offering support that goes 'beyond the four walls' to help people, where needed, to positively engage within the community in which they reside

Figure 2 provides a visual representation of this model. It sets out the steps that matter to the individual in being supported to move from the streets and into settled accommodation.



The purpose of this model is also to recognise and reinforce how essential the co-ordination between this strategy, the Homelessness Reduction Act and the Adult Supported Housing Pathway is in offering an effective and sustainable framework to meet the needs of people facing the risk of or who end up sleeping on the streets. This model also, importantly, highlights that securing accommodation is, for some, just one aspect of a larger support network that may be required (additional support might include mental health needs, substance use, debt management, finding employment) to prevent individuals finding themselves struggling to sustain accommodation due to gaps in support available and facing the risk of repeating this process time and time again.

The Portsmouth Homeless Day Service, which offers Outreach would be used as an entry point into settled accommodation. Individuals would be invited to complete a personalised housing plan which would consider any support needs. Once the needs have been identified the personalised housing plan would be used to engage with relevant services. Once the personalised housing plan has been established it will be the responsibility of the individual and the services to progress this into settled accommodation.

The connection between the Day Service, and the Council's Housing Options Department is pivotal to the success of this model. Following the successful transition into settled accommodation, support will continue for as long as is necessary via floating support or outreach.

Our implementation plan will align to each of the four strategic objectives and actions that will be considered by signatories to the strategy. The actions need to be owned either by a single agency, in partnership or between wider stakeholders.

We also need urgently to map what is currently being done to support people sleeping rough in Portsmouth. At present we do not fully understand the complex, diverse and uncoordinated support network that already exists in the city.

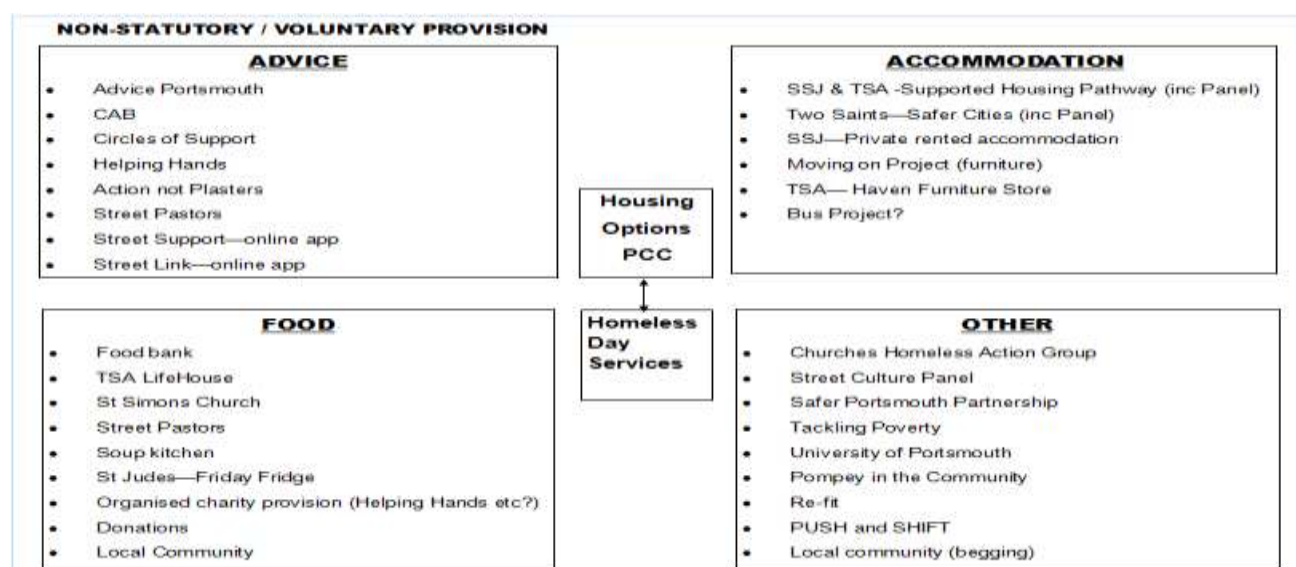


Figure 3

Figure 3 (above) depicts the emerging learning that has identified this as a network of support that sits beyond the local authority's advice and support function.

We would propose that consideration is given to the following in the further development of this strategy:

- Annual training for frontline professionals & partners, as well as ongoing Continuous Professional Development awareness sessions, including the services available.
- Prevention of homelessness through PCC Housing identifying people & their needs through existing Personalised Housing Plans. Early support and intervention before evictions are implemented; incorporating advice around debt, money management & other common issues which can lead to tenancy action; benefits; etc.
- Increasing the availability of good quality, affordable, private rented accommodation. The administration is committed to encouraging private landlords to charge a Living Rent and expanding the rent deposit scheme. These could assist persons with the money required to find private sector housing.
- Increasing the availability and provision of temporary including hostel space, ensuring it is plentiful and readily available in the interim whilst more long-term permanent accommodation is sought.
- Multi-agency / third sector engagement & drop-in clinics; effective outreach and engagement services in partnership with charity agencies such as Salvation Army and

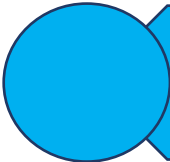
Society of St. James, which would include health & dental services, mental health, substance misuse, learning links to support education skills & assist employability.

- Targeted stakeholder action days / activity to identify & support the most vulnerable homeless people in Portsmouth. Due to the numbers involved, this would ensure partners & stakeholders focus on the most vulnerable / complex needs cohort, whilst general engagement would also support the homeless & help us to develop the risk picture. Also, consider the implementation of a Vulnerable Person's Panel.
- Consider the creation of a dedicated Street Engagement Team. We should consider funding a team which could consist of police, community wardens, housing options and outreach services to work with the most vulnerable.
- Ensure effective partnership and information sharing takes place, we should consider creating a Stakeholder Action Group to meet on a bi-monthly basis. This would include key stakeholders: police, local authority, local councillor, CPS rep, local authority housing providers, housing options, community wardens, outreach services, substance misuse and Mental Health services along with representatives from the temporary and shelter accommodation providers. This would enable effective management of information sharing and accountability of partners in vulnerability management.
- Ensure that, where appropriate, proper work is done to tackle the causes and symptoms of antisocial behaviour involving people who happen to sleep rough. Examples could include: clamping down on the sale of 'super-strength' alcohol; navigating people to relevant services; providing more activities during the day. Dealing with professional street beggars is essential but, as these people are not homeless, this is not relevant to a strategy on street homelessness. This could be done through an 'ASB expert' who acts as a liaison between statutory and voluntary agencies.
- Additionally, we need to consider toilet provisions & additional street cleaning as well as needle exchanges in areas being frequented by rough sleepers in order to manage risk to those individuals as well as the residual public health risks to the general community.
- Raise awareness of how the public can support a strategy around "Small change equals Big Change" programme to encourage practical alternatives to giving money to beggars
- Facilitate awareness raising sessions in schools, colleges and the University of Portsmouth so that students can understand the vulnerability of street homeless people.
- Explore facilities for daytime use by rough sleepers. Facilities to include practical support in addition to information, advice and guidance around housing and health needs. Currently the Portsmouth Homeless Day Service offers support to individuals who are rough sleepers and provides facilities to enable washing of clothes and personal hygiene, support around health-based needs and advice and support regarding housing. The opening hours are limited.
- Consider the development of a 'Rough Sleeper's Charter' where all interested parties give consensus to a set of principles. This could be facilitated via an annual 'City Conversation' of the type envisaged in the 2017 Homelessness Working group report.
- Research around homelessness and being part of the rough sleeping community should be considered. Individuals with experience of rough sleeping are a valuable asset in understanding the issues encountered by people who are street homeless.

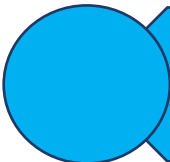
What outcomes are we seeking to achieve?



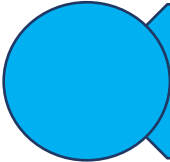
Fewer rough sleepers in annual street homeless count



Reduction in Street related anti-social behaviours



Increase in use of night bed provision and appropriate 'move on' routes to settled accommodation



Successful media campaigns to offer the public the opportunity to make 'informed choices'

Governance & Accountability

This strategy sets out the overarching vision and strategic objectives for tackling street homelessness in Portsmouth. Successful delivery is dependent upon the statutory agencies, partners and other stakeholders delivering the agreed implementation plan at an operational level.

That means the city's elected representatives working across party, as well as with statutory and voluntary partners, to ensure the strategy's success.

This has resulted in the creation of the Portsmouth City Rough Sleeping & Homelessness Partnership Group

Independently chaired, this group provides scrutiny, support and guidance for the Strategy and for partners to commit resources to support its aims. Membership includes:

- Cabinet members who have a responsibility for Housing and Preventing Homelessness, Environment & Community Safety and Health and Wellbeing
- Representatives from all political groups of Portsmouth City Council
- Voluntary Sector partners chosen on an annual rotating basis from the Big Conversation event

- Statutory partners including the Police, Adult Social Care and providers of services for people with mental and physical health issues
- Individuals who have experienced rough sleeping

Conclusion and next steps

We accept that we have set ourselves challenging and ambitious objectives. However, we are committed to achieving the outcomes described in this strategy. The human cost of vulnerable people rough sleeping on our streets is not acceptable. As a city we think we have a responsibility to support these people and ensure that they are supported to find and sustain safe, settled accommodation.

This strategy sets out a model to achieve this, the Accommodation First, not Accommodation Only model is a start in understanding the circumstances of each individual via a personalised plan and then drawing on resources available to support the individual. We recognise that there is much to do and this work is complex. We also recognise that that wider support from health care, mental health services and drug and alcohol services is pivotal to the success of supporting individuals.

We recognise that there are gaps in our knowledge and with our data and we need to improve our understanding of individuals who are experiencing rough sleeping and we will be continuing to work with partners to address this.

This document is an operation refresh of the document first published in 2018. It will be combined with the Homelessness strategy to make a single strategy, which will be published during or before 2023.

Appendix

Draft Implementation Plan

In developing the draft implementation plan, these are the actions we are currently taking and will continue to take until the full review and new Homelessness and rough Sleeping strategy is approved

SO1

• **Raise awareness of the issues associated with rough sleeping in Portsmouth**

- Develop a Communication Strategy using Social Media, PCC Flagship and other media channels to highlight the risk and vulnerabilities of people who are rough sleepers. This will enable the residents, businesses and others to find out how they can support the strategy.
- Learn from outcomes and recommended interventions from the Complex Case Review led by the Safer Portsmouth Partnership. Use learning and recommendations to inform changes to processes.
- Understand and source the type of accommodation that is required and work with partner agencies to identify opportunities, especially for those who wish to 'move on'. Utilise relationships with registered social landlords to see what accommodation options are available.
- Work with health-based services to understand the ongoing challenges of addiction and the impact. Utilise understanding to look at barriers and how these can be overcome as a partnership.
- The reasons for rough sleeping are complex and individual circumstances and decisions made by rough sleepers are not fully understood. Awareness raising needs to take place in City Schools, Colleges and with the University of Portsmouth to enlighten services.

- Residents of Portsmouth should be empowered to make an informed choice before giving money to people who live on the streets. The voluntary sector, including faith-based groups, should be encouraged to donate to a central fund which could be divided amongst accredited voluntary organisations.
- Work with local businesses to understand the impact of rough sleepers on their businesses.
- Host 'Conversation' events to build on the goodwill of Portsmouth residents and co-ordinate a collective response.

SO2

• Reduce rough sleeping in Portsmouth

- Portsmouth Homeless Advice Hub, Understand its purpose, need and demand from homeless people as well as its responsibility to the community.
- Continue to develop the work in the Rough Sleeping pathway understanding what support is needed to support individuals to secure long term sustainable accommodation

Work with the public and private sectors to encourage job opportunities for people who wish to 'move on' from sleeping rough. Explore whether the alternative giving project could help subsidise wages or training

- Build up relationships with through a dedicated Street Homeless Support Team, building on the work of organisations in the voluntary sector. These would offer an enhanced relationship.
- Day time activities - consider use of Community Centres and other public spaces. Work with providers and partners to encourage people to take part in daytime activities.
- Explore providing dedicated support and advice for key groups, such as veterans and people who have just left prison.

SO3**• Engage with and provide appropriate support to rough sleeping people in order to reduce their vulnerability in Portsmouth**

- Data Sharing - Gaining a full understanding of individuals and the cohort to enable more effective commissioning.
- Street Support App - This app seeks to keep individuals informed of all support available across the city.
- Accreditation of Voluntary Groups linking with City Priorities
- City Conversation - This concerns informing residents about the issue and seeking views and opinions of the whole community/public.

SO4**• Identify anti-social behaviour and other risks relating to homeless people in Portsmouth**

- We need a balanced approach to enforcing antisocial behaviour conducted to and by those who happen to sleep rough. This will be done through Portsmouth's partnership approach to persistent begging and anti-social behaviour by homeless people including those with complex needs.
- Hampshire Constabulary's neighbourhood policing teams, Portsmouth City Council's community and high street wardens and other partners including the Crown Prosecution Service have agreed a joint approach in order to manage these incidents in a consistent and proportionate way.
- Hampshire Constabulary has also agreed to take the lead in initial enforcement and evidence gathering, with Portsmouth City Council taking the lead in subsequent enforcement through the civil courts.

Enforcement needs to run alongside active encouragement to people to engage with services. The PCC Street Warden Service who have been operational since January 2018 have been engaging with rough sleepers and other partners to offer support to individuals who are sleeping rough. This service could act as navigators as well as enforcers.

- PCC is pivotal in the enforcement strategy, particularly in decisions to pursue offenders through the civil court. It will take all steps necessary to deal with any antisocial behaviour that arises, recognising that it is a symptom of wider issues, not the cause.

Agenda Item 6



Portsmouth
CITY COUNCIL

Title of meeting: Cabinet

Date of meeting: 22nd March 2022

Subject: Horatia and Leamington Development – Delivery Next Steps

Report by: James Hill, Director of Housing, Neighbourhood and Building Services

Report Author: Stuart Palmer, Strategic Project Manager

Wards affected: St Thomas Ward

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1. To provide Cabinet with a progress update including:
 - Deconstruction
 - Community Engagement
 - Homes England Funding
 - Development
- 1.2. Inform the decisions required to progress the development delivery of the site currently occupied by the moribund Horatia and Leamington House towers.
- 1.3. Set out the delivery model to take forward the development
- 1.4. To seek permission from Cabinet to tender and appoint a design & build contractor to build out the HRA Affordable Housing scheme element of the master plan so that works can start subject to planning approval

2. Recommendations

- 2.1. In order to proceed with the development delivery, it is recommended that Cabinet:
- 2.2. Approve that the development scheme is now considered as two separate schemes and that the Affordable Housing Scheme is taken forward with a scheme budget of £98.1m and note that this remains within the overall funding

approved by cabinet and full council at Cabinet dated 15th September 2020 and Full Council 13th October 2020 for the whole development scheme

- 2.3. Approve in principle the disposal of land, from the HRA & General Funds as indicated by block B in 4.14 below for the development by a third party which would include PCC own housing development company. Disposal of land (HRA& General fund) uses the existing delegations for the Director of Housing, Neighbourhood and Building Services and Director of Regeneration, in consultation with the Cabinet Member for Housing and Preventing Homelessness and Leader. The land disposal would be defined by a red book valuation and the capital receipt used to support the development.
- 2.4. Cabinet note that should the development of the land indicated by block B in 4.14 require funding from the Council, for example, through Portsmouth City Councils own housing development company, Ravelin, and the funding requirement exceeds the £145m overall funding approved by cabinet and full council at Cabinet dated 15th September 2020 and Full Council 13th October 2020, additional spending would be subject to a cabinet and full council report.
- 2.5. Note the scope of the development scheme to include the Horatia and Leamington footprint, Melbourne Place car park, Gibson Centre and the delivery of wider public realm improvements identified in 4.12.
- 2.6. Delegates authority to the Director of Housing, Neighbourhood and Building Services and the Section 151 Officer to tender and enter into contract with the preferred bidder for the design and build work following full evaluation of the tender.
- 2.7. Delegates authority to the Director of Housing, Neighbourhood and Building Services in consultation with the Director of Finance and Resources to amend the composition, design standard and spending profile of the proposed scheme in order to meet planning and design requirements whilst ensuring that the scheme remains financially viable following any necessary changes.
- 2.8. Delegates the Director of Housing, Neighbourhood and Building Services in consultation with the Director of Finance and Resources to apply for any grant funding to support the scheme.
- 2.9. Cabinet place on record a note of thanks to the local community and stakeholders who have engaged in the project and particularly those involved directly in the work of the community panel. The contributions and input have been invaluable in directing the project and supporting the design team to create an exciting new beginning for this part of Somerstown.

3. Background

- 3.1. At Cabinet dated 15th September 2020 and Full Council 13th October 2020 it was agreed to continue the delivery of the Leamington House and Horatia House (H&L) Master-plan. [[Link](#)]
- 3.2. The completion of Royal Institute of British Architects (RIBA) stage 2 in the RIBA scheme of works and subsequent report [[Link](#)] which focused on community engagement in the design process are now at a stage where a decision on delivery is required to enable completion the of RIBA 3 and subsequent planning submission.
- 3.3. The discussions with Homes England has focussed the approach to bring forward the development and underpins the approach set out in this report.

4. Update on progress

Deconstruction

- 4.1. The contract for deconstruction of Horatia House and Leamington House was procured and awarded to Hughes & Salvidge, who commenced the setting up of the site on 1 June 2021. The procurement also established a regional specialist demolition (deconstruction) framework that can be accessed by other clients.
- 4.2. The Horatia House asbestos removal and internal soft stripping has been completed. Deconstruction of the block commenced in November 2021 and as of Friday 4th March 2022 deconstruction to the 7th floor is complete with deconstruction of the 6th floor underway.
- 4.3. At Leamington House the asbestos removal is complete. Internal soft stripping of the block and erection of the scaffold is currently at the 13th floor. The deconstruction of the block is anticipated to commence during Spring 2022.
- 4.4. The contractors programme indicates that both blocks of flats will be completely deconstructed by the end of the Summer 2022.
- 4.5. Hughes & Salvidge have made social value commitments as part of the contract that will benefit the local community including Cottage Grove Primary School, as well as supporting the Council's community engagement that has been undertaken as part of the master planning. Also of note that the contractor continue to achieve 98% (check) reuse/recycling of the material.

Community Engagement

4.6. During RIBA Stage 2, there have been numerous online and in-person engagement events with the community panel, local residents, local stakeholders, former residents of the Horatia and Leamington Houses, Ward Councillors and the wider community including the following:

- Traditional media channels used to engage the local community in the project, such as letters, information booklets, public events and posters, as well as postal and online surveys.
- Project website and excellent media coverage to allow the local community to find out more about the status of the regeneration project and deconstruction of the existing towers.
- Pop-up engagement events over the summer and towards the end of the year, including a Lighting workshop, Play and Plant event and the Forest of Somerstown event to appeal to and attract different groups of local people to find out more and share feedback.
- Door knocking of all 102 Birmingham Block homes, to talk through information booklets, answer queries and fill out surveys and extend the reach as wide as possible
- Established the Somerstown Street Gallery, a collaborative community art project, inviting local school, community groups and artists to add murals to the site boundary hoardings

4.7. Of note the community engagement work was entered for the Public Sector Transformation Awards, Communication category and has been shortlisted as a finalist the announcement of the winner will be made on the 9th March 2022.

4.8. On 26th February at the Somerstown Central Community Hub a community engagement event took place to gather community feedback and ideas on an appropriate name for the development site. That will act as a precursor to a future engagement opportunity to name the blocks.

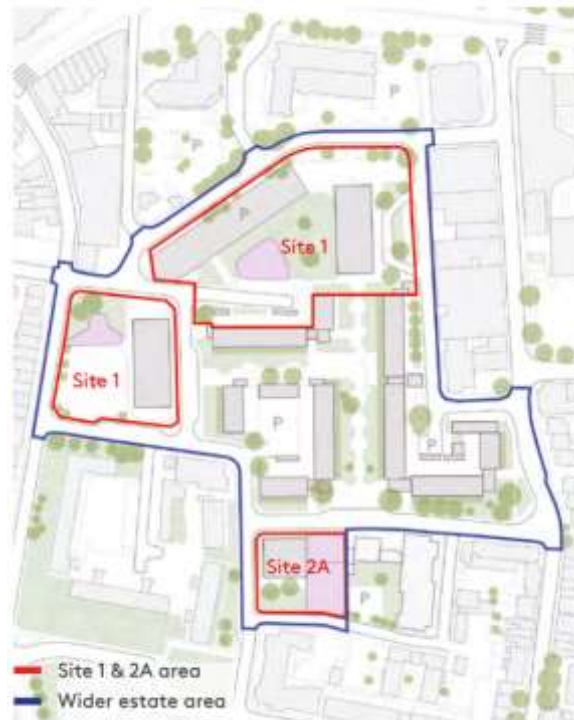
4.9. A dedicated webpage continues to be updated and contains the reports underpinning the project to date, the community engagement feedback and stage reports. <https://horatialeamington.portsmouth.gov.uk/> ([Link](#))

Homes England Funding

4.10. In order to deliver on the brief, Homes England funding is required to support the financial viability of the scheme. Homes England have now added this scheme to their funding pipeline on the consideration that the 272+ affordable

units are brought through as an 100% affordable scheme and approval of a successful bid.

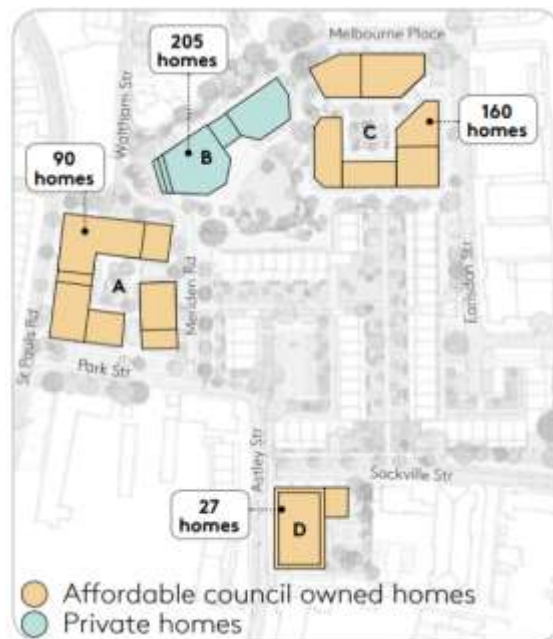
- 4.11. The Homes England position helps focus the delivery options available to the Council with PCC submitting a 100% affordable application for the 272+ HRA units, including redevelopment of the Gibson centre site and improved public realm around the new blocks and existing Birmingham blocks. A separate application for the disposed land is expected from the purchaser in due course. The scope of the development is outlined in 4.12 below.



Plan indicating Site 1 and wider area

4.12.

- 4.13. In order to meet the brief of a balanced and mixed community a second application for block B will need to be brought forward in its own right as a separate planning application by a market operator. Block B is indicated in 4.14 below.



4.14.

Development

- 4.15. The design has, as expected, developed a great deal over RIBA Stage 2, building upon the preferred masterplan scenario in the summer to the emerging design proposal presented within the end of stage RIBA 2 report.
- 4.16. There is still potential to develop and refine the design further at the RIBA Stage 3 such as appearance, materiality, efficiency, energy/carbon strategy, provision of amenity and other attributes of performance and habitability that will make them truly affordable, high quality and sustainable homes.
- 4.17. The programme for the next stage reflects the need for continued design development, stakeholder engagement, pre-application meetings and strategic decision-making.
- 4.18. The community engagement and development management meetings will continue throughout RIBA Stage 3.
- 4.19. In order to enable the Block B development and ensure the Master-Plan considers the area as a whole ensuring cohesion between the developments with regards to the social and environmental standards the scheme is looking to attain, the HRA will continue the Master planning to the end of RIBA stage 3.



4.20.

5. Delivery Model

- 5.1. In line with the funding arrangements the HRA will commence procurement for the 100% affordable element directly, to take forward the development of blocks A, C and D as shown in 4,14 and the wider public realm improvements
- 5.2. The current build estimates require the HRA to draw funds of circa £98.1 m to build the infrastructure, meet policy and build out the 272+ affordable units and includes the improvement of the public realm for the development and surrounding areas.
- 5.3. In summary the £98.1 m HRA Affordable Housing Scheme will achieve:
 - Deconstruction of the two tower blocks & Melbourne Car Park
 - Development and build of 277 council owned properties including general needs, adapted, sheltered and supported accommodation.
 - Developing the Gibson Centre to provide residential and community use.
 - An improved 'public realm' around the Birmingham Blocks with approx. £2m - £3m investment
 - The sale of land linked to Block B creates the opportunity for an alternative housing product which will help address a broader housing

need for the city and through the sale of the land create a capital receipt to be used to support the cost of the HRA scheme

6. Reasons for recommendations

6.1. Links to Corporate Objectives the development will meet:

- “Make Portsmouth a city that works together, enabling communities to thrive and people to live healthy, safe and independent lives.” Contribution: Create a well-designed built environment to encourage a community feel.
- “Encourage regeneration built around our city’s thriving culture, making Portsmouth a great place to live, work and visit.” Contribution: Regeneration Project.
- “Make our city cleaner, safer and greener.” Contribution: Safety and green spaces considered in design; deconstruction of the vacant blocks will make the city safer.
- “Make Portsmouth a great place to live, learn and play, so our children and young people are safe, healthy and positive about their futures.” Contribution: Attractive well designed living spaces with improvements to quality and safety on the existing site.
- “Make sure our council is a caring, competent and collaborative organisation that puts people at the heart of everything we do.” Contribution: Design the regeneration scheme with consideration to public consultations and community desires

6.2. In order for a 3rd party to deliver Block B homes a land transaction in the form of a disposal is required to separate the Masterplan into the 2 development sites. The recommendation creates a decision in principle to sell the land associated with Block B to ensure the options for the development of Block B remain open.

6.3. The recommendations provide the necessary decisions to take forward the RIBA stage 3 design work for the scheme and through to planning and initiates the procurement of a developer.

6.4. The emerging designs are based on engagement feedback in line with the community and wider aspirations for the site. The community panel made up of local residents, businesses, ex-residents and other stakeholders along with a variety of engagement events and surveys have been conducted to gather public opinion. The feedback from which has been shared with the Local Planning Authority (LPA) and incorporated into the emerging designs as they develop to enable elements of co-design to capture the requirements and aspirations of the community within the site constraints.

7. Project Governance

- 7.1. The deconstruction and development of Horatia House and Leamington House continue to have a robust project management structure in place. The project continues to report progress to the cross party Corporate Projects Board. The deconstruction element of the project will naturally close once the deconstruction is complete and the project management structure will adjust accordingly.
- 7.2. The dedicated website pages <https://horatialeamington.portsmouth.gov.uk/> ([Link](#)) will continue to be updated to provide a useful reference point for all the work to date and the ongoing community engagement work.

8. Integrated impact assessment

- 8.1. An integrated impact assessment has been completed and is attached Appendix A.

9. Legal implications

- 9.1. This report recommends that the Cabinet approve 'in principle' the disposal of land (as indicated by block B in 4.14) from the HRA & General Funds to be developed by a third party.
- 9.2. By virtue of section 123 of the Local Government Act 1972 (LGA 1972), the Council has a general power to dispose of its land in any way it wishes as long as it is for the best consideration reasonably obtainable (subject to certain exceptions where sale at an undervalue is possible).
- 9.3. Under section 32 of the Housing Act 1985 (the 1985 Act), the Council has the power to dispose of land and dwellings held specifically for housing purposes. Usually (unless one of the exceptions applies) the consent of the Secretary of State is required for a disposal of land held under Pt 2, Housing Act 1985 (i.e. HRA land): s.32(2), (3), 1985 Act. However, the Secretary of State has given consent (in [The General Housing Consents 2013](#)) to disposals of land subject to the disposal being at market value. "Disposal" is defined in the General Consents to include conveyance of a freehold or the grant of a lease of any duration: para.A2.2. Paragraph 3.1.1 provides: "A local authority may, subject to paragraph 3.1.2, dispose of land for a consideration equal to its market value."
- 9.4. The Council will need to decide whether it wishes to obtain a planning consent for the land earmarked for Block B private homes prior to the sale to a third party developer. A sale without a planning consent attached would mean the Council will have to accept that its control over the design and exact nature of the development will be limited. Selling with the benefit of a planning consent and / disposing the land as a long lease would assist in exerting a greater



control of the Council as a planning authority and the landowner over the design of the development, to ensure it aligns with the masterplan for the whole of the site. Additionally or in the alternative, the sale of Block B could be structured to give the Council some control beyond what it has through the planning process. The sale could be made conditional upon the developer obtaining a planning permission acceptable to both the developer and the Council. Alternatively a long lease with a restrictive user clause could be granted.

- 9.5. The report also recommends that the majority of the site (except Block B) be developed as HRA housing directly by the Council. The Council has the power through section 9 of the 1985 to provide housing accommodation on land acquired for these purposes by erecting houses, or converting buildings into houses.
- 9.6. Where the Council acquires land for a statutory purpose, it must hold the land for that purpose until it either appropriates (i.e. transfers the use of land from one purpose to another) or disposes of the land in accordance with its statutory powers. A general power to appropriate land is conferred on the Council under section 122 of the LGA 1972, which permits the Council to change the current use of the of the land it owns for any other purpose for which it is authorised by statute to acquire land; it includes the purpose of provision of housing accommodation (section 17(1)(a), the 1985 Act). However, the Council must be satisfied that the land in question is no longer required for the purpose for which it is held.
- 9.7. The Council may therefore, by virtue of section 122 of the LGA 1972, appropriate land in its ownership that it requires for the purposes of the HRA housing development on the Horatia & Leamington Houses site if there is no longer the public need within the area for the existing use.
- 9.8. The works to design and develop HRA housing as set out in this report must be subject to public procurement process required under the Public Contracts Regulations 2015 (PCR 2015), as the works will meet the relevant threshold under the PCR 2015.
- 9.9. Any commercial arrangement for the sale of the land on which Block B is to be constructed must be structured so as it is classed as a 'land transaction' only and does not fall within the remit of a public services and / or works contract which would otherwise have to be advertised in accordance with the PCR 2015.

10. Director of Finance's comments

- 10.1. Financial modelling has been carried out on the development of the site that allows, however the current market is extremely volatile with regard to the cost of key building materials and inflation is running extremely high, this is likely to be further exacerbated by the current troubles in Eastern Europe.



- 10.2. With inflation running high there is a possibility that the Bank of England will seek to raise interest rates again. This project relies on unsupported borrowing through the HRA in order to be able to deliver the development, which is why it is crucial for the HRA to secure as much Homes England Funding as possible to mitigate this risk.
- 10.3. The report asks for the approval to dispose of part of the site to a third party, the purpose of this is to contribute a capital receipt to the HRA that will help bring forward Affordable Social Housing. For the same reason above any cash that can be put into the development will help mitigate the prospect of increased interest rate movement.
- 10.4. Fortunately the Council are able to secure preferential rates of borrowing through the public works loans board and those rates can be fixed for as long a term as 50 Years.
- 10.5. Through this latest stage of design the Council have commissioned expert and experienced Quantity Surveyors to calculate the likely cost of development, throughout the design process this has been extremely volatile, first we had the global pandemic and then the energy crisis and the pressure that has put on the supply chain.
- 10.6. In order to mitigate this the Council are intending to try to sell off part of the site to a third party contractor in order to mitigate it's overall exposure to cost uncertainty and as mentioned above to reduce the reliance on unsupported borrowing.
- 10.7. If the Council decides to sell the land associated with Block B, to its own housing company as the sole Shareholder and funder in Ravelin Housing Limited vicariously this means that the cost risk sits with the Council.
- 10.8. As mentioned in the main body of the report the Council have met with Homes England and they visited the site to speak with officers. The terms of the affordable programme are that the development must be completed by March 2026, also if the development isn't 100% affordable then affordable homes grant will only be awarded for those dwelling that are above the Council 30% affordable homes policy. With this in mind the Council need to carefully plan how it brings forward the planning on these sites.
- 10.9. Table 1 below shows the impact of the two different strategies in order to bring forward a development as either one entire site that mixed Build to Rent (BtR) and affordable or if it brings forward two separate developments. It demonstrates that if a single planning application was brought forward with a mixed tenure delivery that only those units delivered over the 30% policy compliant development. In this scenario assuming £30,000 per unit of development that the maximum grant could be secured would be £3.972m. If however the sites are split and the HRA as a registered social landlord

came forward with a 100% affordable development it would be eligible for grant on each dwelling meaning we could secure £8.31m of affordable homes grant.

	Joint Site	Site split in to two sites		
		Affordable	BTR	Total
Total Dwellings delivered	482			
Affordable Homes	277	277	61	£ 338
Build to rent Policy Requirement for Affordable Homes	205	0	144	£ 144
Homes Eligible for Affordable Homes grant	145	145	61	£ 206
Total Affordable Homes Grant	132	277	0	£ 277
Total Affordable Homes Grant	£ 3,972,000	£ 8,310,000	£ -	£ 8,310,000

- 10.10. If the entire site of 482 units came forward as a single development this would result in a grant award of £14.46m worth of affordable homes grant but although this would secure more grant, it wouldn't improve the viability of the project.
- 10.11. The previous permission stated that the overall scheme cost should not exceed £145m without being first brought back to Full Council, the latest outline costing estimate is that a scheme to deliver 440 units would cost £160.2m. With the affordable development costing £98.1m at this RIBA Stage 3. The Block B development that could be developed on the rest of the site is currently estimated to cost £62.1m. The estimate has not been worked up by Ravelin Housing LTD, the final development may be different to that which has been designed up to now. A further approval by Full Council would be needed if after carrying out its design work on the Block B site, along with the affordable development exceeds the gross development cost of £145m.

.....
Signed by: **Director of Housing, Neighbourhood and Building Services**

Appendices:

Appendix A – Integrated Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Leamington House and Horatia House Next Steps Cabinet Report 26th February 2019	https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CategoryId=126&Mid=4212
Leamington House and Horatia House - Update and Engagement Next Steps 8th October 2019	https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CategoryId=126&Mid=4337

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

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Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & - Diversity - This can be found in Section A5

Directorate:

Regeneration/Housing, Neighbourhood and Building Services

Service, function:

Strategic Developments

Title of policy, service, function, project or strategy (new or old) :

Redevelopment of Horatia House and Leamington House in Somerstown.

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

Redevelopment of the Horatia House and Leamington House site, Melbourne Place Car Park, Gibson Centre and public realm to include the provision of 272 homes for affordable rent.

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

Engagement with Horatia and Leamington former residents, neighbours, Somerstown residents and businesses, partner organisations, the voluntary and community sector, City-wide residents, local businesses and resident groups within Somerstown took place from 27th September until 10th October 2019. The results of which were reported to Cabinet on 8th October 2019. Cabinet agreed to use all the engagement feedback results as the basis of the design brief for the master planning work and adopted the seven key principles emerging from the feedback.

Since then continuous engagement has taken place on the emerging designs including numerous online and in-person engagement events with the community panel, local residents, local stakeholders, former residents of the Horatia and Leamington Houses, Ward Councillors and the wider community.

The engagement process has been developed as a multi-layered strategy that ensures that there has early engagement with the local community, harder to reach groups as well as regular engagement with a dedicated community panel. The community panel meet with the design team on a monthly basis and have been used as a sound board throughout the design process. The design team set clear themes to explore with the panel and then report back the outcomes of the meetings to the community panel as well as the wider design team.

The iterative design process allows for flexibility in the design development in order to incorporate feedback from the community panel as well as ensuring that wider community feedback is captured through numerous public events.

The public engagement has included numerous methods to ensure that as many people have been given the opportunity to share their feedback as possible, including:

- Traditional media channels used to engage the local community in the project, such as letters, information booklets, public events and posters, as well as postal and online surveys.
- Project website and excellent media coverage to allow the local community to find out more about the status of the regeneration project and deconstruction of the existing towers.
- Pop-up engagement events over the summer and towards the end of the year (2021), including a Lighting workshop, Play and Plant event and the Forest of Somerstown event to appeal to and attract different groups of local people to find out more and share feedback.
- Door knocking of all 102 Birmingham Block homes, to talk through information booklets, answer queries and fill out surveys and extend the reach as wide as possible.
- Dedicated workshops with a disability group and local youth groups.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A1-Crime - Will it make our city safer?



In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have and how you propose to mitigate any negative impacts?

The blocks are currently empty and unable to be lived in. Whilst currently securely protected and managed by HPS there will be a long term risk until the deconstruction is complete.

St Thomas ward and the area local to the site face some of the highest rates of crime across Portsmouth (3 times higher than the Portsmouth-wide rate). This is evident in crime statistics and also apparent through discussions with local residents and local young people. The high crime rates in the ward have the potential to directly affect residents at the Horatio and Leamington Houses site, but the size of the project and the potential for transformation in this area could provide a real opportunity to help mitigate and reduce the occurrence of crime in this area as well as creating a more positive perception of the neighbourhood.

The design team have been working with the local crime prevention officer to ensure that "secured by design" principles are being followed and that the masterplan has been developed to reduce opportunities for crime and enhancing natural surveillance. The design team are also looking to improve external lighting within the wider area around the site, to help improve nighttime safety.

How will you measure/check the impact of your proposal?

By ensuring the structures are removed and site kept secure until future development.

Work has been completed which captures the local baseline which includes health, wellbeing, crime and other statistics that will be used to measure success and track changes throughout the project including POE.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?



In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The redevelopment will as a minimum replace the 272 social homes with modern efficient dwellings built to and surpassing current building regs. The designs are also currently targeting a "4/5" star HQM standard, BREEAM Communities "Excellent" standard and there is work to embody Passivhaus principles in the design works. It is possible that the Project may seek Passivhaus standard certification but this is yet to be confirmed.

The masterplan will deliver a large amount of new council owned affordable housing including wheelchair homes, 4 bed ground floor wheelchair duplexes, sheltered housing and supported housing. The layouts will also identify homes which would be more suitable for neurodivergent people. There is also opportunity to provide a good mix of tenure through delivering private rental homes, to create a better balanced neighbourhood.

How are you going to measure/check the impact of your proposal?

The reprovision of housing will include for measurable energy efficiencies and sustainable standards.

A scoring matrix and KPI's has been used to capture the baseline and these will be used to measure project success.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?



In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

There will inevitable be some short term disruption to the area along with noise and dust whilst the deconstruction and any associated redevelopment takes place. The long term aspiration is for a better living environment good quality housing and public realm.

A scoring matrix and KPI's has been used to capture the baseline and these will be used to measure project success. This includes a wide variety of public health indicators and best practice that have been developed between the design team, community and with the Public Health Officer at the Council. The health indicators have been prioritised based on local community feedback gathered through health questionnaires, which has helped refine the bespoke health matrix for the project. The health matrix has been used as part of the project evaluation and will continue to be developed and used throughout the project to ensure that improving health forms a key aspect of the overall project.

How are you going to measure/check the impact of your proposal?

Short term - air quality monitoring will be in place to minimise the impact along with travel plans and all reasonable measures to control both the deconstruction and redevelopment. Acoustics and noise measurements have been taken to ensure the works stay within agreed standards. Longer term - once again data will be gathered at the end of the project and compared to the baseline to measure the impact of the Project and a Health Impact Assessment will be undertaken as part of the planning submission.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?



In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>

<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The redevelopment will provide an additional 272 homes as a minimum and whilst tenure and rental levels are to be decided upon it is within the control of the authority to make those decisions. In order for the scheme to maintain viability it is likely rental levels are to be affordable social rents. The tenure mix has been designed with the consideration for the current and future demand on the

How are you going to measure/check the impact of your proposal?

By reduction in the waiting list and providing housing and well designed homes for wheelchair users, elderly and people needed supported housing.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?



In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Deconstruction and redevelopment will create employment and training opportunities. The design teams have been working with a local disability group and residents with varying requirements. We've been actively targeting "hard to reach" groups so that the feedback is as inclusive of the community as possible. The development also includes a number of wheelchair accessible homes, sheltered housing, supported housing and homes identified as suitable for neurodivergent people.

How are you going to measure/check the impact of your proposal?

Those contracted will be required to present an employment and training plan and that can form part of the procurement.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?



In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

One of the key project principles is to ensure that the project provides environmental value, this has been embedded into the design process from the start of the project.

The project is working to achieve high sustainability assessment credentials that look at the neighbourhood context as well as the individual homes. These include 4/5 start HQM and BREEAM Communities excellent. The design team are working towards Passivhaus and exploring the opportunity for a Passivhaus certified project.

The design solutions being explored are looking at a lean, clean and green approach with well insulated homes that need little energy to run and heat them. This approach is also being explored in both its embodied carbon and operation carbon, looking to reduce and reuse where possible and considering the long term whole life carbon and cost of the project.

The design and engineering team have been working with PCC energy and housing management team to explore energy options to support the environmental aims.

The masterplan has been developed as a low car development with minimal parking and an ambition to reduce cars/traffic in surrounding streets and create pedestrian and cycle friendly streets.

How are you going to measure/check the impact of your proposal?

Energy Performance certificates will be required and the reduced carbon footprint can be measured.

Carbon calculations will be undertaken and options analysis done to understand embodied and operation carbon for different elements of the project.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?



In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Triston.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>
<https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Any new properties will be required to be more efficient in terms of heating, lighting ,water consumption and embedded energy than existing properties.

Water Consumption - Water efficiency occurs within the HQM assessment, with specific targets set for low water consumption.

Electricity Consumption - The team are exploring low energy options and the use of super efficient appliances where possible, to reduce energy demand as well as smart technologies. Targets set in BREEAM Communities and HQM assessments.

Waste - Waste management facilities for the proposed development have been designed in accordance with PCC guidance and principles agreed with the PCC Waste Officer. As part of the design process, the PCC waste management team were consulted, and the principles of waste storage and changes in anticipation for the Environmental Act amendments, have been agreed and incorporated into the brief.

Gas Consumption - The team are exploring options to design out the need for gas in the new homes.

How are you going to measure/check the impact of your proposal?
Energy Performance certificates will be required and the reduced carbon footprint can be measured.
A BREEAM Communities and HQM assessment will be completed.

B - Environment and climate change	Yes	No
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Is your policy/proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding?



In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>
<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The development's new streets, spaces and landscape have been designed to reduce flood risk and incorporate the principles of sustainable urban drainage.
By directing runoff from roofs and pavements through planted areas we filter and slow water flow through the system to closely mimic natural drainage of the site. This helps to reduce flooding downstream and reduces pressure on Portsmouth's wider sewer network.
A key part of the nitrate mitigation strategy is to retain and detain surface water as close to source for longer. By attenuating surface water within the development and only gradually discharging surface water to the sewer network, we help to relieve pressure on the pumping stations and sewer treatment systems within the network, reducing their risk of overflow to the Solent and subsequent consequences of nitrate concentrations.

The SuD's/drainage strategy will include the following features:
- Rain gardens

- Green roofs
- Open surface water feature 'shallow detention basin'
- Permeable surfaces
- Attenuation tanks

How are you going to measure/check the impact of your proposal?
 The design will quantify any impact.
 Flood Risk Assessment completed.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?



In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>
<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Public consultation has identified improved green spaces and one of the residents' primary concerns. Whilst the need for housing needs to be considered against this principal the design will need to address this issue.

The project seeks to deliver a landscape approach that is more ecologically rich, both for biodiversity gains and improved wellbeing through an everyday contact with nature.

Ecology is at the heart of the landscape design. The proposed landscape vision aims to create a place that can deliver not just a net gain in biodiversity, as policy, but a net gain in the experience of biodiversity, to bring a high quality dose of nature into people's everyday lives. The programming of amenity spaces through themes such as play, exercise and food growing further encourages residents to use outdoor space whilst allowing them to engage with nature and others in the community.

The sustainable drainage strategy is proposed to draw nature into the development proposals, animating the landscape and public realm with a rich biodiversity.

Numerous ecology surveys have been undertaken including the following:

- PEA
- PRA
- EclA
- BNG

How are you going to measure/check the impact of your proposal?

Measures to accommodate biodiversity can be built into the design (bat boxes for example) and the project will undertake a biodiversity net gain assessment.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?



In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

There will be an increase in heavy vehicle movements during deconstruction and redevelopment. The provision of parking spaces can be limited by policy and the introduction of sustainable transport measures, cycle lanes bus stop and the like. The development aims to create a low traffic and low car development, with a focus on creating healthy people friendly streets. The proposal includes several significant changes of the existing streets to make them easier and more enjoyable to walk and cycle around, including:

- Completely pedestrianised areas are introduced to parts of Melbourne Place and Wiltshire Street.
- Meriden Road and Earlsdon Street are proposed to become one-way southbound.
- Sackville Street - one-way westbound.

All improvements on streets will prioritise people, rationalise provision of car parking and create greener and safer streets.

How are you going to measure/check the impact of your proposal?
Air quality testing during the construction cycle.
Air Quality Assessment.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?



In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The redevelopment will improve cycle usage and encourage sustainable and active travel.

The development aims to create a low traffic and low car development, with a focus on creating healthy people friendly streets that make walking and cycling more accessible.

The proposal includes several significant changes of the existing streets to make them easier and more enjoyable to walk and cycle around, including:

- Completely pedestrianised areas are introduced to parts of Melbourne Place and Wiltshire Street.
- Meriden Road and Earlsdon Street are proposed to become one-way southbound.
- Sackville Street - one-way westbound.
- Quiet safe cycle streets.

- Better links to existing cycle and walking routes.

All improvements to streets will prioritise people, rationalise provision of car parking and create greener and safer streets.

The Health Matrix uses targets from Healthy Streets guidance and BREEAM Communities sets targets for creating safe and appealing streets.

How are you going to measure/check the impact of your proposal?

Measurement (counts) of cycle/walking journeys can be made. By comparison of the exiting and new cycle parking bays, routes, bus lanes and the like.

Pedestrian count surveys and travel surveys - Transport Assessment

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?



In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Household waste recycling facilities will be provided encouraging sorting and recycling.

PCC waste management team were consulted, and the principles of waste storage and changes in anticipation for the Environmental Act amendments, have been agreed and incorporated into the brief.

Construction waste will be subject to a Site Waste Management Plan which will form part of the procurement criteria.

Pre-demo audits have been produced for the towers, car park and Gibson Centre, to identify opportunities for reuse and to inform a waste management strategy, including recycling and food waste collection.

How are you going to measure/check the impact of your proposal?

Site waste will be recorded and reported on, domestic waste collection can also be measured.

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

There is a high demand for all types of housing across the city. Modern efficient homes will make Portsmouth a more attractive place to live.

Character studies have been used to influence the urban design principles and design parameters to ensure that the adjacent conservation areas are treated sensitively and design draw upon the character of the existing Somerstown context. This has been and will continue to be developed with the community panel.

How are you going to measure/check the impact of your proposal?

Public consultation and planning process.

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The deconstruction and redevelopment will require apprenticeships and training plans from the contractors.

The Economic Statement demonstrates the potential positive economic impact the development would have during the construction phase and once operational, including the following:

- Construction jobs
- New jobs from the introduction of new commercial space, community space and sheltered housing

- Increased expenditure in local Portsmouth businesses
- Opportunities for apprentice roles and collaborations with local youth groups

How are you going to measure/check the impact of your proposal?
 We will report the number of apprenticeships/locally employed people that the development creates.
 Economic Statement and BREEAM Communities.

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?



In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

A significant measurable proportion of the construction investment will be employment and a proportion of that will be local.

The Economic Statement demonstrates the potential positive economic impact the development would have during the construction phase and once operational, including the following:

- Construction jobs
- New jobs from the introduction of new commercial space, community space and sheltered housing
- New enterprise/incubator office space

How are you going to measure/check the impact of your proposal?
 The procurement process will test the contractors' employment record

Q8 - Who was involved in the Integrated impact assessment?

Stuart Palmer, Strategic Project Manager

This IIA has been approved by: James Hill, Director of Housing, Neighbourhood & Building Services

Contact number: 07826 897251

Date: 14/02/2022

Agenda Item 7



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet Meeting
Date of meeting:	22 March 2022
Subject:	National Bus Strategy - Enhanced Partnership Plan and Scheme
Report by:	Tristan Samuels - Director of Regeneration
Report Author:	Peter Shelley - Transport Development Manager
Wards affected:	All Wards
Key decision:	No
Full Council decision:	No

1. Purpose of report

This report seeks approval for Portsmouth City Council to submit a Draft Enhanced Partnership Plan and Scheme in accordance with the requirements set out in the Government's National Bus Strategy - Bus Back Better.

2. Recommendations

It is recommended that the Cabinet:

- 2.1 Approves the Draft Portsmouth Enhanced Partnership Plan and Scheme, for submission to the Department for Transport by 29 April 2022;
- 2.2 Delegates authority to the Cabinet Member for Traffic and Transportation in consultation with the Director of Regeneration and the Section 151 Officer to agree any minor amendments to the Enhanced Partnership Plan and Scheme that may be required to take account of future funding changes and policy announcements;
- 2.3 Notes that the Enhanced Partnership Plan and Scheme will be monitored through the Enhanced Partnership Board.

3. Background

- 3.1 The National Bus Strategy (NBS) was published on 15 March 2021 and sets out a new approach for the provision of bus transport in England outside of London.

Whilst there are no changes to primary legislation, it does include changes to regulations under the Bus Services Act 2017.

3.2 The Levelling Up White Paper published on 2 February 2022 stated that "The UK Government will fund ambitious plans for bus improvement, enhancing services and reducing fares". Portsmouth was one of just five authorities named though it was said not to be an exhaustive list. A link to the Levelling Up White Paper may be found here: [Levelling Up the United Kingdom - GOV.UK \(www.gov.uk\)](https://www.gov.uk/levelling-up-the-united-kingdom)

3.3 The key objectives of the NBS are:

- More frequent: Turn up and go services, where passengers don't need a timetable, should be provided on major urban routes.
- Faster and more reliable: Buses must have greater priority on urban roads. LTAs will be given new powers to enforce traffic regulations.
- Cheaper: more low, flat, fares in towns and cities, lower point-to-point fares elsewhere, and more daily price capping everywhere.
- More comprehensive: ...More services should operate in the evenings, weekends, and at night.
- Easier to understand: ...everything passengers need to know at their fingertips
- Easier to use: Common tickets, passes and daily capping should be available on all services irrespective of operator, at little or no premium to single-operator fares.
- Better to ride in: Comfortable, high-specification, modern buses
- Better integrated: with each other and, over time, other modes
- Greener: deliver 4,000 more zero emission buses.
- Accessible and inclusive by design: buses, stops, on-board information
- Innovative: harnessing the entrepreneurial skills of the best operators
- Seen as a safe mode of transport: end to end support of personal safety

3.4 The NBS places new responsibilities on Local Transport Authorities (LTA) to enter into an Enhanced Partnership (EP) with bus operators and to set ambitious and measured targets to deliver improvements to bus services and to the city through a Bus Service Improvement Plan (BSIP) which sets out the detail.

3.5 The DfT guidance which sets out participation, frequency of meetings, function and purpose of the EP can be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002507/national-bus-strategy.pdf

4. **Enhanced Partnerships**

4.1 Cabinet agreed on 22 June 2021 to establish an Enhanced Partnership for Portsmouth. The Cabinet Report can be found here:

<https://democracy.portsmouth.gov.uk/documents/s31068/National%20Bus%20Strategy%20enhanced%20partnership%20for%20Portsmouth.pdf>

- 4.2 The establishment of an Enhanced Partnership (EP) is a fundamental part of the National Bus Strategy designed to increase bus use and deliver a wide range of economic, health and social objectives. Significant new funding is being made available, which is contingent upon the establishment of an ambitious EP. The submission of the EP plan and EP scheme by 29 April 2022 is the next stage required and sets out the initial ambitions and detail of our proposals for bus services and establishes the governance and meeting arrangements for the EP.
- 4.3 The EP is intended to be a living document which is regularly monitored to ensure that targets are met and updated to reflect developing local priorities.
- 4.4 The EP plan is a high level overview of our ambitions for bus services in Portsmouth and reflects our published BSIP. The EP Scheme sets out the detail as to how these ambitions will be achieved. These are dependent upon Government funding which is yet to be announced.
- 4.5 The EP scheme sets out requirements that local bus services must abide by and actions to be taken by the LTA to deliver 'on the ground' the policies and objectives set out in the EP plan.
- 4.6 The emergence of the Omicron Covid-19 variant and a national shortage of bus drivers have set back the return of passengers to local buses so on 11 January 2022, DfT revised its guidance and timescales to LTAs. Instead of a final EP, a draft EP is now required and the process of operator objection and statutory consultation can be delayed until Government funding is announced. The overall budget is now £1.4 billion which includes funding for zero emission buses such as the current Portsmouth bid with Hampshire County Council.
- 4.7 Until funding awards are announced, no additional measures can be implemented and LTAs are required to submit EPs which:
- Commit the relevant authority to continue providing existing bus priority measures
 - Implement low or no cost improvements including a Bus Passenger Charter and high-quality information for all passengers
 - Are flexible to incorporate further enhancements through variation if funding becomes available.
- 4.8 The proposed Enhanced Partnership plan and scheme for Portsmouth are at Appendix A.

5. **Bus Service Improvement Plans**

- 5.1 The Bus Service Improvement Plan (BSIP) sets out the longer-term ambition for the EP. Cabinet agreed a detailed Bus Service Improvement Plan for Portsmouth on 26 October. The Cabinet Report can be found here: <https://democracy.portsmouth.gov.uk/documents/s34925/BSIP%20Cabinet%20Report%20FINAL%2026Oct21.pdf>
- 5.2 Portsmouth City Council worked collaboratively with our bus operator partners to develop a BSIP for Portsmouth. The BSIP was informed by a city-wide survey with over 1,100 responses from residents, 32 responses from business and a series of in-depth interviews with user groups, key stakeholders including health and social care and local businesses, so that the BSIP reflects local priorities for the bus.
- 5.3 The BSIP sets out how the LTA and operators will use their EP to deliver 'an ambitious vision for travel by bus'. It covers all routes included within the LTA area and focuses on delivering the services that the LTA, in collaboration with operators and consultation with stakeholders, want to see. BSIPs should be updated annually, and six-monthly progress reports will be required through the Enhanced Partnership Board.
- 5.4 The Portsmouth BSIP followed national guidance and was informed by residents' priorities:
- Reduce average journey time by bus by 10% compared to average journey time by car by March 2025 (20% on SEHRT designated routes).
 - Improve punctuality with 95% of buses running on time - from 85%.
 - Increase bus use by 6% a year to March 2023, 8% a year to March 2024 and 10% a year to March 2025 with later targets to be agreed in 2025.
 - Set a customer satisfaction target of 95% by March 2025 with 58% being very satisfied, an increase of 10%.
 - Increase evening frequencies on core routes to every 20 minutes with last journeys at 2300 and at 0100 on Friday and Saturday evenings. Earlier journeys from 0430 on core routes with services running on Christmas Day for workers and those visiting family at home or in hospital.
 - Introduce Tap on Tap Off bank card payment on all buses like that on London Underground so that passengers only pay for the journeys they make but get their fares capped at daily and weekly limits with a best price guarantee.
 - Extend the established all operator Solent Go ticket range to include evening tickets, family tickets and 90-minute hopper tickets valid on both First and Stagecoach buses. Use Solent Go to develop discounts for young persons, jobseekers and hard to reach groups.
 - Identify where priority measures are needed, including bus lanes, traffic signal priority and increased enforcement, as part of a wider, significant and rapid increase in priority provision.

- Set out pressures on the road network, air quality issues and carbon reduction targets that improved services could address, and actions working with operators to transform the local bus fleet to zero-emission
- Improve information at every bus stop with network and fares information, a programme for RTI at more stops provide a better waiting environment and safe walking routes to the busiest bus stops.
- We are undertaking a demand and gap analysis to consider how a coherent and integrated network should serve key travel generators.
- Establish a Bus Passenger Charter to set standards, contact details and provide redress when things go wrong.
- Set up an Enhanced Partnership Board to ensure standards and redress.

5.5 Lower fares were identified as the top priority in the consultation with residents and, subject to Government funding, targeted fares reductions will be prioritised for early introduction from summer 2022. New tickets will be available for use on both First and Stagecoach buses in the city by extending the existing Solent Go ticket range. Discounts will be introduced for young people up to age 19, a 90-minute hopper ticket for any passenger valid on any bus in the city in that time period, family tickets, cheaper tickets for evening travel and discounts for jobseekers and hard to reach groups will be offered together with 'Free Fare Sundays' and 'Small Business Saturdays' to promote bus use for all and support the city economy.

5.6 Implementation of the measures and delivery of the targets is very largely dependent upon the timely receipt of the funding requested from Government

6. Timescales

6.1 Local authorities and bus operators are required to meet a tight timescale if the funding is to be secured.

6.2 29 April 2022 - Draft Enhanced Partnership plan and scheme are to be submitted, and EP commences. This follows the 28-day operator objection period and engagement with statutory consultees.

7. Consultation and Engagement

7.1 Portsmouth City Council has conducted its own research into the views of members of the public and businesses regarding the bus network within Portsmouth, specifically:

- To understand the strengths and weaknesses of local bus travel
- Identify the key areas to prioritise in the long and short-term
- To measure satisfaction levels of bus users

- 7.2 As a result of the BSIP consultation survey, Portsmouth City Council found that:
- Both users and non-users identified areas for improvement.
 - Users are far more satisfied than non-users (37% compared to 7%) who are more likely to give a neutral rating of 'neither satisfied or dissatisfied'; and
 - Respondents with a disability (who are using the bus more frequently) are more satisfied than those with no disability.
- 7.3 Key reasons for being satisfied with bus services include frequency and route coverage; cost of travel is cited by 21% of respondents for being unsatisfied.
- 7.4 Portsmouth City Council will also be undertaking targeted focus groups. These will go into greater depth following the consultation results and the findings will be reported into the Enhanced Partnership Board.

8. Reasons for recommendations

- 8.1 This is the third stage of the process set out in the National Bus Strategy to deliver improvements to the bus network for Portsmouth residents, and so will create benefits for the overall transport system, including reductions in pollution and help deliver zero carbon, make more efficient use of the finite road space available and support improvements across a range of health, community and economic goals.
- 8.2 The Portsmouth EP provides an opportunity to work closely with local bus operators and the local community to access Government funding to improve local bus services. Building on the Council's past successes and making a significant uplift in the attractiveness of bus services and their ability to reach new users, the EP offers the opportunity to provide a real alternative to the private car.
- 8.3 The Portsmouth EP supports Portsmouth City Council's Imagine Portsmouth, which sets out a new city vision for Portsmouth's future by 2040. The Portsmouth EP will respond to the outcomes of the Imagine Portsmouth work, particularly about creating a city with easy travel and creating a green city. The EP also supports the draft Portsmouth Transport Strategy as our Local Transport Plan 4 (LTP4), and its vision.
- 8.4 As set out in the National Bus Strategy guidance, it is a requirement for LTAs to report and publish progress against the BSIP targets every six-months. In order to do this, a robust governance structure has been developed for the Portsmouth EP.
- 8.5 The BSIP will be reviewed quarterly through the Enhanced Partnership Board. This will be a joint board comprising PCC and the main bus operators in the city Stagecoach South and First Solent. The role of the board will be to monitor the

performance indicators against targets and prioritise the work to deliver against the Portsmouth BSIP objectives.

9. Integrated impact assessment

9.1 An Integrated Impact Assessment (IIA) was undertaken as part of the development of the BSIP which sets out the strategic aims for the EP and is attached in Appendix B of this report.

9.2 Within the IIA, this strategy impacts positively on the following sections:

Section A - Communities and Safety

A1 - Crime

A3 - Health

A4 - Income deprivation and poverty

A5 - Equality and diversity

Section B - Environment and climate change

B1 - Carbon emissions

B5 - Air Quality

B6 - Transport

Section C - Regeneration of our city

C1 - Culture and heritage

C2 - Employment and opportunities

C3 - Economy

10. Legal implications

10.1 The preparation of the EP is the final step towards establishing an Enhanced Partnership plan and scheme under the Transport Act 2000.

10.2 The statutory basis and requirements in relation to enhanced partnership plans and schemes are set out in Sections 138A to 138S of the Transport Act 2000 (inserted by Section 9 of the Bus Services Act 2017) and regulations made under those sections.

10.3 Under Section 138R of the Transport Act 2000 the Council, in exercising its functions as a Local transport Authority in relation to enhanced partnerships and schemes, has a statutory duty to have regard to the guidance issued by the Secretary of State.

10.4 At the Cabinet meeting on 22 June 2021, Portsmouth City Council decided to proceed with the development of an Enhanced Partnership. As a result, a notice of the intention to prepare an enhanced partnership plan and accompanying enhanced partnership schemes, as required and set out in section 138F of the Transport Act 2000, has been published.

10.5 An Enhanced Partnership will be a legal agreement between the Council and bus operators and appropriate legal advice has been taken. In addition, Enhanced Partnerships will be subject to subsidy control and also competition law rules.

11. Director of Finance's comments

11.1 There are no direct financial implications as a result of approving the recommendations within the report.

11.2 The Improvement Strategy along with the Enhanced Partnership agreement with local bus operators will be the tool to unlock additional funding from Department of Transport to fund interventions to deliver improvements to bus services across the City.

11.3 Once the source of funding is confirmed then the interventions mentioned in the report can be fully costed to ensure they are affordable and will not impact on the Council's budgets.

Appendices:

Appendix A: Portsmouth Enhanced Partnership plan and scheme

Appendix B: Integrated Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Bus Back Better - National Bus Strategy	Bus back better - GOV.UK (www.gov.uk)
Enhanced Partnerships: guidance to local authorities and bus operators	Enhanced Partnership Guidance DfT

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

Portsmouth Enhanced Partnership Plan and Scheme

Draft - version 1.7

March 2022

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1. INTRODUCTION

The National Bus Strategy (NBS) - Bus Back Better, was published by Government on 15th March 2021 and sets out a new approach for the provision of bus transport in England outside of London, to reverse the historic decline in patronage overall in England, and to provide the means for bus services to recover from the significant reductions in patronage as a result of the restrictions imposed to control the Covid-19 pandemic.

The Local Transport Authorities (LTAs) could choose between pursuing franchising of bus services or the Enhanced Partnership process. Portsmouth City Council has opted for the Enhanced Partnership process, reflecting the already strong partnership working arrangements and close relationships between Portsmouth City Council and the bus operators. Portsmouth City Council Cabinet agreed on 22 June 2021 to establish an Enhanced Partnership with bus operators for Portsmouth¹.

LTAs were then required to produce Bus Service Improvement Plans (BSIPs). Portsmouth City Council has worked collaboratively with our bus operator partners to develop a Portsmouth Bus Service Improvement Plan (BSIP)². The BSIP has been informed by a citywide survey with over 1,100 responses from residents, 32 responses from business and a series of in-depth interviews with user groups, key stakeholders including health and social care and local businesses, so that the BSIP reflects local priorities for the bus.

The BSIP sets out how the LTA and operators will use their EP to deliver 'an ambitious vision for travel by bus'. It covers all routes included within the LTA area and focuses on delivering the services that the LTA, in collaboration with operators and consultation with stakeholders, want to see. Specifically, the Portsmouth BSIP includes the following elements:

- An overview of the city, its transport issues and travel markets
- An assessment of the current bus “offer” to passengers
- Results of a consultation survey of residents and passengers to identify priorities for improvement
- Objectives and targets for the outputs/outcomes of bus performance improvements:
 - Shorter travel times
 - Better service reliability
 - More passengers
 - Greater passenger satisfaction
- A total of 65 specific schemes that if funded and implemented will deliver these improvements

The BSIP provides the overarching framework for the Enhanced Partnership Plan (EP Plan) and Enhanced Partnership Scheme (EP Scheme). This EP Plan summarises the main themes of the BSIP in setting out an analysis of local bus services in Portsmouth, the objectives for the quality and effectiveness of bus services and how the EP Scheme or Schemes are intended to achieve these objectives. The EP Scheme describes the

1

<https://democracy.portsmouth.gov.uk/documents/s31068/National%20Bus%20Strategy%20enhanced%20partnership%20for%20Portsmouth.pdf>

2

[National Bus Strategy \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/national-bus-strategy)

Facilities, Measures and Requirements to be implemented to meet those objectives and how the partnership is constituted and operates.

Both the EP Plan and the EP Scheme have been prepared by Portsmouth City Council, through ongoing discussions and consultation with the Portsmouth bus operators, under the Transport Act 2000 (c. 38).

1.1. COMPETITION TEST

Portsmouth City Council has undertaken an assessment of the impacts of the EP Plan and Scheme [made on 31 March 2022] on competition for the purposes of Part 1 of Schedule 10 of the Transport Act 2000. The authority believes it will or is likely to have a significantly adverse effect on competition. However, the authority believes the EP Plan and Scheme(s) is justified because:

- It is with a view to achieving one or more of the following purposes:
 - Securing improvements in the quality of vehicles or facilities used for or in connection with the provision of local services
 - Securing other improvements in local services of benefit to users of local services, and
 - Reducing or limiting traffic congestion, noise or air pollution.
- Its effect on competition is or is likely to be proportionate to the achievement of that purpose or any of those purposes.

The Competition and Markets Authority has also been consulted on the proposals as required by section 138F of the Transport Act 2000.

2. PART 1 - EP PLAN

THE PORTSMOUTH CITY COUNCIL ENHANCED PARTNERSHIP PLAN FOR BUSES IS MADE IN ACCORDANCE WITH SECTION 138G (1) OF THE TRANSPORT ACT 2000 BY PORTSMOUTH CITY COUNCIL

The Portsmouth Enhanced Partnership (EP) covers the administrative area of Portsmouth City Council (PCC) as illustrated in figure 1 below. To ensure the delivery of a consistent approach for our residents and visitors, we have been working collaboratively with the local transport authorities of Hampshire County Council (HCC) and West Sussex County Council (WSCC) to cover the cross-boundary bus routes that connect Portsmouth with these areas. This engagement will continue throughout the EP period.

The EP Plan will apply during the period of 1st April 2022 to 1st April 2032 and Portsmouth City Council will review this EP Plan annually. It will follow Portsmouth City Council's review of its Bus Service Improvement Plan in October of each year, starting in October 2022.

Figure 1 - Portsmouth City Council Administrative Area



2.1. Enhanced Partnership Links to Policy Objectives

The Portsmouth Bus Service Improvement Plan (BSIP) and EP support Portsmouth City Council's Imagine Portsmouth 2040², which sets out a vision for the future of the city. This also supports the achievement of the outcomes of Imagine Portsmouth, particularly those concerning the creation of a green city with easy travel.

The BSIP also supports the Portsmouth Transport Strategy as set out in our fourth Local Transport Plan (LTP4), and its vision that: *"By 2038 Portsmouth will have a people-centred, connected, travel network that prioritises walking, cycling and public transport to help deliver a safer, healthier and more prosperous city"*.

Four strategic objectives will deliver this vision, including one to 'Transform Public Transport.' Public transport services are limited in some parts of the city with buses delayed by traffic congestion and a lack of bus priority. Priority should be given to rapid and reliable public transport, working with operators to try to ensure all communities have reliable, better connected, and adequate access to bus services. The 'Transform Public Transport' objective was identified by residents as the second most important objective, behind 'Deliver Cleaner Air' which will be supported by public transport improvements. 27% of respondents selected 'Transform Public Transport' as the objective most important to them in the consultation that supported the development on the Transport Strategy. The 'Transform Public Transport' objective is supported by the following four policies which the majority of respondents either agreed or strongly agreed to be the right policies:

- Policy J - Prioritise local bus services over general traffic to make journeys by public transport quicker and more reliable and support demand-responsive transport services
- Policy K - Develop a rapid transit network that connects key locations in the city with South East Hampshire, and facilitates future growth
- Policy L - Deliver high quality transport interchanges, stations and stops
- Policy M - Continue to work with public transport operators to deliver integrated, efficient, affordable, and attractive services promoting local and regional connectivity

The Portsmouth Transport Strategy recognises the importance of prioritising public transport, alongside other sustainable modes of travel, to further develop an inclusive, attractive, and well-connected travel network. The full document can be found in Appendix F, along with the Portsmouth Transport Strategy Implementation Plan 2022/23-24/25 in Appendix G.

2.2. Portsmouth transport issues

Portsmouth is a unique city, with the majority being based on an island (Portsea Island) and a section on the mainland to the north. The island geography means that many road journeys are extended, and many trips are made by waterborne transport. It is also the most densely populated city in Great Britain outside of London, with a population of 217,000 in 2020 that is expected to grow to over 236,000 by 2041. Over 8,000 businesses are located in the city and Portsmouth receives 9.3m visitors a year to the city.

A considerable amount of post-war housing was developed to the north of the island in Paulsgrove, and some distance away at Leigh Park and Waterlooville up to 4 miles beyond the administrative boundary and 8 miles from the city centre. Bus travel times from these further away areas to the city have become less attractive as delays caused by traffic congestion have grown.

³ [Homepage - Imagine Portsmouth](#)

Pre COVID data shows approximately 40,000 people commute into the city daily and 30,000 out of the city daily, with 60% of commuting trips made by cars or vans. There are three roads onto the island and one railway route with five stations in Portsmouth and Southsea. Portsmouth International Port's inclusion as part of the new Solent Freeport will contribute to growth in both commuter traffic and HGV movements around the Western entrance to the city from the M275.

Portsmouth currently lags behind the UK economically, both in terms of GVA and competitiveness. Employment is concentrated in low productivity sectors, and there is a low retention of skilled labour and university graduates. The city is ranked 59th most deprived of 326 UK local authorities with many residents experiencing disadvantages. There are high levels of financial deprivation, while unemployment rates are higher than in the surrounding areas. Many children in the city leave school with lower levels of qualification than their peers elsewhere, particularly those receiving free school meals. Many adult residents have fewer qualifications than their peers elsewhere in the southeast region.

Portsmouth has five Air Quality Management Areas and is subject to four separate Ministerial Directions to bring air quality within legal limits in the shortest possible time. The latest of these directions requires the introduction of a Class B charging Clean Air Zone (CAZ), to the south-west of the city, in which 'non-compliant' vehicles are issued with a daily charge for entry. Non-compliant vehicles are buses, coaches, taxis, private hire vehicles and heavy goods vehicles that are not Euro VI standard or better if diesel, or Euro IV standard or better if petrol. In Portsmouth vans, motorcycles and cars will not be charged for entering the CAZ. However, studies show that car travel contributes around 26%³ of the nitrogen dioxide air pollution within the city, meaning that modal shift to discourage reliance on the car is essential.

Air pollution has severe, negative impacts on health, the economy, and the environment. While air quality affects everyone, there are inequalities in exposure, and air pollution has the greatest impact on the most vulnerable. Residents of some of the most deprived areas of the city are disproportionately affected by pollution from vehicle exhausts. Many of the residents in these locations do not have access to their own vehicles but are exposed to the pollution from the heavily trafficked roads that run through their neighbourhoods. Poor air quality also disproportionately affects the elderly, children, and those with existing health conditions.

The following four Ministerial Directions place a legally binding duty on PCC to implement measures to improve air quality in the city:

- Ministerial Direction 1, March 2018, required PCC to develop a Targeted Feasibility Study (TFS) by 31 July 2018 for two specified road links in the city: A3 Mile End Road and A3 Alfred Road. These two roads were selected as they were projected to have nitrogen dioxide (NO₂) exceedances in Defra's national Pollution Climate Mapping model.
- Ministerial Direction 2, October 2018. Following the results of the TFS, PCC was issued with a direction to undertake a bus retrofit programme to reduce exhaust emissions. The Ministerial Direction stipulated that the programme should be undertaken as quickly as possible to bring forward compliance with legal levels of NO₂ on A3 Mile End Road and A3 Alfred Road.
- Ministerial Direction 3, October 2018. This required PCC to produce an Air Quality Local Plan to set out the case for delivering compliance with legal limits for NO₂ in the shortest possible time.
- Ministerial Direction 4, March 2020. This required PCC to implement a Class B charging Clean Air Zone and supporting measures to achieve compliance with legal limits for NO₂ in the shortest possible time, and at least before the end of 2022.

Measures promoted through Portsmouth's EP and BSIP would complement and reinforce the measures already being developed through the Portsmouth Local Air Quality Plan.

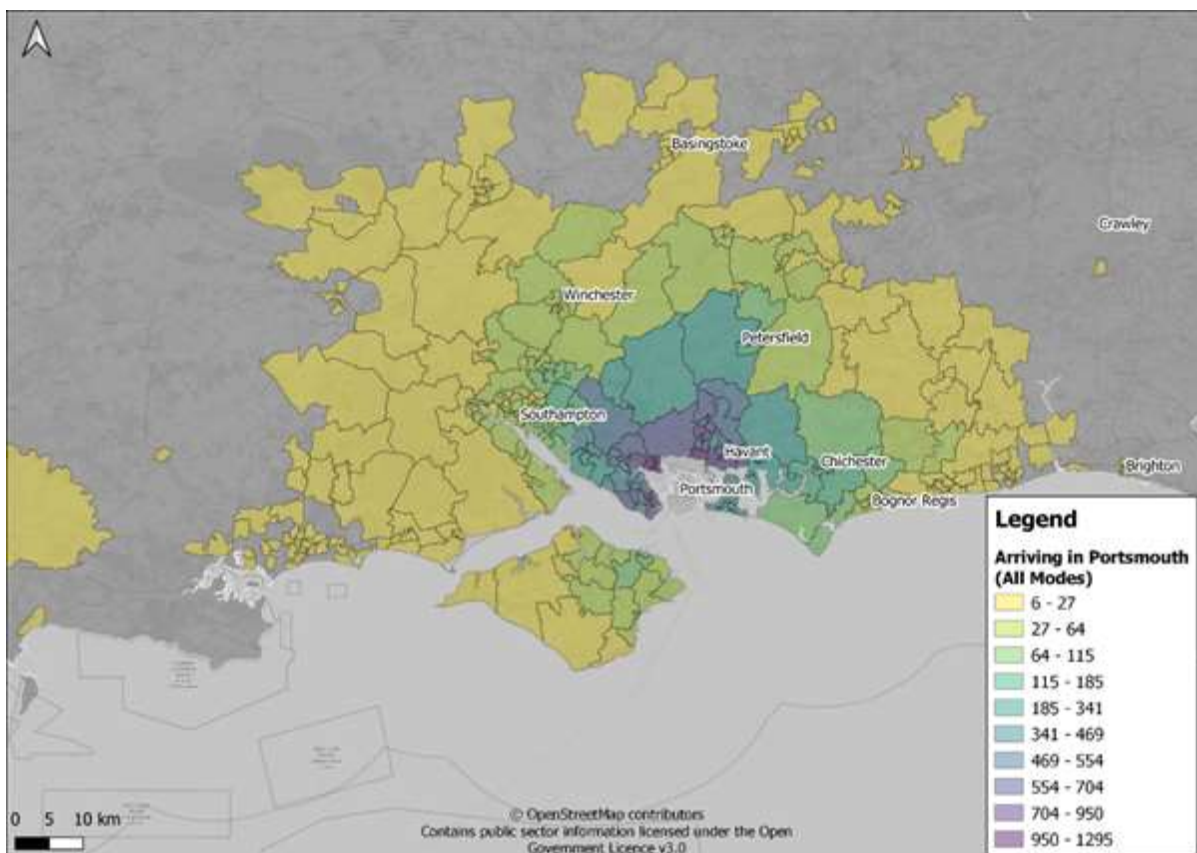
⁴ Portsmouth City Region Transforming Cities Fund Strategic Outline Business Case (Nov 2019)

2.3. Bus Service Supply

Portsmouth’s bus network is provided by two bus operators, predominantly commercially, but with some services under tender to PCC. The two operators are First Hampshire and Dorset and Stagecoach South.

The majority of the city’s bus routes (14 out of 22) only operate within the city boundaries and over 60% of bus trips are made wholly within the city. However, many people working in Portsmouth live in the surrounding areas: around 40,000 people commute into the city daily. The extent of Portsmouth’s travel to work area in Hampshire and West Sussex as shown in *figure 2* below.

Figure 2 - Map of Portsmouth travel to work area



A number of main bus routes to the city centre from the north, including the 3 and 23, operate to frequencies of up to 6 buses per hour. The three main north-south corridors across Portsea Island from Portsbridge junction (Northern Parade, London Road and Copnor Road), are served by several bus routes each. The services combine on these roads to provide a bus every 5 minutes or more often to the key destinations of the city centre, The Hard Interchange, Gunwharf Quays and Southsea.

These high frequency bus routes extend beyond Portsea Island to the wards of Paulsgrove, Cosham and Farlington. Some of these routes continue across the city boundary to connect Portsmouth with towns and estates in the city’s travel to work area, notably Fareham, Farlington, Havant, Horndean, Paulsgrove, Portchester and to Leigh Park and Waterlooville, two large areas of city council-built housing outside the administrative boundary.

2.4. Bus Service Infrastructure

Portsmouth City Council has 555 bus stops of which 343 have shelters. The stops are also covered by Traffic Regulation Orders (TROs) intended to prevent obstruction by parked vehicles enabling buses to reach the raised access kerb safely.

Portsmouth City Council in partnership with Hampshire County Council, Isle of Wight Council and local bus and ferry operators has developed the South East Hampshire Rapid Transit network to provide high quality, reliable, frequent and fast links by bus and ferry across the area. This started with the A3 bus priority corridor in 2008, now known as the Star, the only corridor where bus journey times were shorter in 2020 than 2010 due to extensive priorities. In 2020, following a successful bid and award from the Transforming Cities Fund over £100 million, including partner funding, will be invested in improving and extending the rapid transit network to shorten journey times and boost the economy, improve access to employment, education and training and benefit residents' health and wellbeing.

Portsmouth City Council owns and operates the Hard Interchange which is the main gateway for visitors to Portsmouth arriving by public transport and is close to Gunwharf Quays waterside designer outlet. The Hard Interchange is a bus and coach station situated adjacent to Portsmouth Harbour rail station, Wightlink ferry to the Isle of Wight, the Gosport ferry terminal and a taxi rank. This £9.2m facility opened in 2017 and provides fully enclosed waiting accommodation, toilets, a refreshment kiosk, as well as tourist and travel information centres and a high standard passenger environment. It has 10 bus departure bays which in 2019 (pre-Covid) was used by approximately 90 buses arriving and departing each hour on weekdays (both commercial and Park & Ride services). A further departure bay is provided for National Express coaches to London. Seven million passengers a year used the Interchange before the pandemic.

Portsmouth has a modern, purpose-built, Park & Ride site located off the specially built junction 1 of the M275. It provides 665 car parking spaces and has an interchange building with refreshment machine, toilets, and smartcard ticket machine, as well as a dedicated bus service to the city centre and Hard Interchange operated under contract to Portsmouth City Council. The Park & Ride bus services use a 917m southbound bus lane with a bus gate on the M275 approaching Rudmore roundabout, to reach the city centre, Portsmouth University campuses and Southsea.

The council is developing plans to expand the site to form a Transport Hub, which will include the introduction of new Park & Ride routes including services to the north of the city. The Hub will be fundamental in supporting the future regeneration of Portsmouth, promoting bus travel as well as active travel modes such as walking, cycling and micro mobility.

2.5. Bus Fares

Both First Hampshire and Dorset and Stagecoach South set their own bus fares, with the usual mix of point-to-point single, return tickets, area-based day and period ticket products. There is also the pioneering multi-operator Solent Go⁴ range of carnet, day, and period tickets. This was developed in partnership as part of Solent Transport with the South Hampshire Bus Operators' Association (SHBOA) reflecting the long-standing and effective partnership between local authorities and bus operators.

⁵ [Solent Go travelcard - It's now easier to travel from A to B to Sea! | Solent Go](#)

In comparison to many areas, period fares may be seen as reasonable value though this observation needs to be seen in the context of local income levels. Adult day ticket prices within Portsmouth range from £4.20 to £4.50, and adult weekly tickets range from £15.80 to £18.00.

However, there is some disparity between the operators in point-to-point fares – Cosham – Southsea adult single is £3.50 with First bus, but only £2.55 with Stagecoach, and these are seen as expensive compared to fares along the coast in Southampton.

Only First bus offers a carnet product. An electronic book of adult 10 single trips, available via their app, costs £20.00, or £2.00 per trip.

Child fares for both operators apply up to a person's 16th birthday. Both operators apply a discount over an adult fare of around 33%.

Solent Go provides a multi-operator ticketing scheme. It offers a range of period products at a premium over operator own products. For example, a 7-day ticket in Portsmouth is £20.00 compared to £17.00 - £18.00 for First bus or £15.80 - £16.90 for Stagecoach (please note: the higher prices apply to on-bus ticket sales and the lower prices to electronic or app-based sales). Apart from day and weekly tickets, Solent Go is an online product that can be used via a mobile phone app or Smartcard. A recent innovation has been the development of a carnet style, flexible 5-day season priced at £22.50 in Portsmouth.

In addition to issues of cost, the range of different tickets on offer may be confusing to new users who may not proceed to purchase a ticket or not choose the best ticket for their needs. A key finding of the BSIP residents survey was a lack of awareness of the Solent Go option for journeys involving more than one bus operator.

Funding for Tap on Tap off could overcome the complexity, which could result in the extension of the established Solent Go multi-operator ticket range to include one hour hopper, evening, jobseeker and family tickets, with increased publicity will address residents' desires to make multi-operator travel easier.

The provision of concessionary travel to older and disabled people is mandated by the English National Concessionary Travel Scheme, and PCC operates the scheme between 09:30 and 23:00 on weekdays and all-day on Saturday, Sundays, and Public Holidays for all holders of concessionary fare pass. Residents who hold a Portsmouth City Council issued disabled persons pass benefit from free travel at all times to improve access to employment, education and training. Eligible disabled concessionary travel passholders can also apply for a pass to take a companion with them.

2.6. Bus Passenger Information

Portsmouth City Council provides bus route maps and wayfinding information at all 555 bus stops across the city and at interchange points. All stops have timetable display units, and the bus operators are responsible for providing and updating the paper timetable displays.

The Council operates a Real-Time Information (RTI) system, including an audio facility, at 256 selected high demand stops. These RTI displays show the number, destination and estimated times of the next three departing services and also show how full a bus is before it arrives at the stop. The bus loading information gives reassurance to waiting passengers along the route. Electronic journey planning screens have been installed at key interchanges to provide reassurance during the journey. All stops have QR codes enabling live departure information to be accessed by smartphone apps. Further RTI provision was identified as a high priority in the recent BSIP public consultation survey, which is described in Appendix E.

Both bus operators run their own websites for journey planning, supplemented by Portsmouth City Council's comprehensive webpage [Public transport information - Portsmouth City Council](#), the local based My Journey website and Traveline, provide all operator, all mode information which the City Council and

bus operators support. Portsmouth City Council also provides a website for the Park and Ride services [Park and Ride Portsmouth ~ the easy way into Portsmouth by car](#). Each good in itself, there is a danger that too many options could reinforce the view public transport is complicated and so discourage new users.

However, not all fare information is available, and users sometimes need to consult more than one website to obtain the travel information they require. Information provision is variable. Competition legislation, a fear of providing out of date information, and commercial imperatives have resulted in the bus operators advertising only their own travel products on their publicity material.

Both main operators advertise the Solent Go multi-operator ticket range and both offer combined tickets with local ferries. However, information regarding the ferries (to Gosport, the Isle of Wight, and Hayling Island) and local rail services are not included with the bus operator's own information. This may reduce awareness and increase the difficulties for potential passengers in identifying the most suitable public transport option.

Portsmouth City Council produces a Portsmouth Public Transport information leaflet. This includes a map showing all local bus routes, and a list of services showing the main points served, how often the service runs, who operates the route, and if the service is contracted. The map also promotes Traveline for further information.

2.7. Bus Fleet

In 2021, around 140 buses are used on services in Portsmouth, including the cross-boundary routes serving the travel to work area. These are currently all diesel powered, although many are to the highest Euro VI standards from new or have been fitted with equipment to control their exhaust emissions to meet Euro VI standards. The newest vehicles have smart engine stop/start systems fitted to reduce fuel consumption and emissions. Many of the vehicles used on the main cross boundary routes are less than five years old and have higher specification facilities including WIFI, USB charging points and more comfortable seats, providing a rapid transit standard of travel. However, some of the vehicles used on the regular routes are older and do not provide this level of passenger comfort.

In 2018 Portsmouth City Council were awarded funding from DEFRA for the retrofit of 105 buses in the First bus and Stagecoach fleets, so that their exhaust systems produce emissions compliant with Euro VI standards. This project targeted two road links in exceedance, which are located within the city centre Clean Air Zone. Both operators have requested additional funding through the Clean Air Fund (CAF) to retrofit further buses. Further funding will be sought to refurbish some of the mid-life buses to improve passenger facilities as well as to fit equipment to control their exhaust emissions to meet Euro VI standards.

Portsmouth City Council in partnership with Hampshire County Council and First Solent submitted a successful Expression of Interest to the Zero Emission Bus Regional Area (ZEBRA) fund in 2021. This bid for £6,428,919 would contribute to a £14m scheme to provide 34 battery electric buses, the majority of which would be used on two routes serving Portsmouth, together with battery charging equipment at the First Hampshire and Dorset depot at Hoeford, Fareham. The routes selected serve the most deprived wards in the city and four of the city's five AQMAs. These zero emission buses would support Portsmouth's Clean Air Zone objectives whilst their modern design and green credentials will help stimulate passenger demand. The reduced greenhouse gas (carbon dioxide) emissions resulting from the use of electric power would support Portsmouth's target of achieving net zero by 2030. Approval has been given to develop a Full Business Case for submission to the ZEBRA fund in January 2022.

2.8. Bus Priority Measures

Portsmouth has 53 bus lanes providing 9.8 km of segregated right of way and enabling buses to avoid traffic queuing delays. However, as shown in the map in figure 3 below, the locations of these bus lanes are spread out across the city which while addressing local hotspots does not always give significant end to end journey time savings.

Figure 3 - Bus Priority Locations



Scale A0 1:25,000 4200 x 1600 (sheet scale depends on margin)
A1 1:12,500 8000 x 1600

Map is reproduced from Ordnance Survey 1:25,000 Series with the permission of Ordnance Survey. Ordnance Survey is a registered trademark. Ordnance Survey is a registered trademark of Ordnance Survey. Ordnance Survey is a registered trademark of Ordnance Survey. Ordnance Survey is a registered trademark of Ordnance Survey.

Although the bus priority lanes are extensive and provide substantial benefits to travel time and reliability, there is no route on which end to end bus priority measures have been implemented. Only a few routes, such as the number 8 (Hard Interchange – Clanfield), benefit from using several long stretches of bus lane. Many routes only benefit from short sections of bus lane. Buses on these routes are still subject to delays in locations without priority measures, limiting the overall benefit to passengers. Consequently, most of the city's bus services have limited priority and share the same traffic congestion as private vehicles during morning and evening peak periods. This often means that bus travel is slower than the equivalent journey by car as motorists can vary their routes, and our evidence-base shows areas in the city where buses often travel less than 10km/hour due to congestion.

This will begin to be addressed through by the South East Hampshire Rapid Transit (SEHRT) programme, which will seek to provide priority over a corridor approach on the rapid routes into the city. Tranche 2⁵ of this programme, for Portsmouth City Council, Hampshire County Council and Isle of Wight Council were awarded funding through the Transforming Cities Fund (TCF) in 2020, makes a start by providing 4 bus lanes and 4 bus gates for the benefit of both proposed new rapid bus routes as well as local services. However, it is important to note that the further measures outlined in this BSIP will be crucial to benefit residents across the wider network. Portsmouth's bus lanes operate on a 24-hour basis apart from the bus lane on London Road, North End which operates between 07:00-19:00 Monday-Saturday. Further enforcement cameras are likely to be installed based on an assessment of each case individually when enforcement issues are raised. Further bus lane enforcement measures will be considered as part of the Portsmouth BSIP.

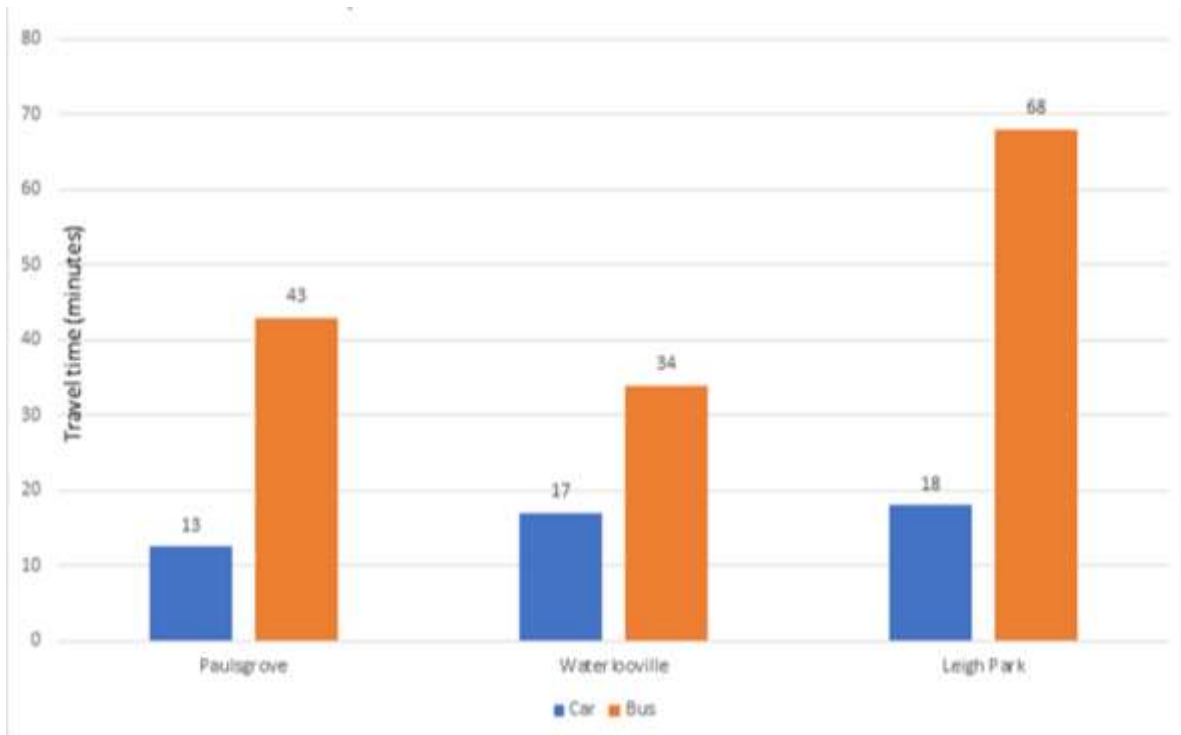
2.9. Bus Service Outcomes

Travel times

The development of the public transport network in the city has historically been constrained by road space limitations due to the island geography. Bus travel times between some areas and the city centre are slow compared with those possible by car and therefore less attractive. The graph in figure 4 below shows the off-peak bus and car travel times from areas of the travel to work area beyond Portsea Island to the city centre in 2020, highlighting the disparities.

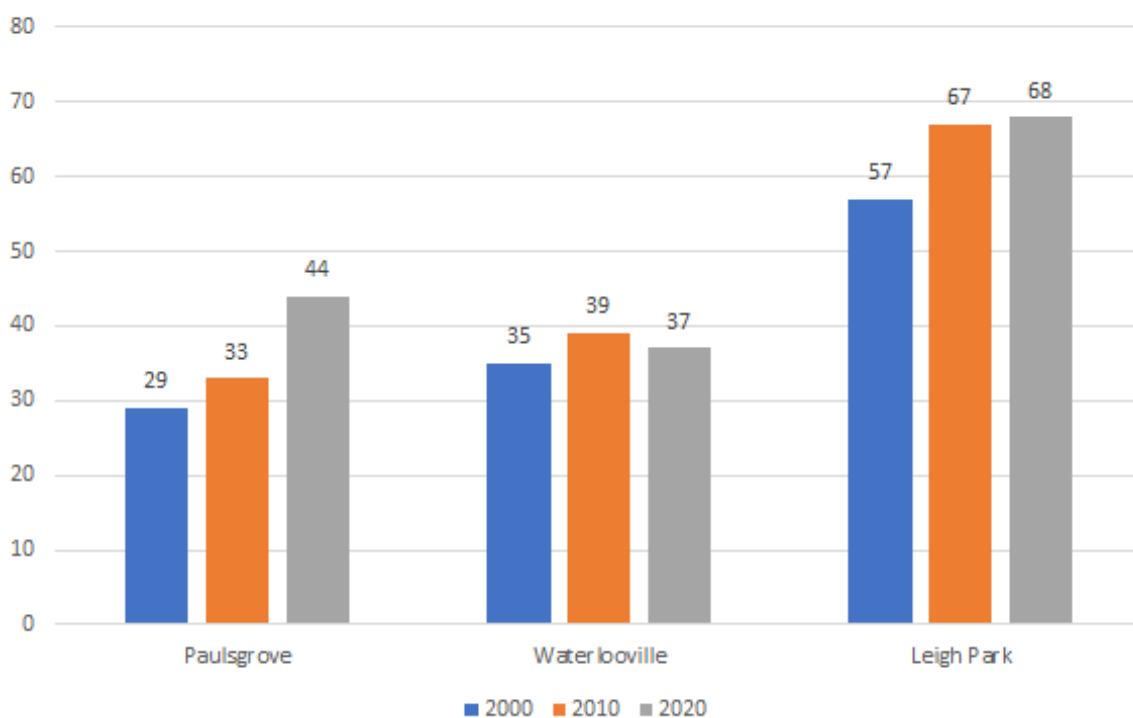
⁶ [Homepage - South East Hampshire Rapid Transit \(sehrt.org.uk\)](https://www.sehrt.org.uk)

Figure 4 - Car and bus off-peak travel times (minutes) to the south end of Commercial Road in the city centre



Trends in travel times are mostly unfavourable to bus users. Journey times from beyond Portsea Island have generally increased during the past 20 years, as shown in the graph of timetabled morning peak travel times to the city centre (South end of Commercial Road) in figure 5 below.

Figure 5 - Bus AM peak scheduled travel times (minutes) to the city Centre (South end of Commercial Road) between 2000 – 2020



Only on 'The Star' corridor from Waterlooville have travel times been reduced over the last decade. This route has benefited from extensive bus priority measures which have been effective in shortening journey times since 2010. On the other corridors rising general traffic has adversely impacted on bus travel times.

These extended journey times increase the average for the city. The current average bus journey time in Portsmouth is 32 minutes and the average bus speed is 15 kilometres per hour.

Longer travel time has reduced labour pool available to local businesses and employment opportunities to those without the use of a car, adversely affecting the economic performance of the city. The island and peninsula geography and some indirect bus routes have significantly reduced the labour force available within a 30-minute travel time of many business locations. This is before any traffic congestion impacts are considered.

Punctuality

The location of each bus is tracked by the Real Time Information system (RTI) using the GPS device contained in the ticket machines. By comparing the actual location of buses with the service schedules, the punctuality of each service can be ascertained. A late service is defined as departing 5 minutes or more behind schedule from timing points along the route. An early service is defined as departing one minute or more ahead of schedule from timing points along the route. Information recorded by the RTI system shows that between 1st January and 31st August 2021 a total of 3.39m bus journeys were recorded in Portsmouth, of which 85% ran on time. This records a decline in punctuality which may reflect increasing traffic levels as the lockdown restrictions were gradually lifted from May 2021.

Patronage

According to DfT Bus Statistics, the bus passenger trip-rate was, before the Covid-19 pandemic, a little over 50 bus journeys per head of population. A comparison with bus usage rates in other conurbations on the south-west coast is shown in figure 6 below.

Figure 6 - Bus patronage comparison with other authorities

City/town	Annual bus trips total⁶	Population	Annual trips per head⁷
Portsmouth	12.0m	238,137	50.4
Bournemouth	18.5m	183,491	78.1
Brighton & Hove	48.6m	229,700	167.2
Plymouth	18.8m	256,384	68.1
Southampton	20.3m	253,651	80.5

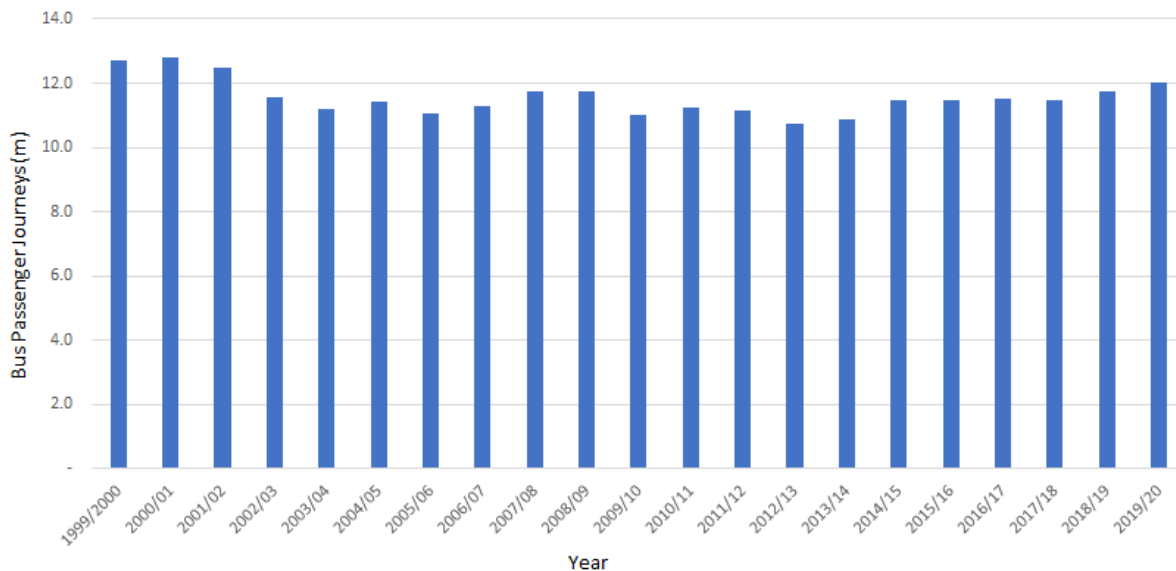
The Portsmouth bus trip-rate (trips per head) is below those of the other coastal conurbations and lower than would be expected considering the relatively low levels of car availability among the city residents. This anomaly is partly due to the geography of the city. For example, many of the 2.6 million trips made between Portsmouth and Gosport on the ferry would be likely to be bus trips in other areas.

⁷Populations: 2011 Census

⁸Passenger figures from Department for Transport tables BUS0109/0110 or bus operators

Figure 7 shows the trends in bus passenger journeys recorded by the operators since 1999/2000. The value for 2019/2020 includes 6 weeks during which travel was depressed by the onset of Covid-19 lockdown and travel restrictions (please note that no adjustment to the value has been made).

figure 7- Annual bus passenger journeys in Portsmouth



Following some decline in the early 2000s bus passenger journeys in Portsmouth have remained fairly stable in recent years, increasing by 9% between 2009/10 and 2019/20. This compares favourably with a 20% decline recorded in the Metropolitan areas with Integrated Transport Authorities over the same period (DfT Bus Statistics table BUS109a). This patronage growth is the same as that recorded in Southampton over the period.

As with the patronage levels, the bus passenger trip-rate has been at about this level since 2009/10, with relatively little variation. The trend in Portsmouth has outperformed England as a whole, and in the last few years has been consistent with that observed in South-East England.

2.10. Passenger experience and priorities for improvement

Analysis of resident, business, and stakeholder views

Portsmouth City Council conducted its own research into the views of members of the public and businesses in summer 2021 regarding the bus network within Portsmouth as part of developing its Bus Service Improvement Plan, specifically:

- To understand the strengths and weaknesses of the local bus travel offer as seen by users,
- Identify the key areas for improvement to prioritise in the long and short-term and
- To measure satisfaction levels of bus users.

The BSIP public consultation survey is described in Appendix E. As a result of the survey, it was found that:

- Both users and non-users identified potential areas for improvement,
- Users are far more satisfied than non-users (37% compared to 7%) who are more likely to give a neutral rating of 'neither satisfied or dissatisfied' and
- Respondents with a disability (who are using the bus more frequently) are more satisfied than those with no disability.

Consultation with over 1,100 residents identified the following priorities for improvements, in order of importance:

- 1 Cheaper fares (64%)
- 2 All-operator tickets (61%)
- 3 More comprehensive services (59%)
- 4 Real Time Information provision at every stop (59%)

Following the review and summary of the Portsmouth BSIP survey and targeted in-depth interviews, the following aspects of bus services are identified for potential improvement in the BSIP:

- Fares
- Ticketing
- Service levels
- Travel times
- Reliability

2.11. Objectives

Table 1 sets out the objectives for the Enhanced Partnership and how the EP will work towards achieving these objectives.

Table 1 – Bus Service Improvement Plan Objectives

Objective	How We Will Achieve This
Shorter bus travel times	Bus priority measures <ul style="list-style-type: none"> - Bus lanes - Citywide traffic signal control - Smart priority for buses at signals - Whole route priority for the core high-frequency routes - Improved bus stop layout design to enable quick bus entry and egress and improved passenger accessibility Ticketing <ul style="list-style-type: none"> - “Tap on Tap off” account-based ticketing and more multi-operator fares to reduce bus stop dwell times by faster boarding Complementary measures <ul style="list-style-type: none"> - Increased bus lane enforcement - Parking restriction enforcement to reduce obstructions to buses in narrow streets and keep bus stops clear
Improved service reliability	Bus priority measures described above Ticketing measures described above Timely information on roadworks and diversions provided to bus operations managers Coordinated responses to delays with PCC Traffic Management Department

Objective	How We Will Achieve This
	"Hot spare" buses with drivers provided to run extra services to fill gaps in timetables arising from unplanned traffic incidents
More bus passengers	Reduced journey times – as per Objective 1 Improved reliability – as per Objective 2 Improved passenger information Reduced fares including for young people Better communications, marketing, and education for both users and non-users.
Higher bus passenger satisfaction	Reduced journey times – as per Objective 1 Improved reliability – as per Objective 2 Improved passenger information Individual measures

Details of these interventions and how they will be delivered are identified in the Bus Service Improvement Plan.

Targets have been identified for each of the objectives. Table 2 lists the Enhanced Partnership targets and proposals for interventions. This Enhanced Partnership will seek to identify and secure appropriate levels of funding from the National Bus Strategy and from other sources in order to deliver the schemes identified in this EP and in the BSIP as being required to deliver these targets.

⁹[Bus Service Improvement Plan \(portsmouth.gov.uk\)](http://portsmouth.gov.uk)

Table 2 - Enhanced Partnership proposals

Target	Outcomes	Summary of measures	Existing	Percentage increase on existing performance by 2025	Percentage increase on existing performance by 2030
Journey time	<p>1.1 Reduce average bus journey time by 10% compared to average car journey times in the year from March 2025.</p> <p>1.2 Reduce average bus journey time on buses operating on the SEHRT-designated routes within Portsmouth by 20% in the year from March 2025.</p>	<p>Bus priority More bus lanes. Citywide traffic signal control. Smart bus priority. Whole route bus priority. Improved bus stop layout design for faster entry and egress.</p> <p>Ticketing “Tap on Tap off” account-based fare payment to reduce bus stop dwell times by faster boarding. Expected saving of 8 seconds/boarding passenger resulting in 6% lower bus stop dwell time and 2% shorter journey times.</p> <p>Complementary measures Bus lane enforcement Parking restriction enforcement to reduce obstructions to buses in narrow streets.</p> <p>Further supporting measures Review of parking policy and provision Travel behavioural change programme Travel education in schools</p>	Transforming Cities Fund financed SEHRT Tranche 2 measures will reduce bus travel times by up to 5 minutes on some main north-south routes.	In the year from March 2025 - 10%	In the year from March 2030 - 20%

Target	Outcomes	Summary of measures	Existing	Percentage increase on existing performance by 2025	Percentage increase on existing performance by 2030
Reliability	2.1 Improve bus journey time reliability with 95% of services operating on time in Portsmouth from March 2025 onwards increasing to 97% by March 2030.	<p>The journey time reduction described measures in the row above will deliver greater consistency of journey times, which will translate into improvements in reliability.</p> <p>Other measures will include:</p> <p>Information provision regarding roadworks, traffic disruption and diversions to operators from the PCC Traffic Management department.</p> <p>“Hot spare” buses will be provided at key points to rapidly restore services disrupted by unplanned traffic incidents identified through the improved incident reporting system.</p>	<p>DfT BUS0902: on-time 90% (last recorded 2016/17).</p> <p>Recent analysis of data from RTI system shows 85% on-time (Jan - Aug in 2021).</p>	10% Improvement of on time journeys	2% Improvement of on time journeys

Target	Outcomes	Summary of measures	Existing	Percentage increase on existing performance by 2025	Percentage increase on existing performance by 2030

Passenger Numbers	<p>3.1 100% of pre COVID passenger number recovery by March 2025</p> <p>3.2 STRETCHED TARGET – 100% of pre COVID passenger number recover by March 2024</p> <p>3.3 110% of pre COVID passenger numbers by March 2030.</p> <p>3.4 STRETCHED TARGET – 115% of pre COVID passenger number by March 2030</p>	<p>The BSIP will address the priorities set out in the residents' consultation by addressing performance, ease of use, information, affordability, early morning, evening, and Sunday frequencies. These are all measures which have a proven record of success.</p>	<p>11.7m 2018/19 and 12m in 2019/20.</p> <p>Current patronage is c65% of pre-Covid level</p> <p>Assume 100% recovery by March 2025</p>	<p>Recovery to 2019/20 levels – 12m by 2025, with a stretched target by 2024</p>	<p>110% of pre COVID passenger numbers by March 2030, with a stretched target of 115%</p>
Target	Outcomes	Summary of measures	Existing	Percentage increase on existing performance by 2025	Percentage increase on existing performance by 2030
4. Average passenger satisfaction	4.1 Increase the percentage of customers very satisfied with the bus service by 10% from 53% to 58%, as measured by the Transport Focus Bus Passenger Survey	The most recent Transport Focus Bus Passenger Survey shows the overall score is very high at 92%, but within that metric, some aspects scored less well. Scores below 80% included:	Transport Focus Bus Passenger Survey Autumn 2019 reported 92% satisfaction.	95% overall user satisfaction in Passenger Focus Survey	95% overall user satisfaction in Passenger Focus Survey

	<p>4.2 Increase the percentage of bus users very satisfied or quite satisfied from 92% to 95% (Transport Focus Bus Passenger Survey) in surveys undertaken every 12 months for BSIP reporting</p> <p>4.3 We propose both an overall target as outlined above – and to focus on what is most important to customers by improving satisfaction by 5% in each of those areas by March 2025</p> <p>4.4 Seek to engage nonusers by better communication, marketing, and education.</p>	<ul style="list-style-type: none"> • Value for money (58%). Price was a prime source of dissatisfaction in Portsmouth’s own consultation for the BSIP. • Information provided inside the bus (74%) and • The temperature inside the bus (75%) • Devise individual measures to improve satisfaction with each of the above customer priorities by 5% by March 2025 <p>We intend to move the percentage of passengers being very satisfied as measured in the Bus Passenger Survey from 53% by 10% to 58%, and the satisfied from 92% to 95% This would put Portsmouth at or near the top of the range in the 2019 Bus Passenger Survey sample.</p>	<p>BSIP bus user survey reported 29% residents’ satisfaction.</p> <p>Users: 37%</p> <p>Nonusers 7%</p>	<p>5% customer satisfaction for each of the customer priorities</p>	
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3. PART 2 – EP SCHEME

THE PORTSMOUTH CITY COUNCIL ENHANCED PARTNERSHIP SCHEME FOR BUSES IS MADE IN ACCORDANCE WITH SECTION 138G(1) OF THE TRANSPORT ACT 2000 BY PORTSMOUTH CITY COUNCIL

3.1. Definitions

In this Enhanced Partnership Plan and any Schemes made pursuant to it, the following capitalised terms shall have the meanings ascribed to them below:

1985 Act	Transport Act 1985
2000 Act	Transport Act 2000
2017 Act	Bus Services Act 2017
Bus Operators or Operators	All operators running Qualifying Bus Services taken collectively.
Enhanced Partnership Scheme Variation	A variation of the EP Plan or EP Scheme as a result of the mechanism set out in Section 5. This will constitute a formal variation of the EP Plan or EP Scheme for the purposes of s.138E(1) of the 2000 Act.
Facilities	Those facilities referred to in Appendix A which shall be deemed such for the purposes of s.138D(1) of the 2000 Act.
Enhanced Partnership Board or EPB	The committee of selected Bus Operator representatives, Portsmouth City Council representatives, responsible for considering recommendations put forward by the Programme Board and making recommendations to Portsmouth City Council including specific Enhanced Partnership Scheme Variations.
Enhanced Partnership or EP	The Enhanced Partnership covering the geographic extent of the administrative boundary of the county of Portsmouth shown for identification purposes only on the plan at Figure 1.
Stakeholder Engagement Group or SEG	A stakeholder group convened and chaired by Portsmouth City Council, responsible for overseeing the work of the Programme Board and Enhanced Partnership Board and reviewing delivery by the Enhanced Partnership against its objectives.
Large Operator and Small Operator	Any Operator providing 10% or more of total scheduled bus service mileage within Portsmouth (excluding tendered services where the tendering authority takes the revenue risk) is classed as a Large Operator. Any other Operators operating less than 10% of total scheduled bus service mileage in Portsmouth are Small Operators. Where Qualifying Bus Services are provided by multiple operating companies or subsidiaries of the same owning group, they are to be considered to be provided by one Operator. For the avoidance of doubt, Portsmouth City Council will publish a list of Large Operators and Small Operators at the start of each Portsmouth City Council financial year.

Programme Board or PB	The committee of Bus Operators and Portsmouth City Council officers, responsible for considering all issues affecting the Enhanced Partnership, and making recommendations to the Enhanced Partnership Board in line with the Enhanced Partnership governance arrangements.
Measures	Those measures referred to in Appendix B which shall be deemed as such for the purposes of s.138D(2) of the 2000 Act.
Non-qualifying Bus Service	Services excluded from classification as Qualifying Bus Services.
Operator Objection Mechanism	As defined at The Enhanced Partnership Plans and Schemes (Objections) Regulations 2018
Qualifying Bus Service	<p>A registered local bus service with one or more stopping place within the geographical area of the Enhanced Partnership, with the exception of:</p> <ul style="list-style-type: none"> • Any schools or works registered local bus service not eligible for Bus Service Operators Grant; • Any cross-boundary registered local bus service with less than 10% of its route mileage within the Enhanced Partnership area, except where the Enhanced Partnership Board agree that there are particular reasons why its inclusion in the EP would be to the benefit of the EP's objectives defined in the EP Plan; • Any services registered for a period of six consecutive weeks or less; • Any services operated under section 22 of the 1985 Act; and • Any registered local bus service which is an excursion or tour. <p>For the avoidance of doubt, Portsmouth City Council will publish a list of Qualifying Bus Services at the start of each Portsmouth City Council financial year.</p>
Requirements	Those requirements placed upon Bus Operators identified as such within Appendix C which shall be deemed as such for the purposes of s.138C 2017 Act.
Task and Finish Group	A group appointed by the Programme Board to research and assess proposals for Facilities, Measures and Requirements and to prepare business cases setting out feasibility and costs on behalf of the Programme Board.

3.2. Section 1 – EP Scheme Content

This document fulfils the statutory requirements for an EP Scheme. In accordance with statutory requirements in section 138 of the Transport Act 2000, the EP Scheme document sets out:

- **Section 2** - Scope of the EP Scheme and commencement date
- **Section 3** - Obligations on the Local Authorities
- **Section 4** - Obligations on Bus Operators
- **Section 5** – Governance Arrangements

The EP Scheme has been jointly developed by Portsmouth City Council and those bus operators that provide local bus services in the EP Scheme area. It sets out obligations and requirements on both Portsmouth City Council and operators of local bus services in the Portsmouth City Council administrative

area, in order to achieve the intended improvements, with the aim of delivering the objectives of the associated EP Plan.

3.3. Section 2 - Scope of the EP Scheme and Commencement Date

3.3.1. Description of Geographical Coverage

The EP Scheme will support the improvement of all Qualifying Bus Services operating in the administrative area of Portsmouth City Council, as shown at Figure 1 of the EP Plan.

3.3.2. Commencement Date

The EP Scheme enters into force at the same time as the EP Plan on 1st April 2022.

3.3.3. Review and Duration

The EP Scheme has an end date of 1st April 2032. The EPB will review the EP Scheme at least annually on the anniversary of the commencement date and in line with reviews of the EP Plan in the years that these fall due. The Facilities, Measures and Requirements contained within it will be reviewed at least annually.

3.3.4. Exempted Services

The following types of local service are exempted from compliance with all of the requirements of the EP Scheme:

- Any schools or works registered local bus service not eligible for Bus Service Operators Grant,
- Any cross-boundary registered local bus service with less than 10% of its route mileage within the Enhanced Partnership area except where the Enhanced Partnership Board agree that there are particular reasons why its inclusion in the EP would be to the benefit of the EP's objectives defined in the EP Plan,
- Any services registered for a period of six consecutive weeks or fewer,
- Any services operated under section 22 of the 1985 Act and
- Any registered local bus service which is an excursion or tour.

3.4. Section 3 - Obligations on the Authority

3.4.1. Facilities

Existing Facilities maintained by Portsmouth City Council are shown at **Appendix A.1**. These consist of bus priority schemes, bus stations and interchanges, and bus stops.

Any change to the inventory of existing bus priority schemes or bus stations or interchanges outlined at Appendix A1 is subject to the governance mechanisms set out in Section 5

Facilities that have been agreed should be made and which have received any consents necessary from Portsmouth City Council for implementation, but which have not yet been implemented, are shown at **Appendix A.2**.

The full list of Facilities proposed under Portsmouth City Council's Bus Service Improvement Plan not included in either of the above appendices is shown at **Appendix A.3**.

3.4.2. Measures

Existing Measures provided by Portsmouth City Council are shown at **Appendix B.1**.

Measures should be made and which have received the necessary consents from Portsmouth City Council for implementation, but which have not yet been implemented, are shown at **Appendix B.2**.

The full list of Measures proposed under Portsmouth City Council’s Bus Service Improvement Plan not included in either of the above appendices is shown at **Appendix B.3**.

3.5. Section 4 - Obligations on Local Bus Operators

The existing Requirements on Bus Operators in providing Qualifying Bus Services are shown at **Appendix C.1**.

Requirements on Bus Operators that will apply at the making of this EP Scheme are shown at **Appendix C.2**. Further Requirements that may be agreed in accordance with the relevant governance arrangements from time to time are also shown at **Appendix C.2**.

The full list of Requirements proposed under Portsmouth City Council’s Bus Service Improvement Plan but not included in either of the above appendices is shown at **Appendix C.3**.

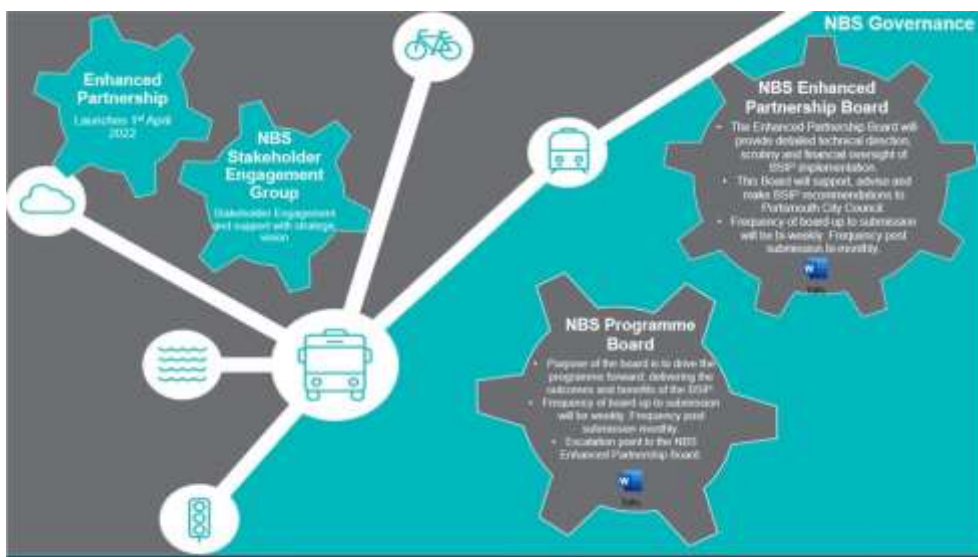
Requirements will apply to all Bus Operators in so far as is consistent with their other statutory obligations.

3.6. Section 5 – Governance Arrangements

3.6.1 Governance

The Enhanced Partnership will be governed by a three-tiered governance structure as shown in Figure 8 below, this Section 5 and in accordance with the terms of reference provided in Appendix D.

Figure 8 Enhanced Partnership Governance Structure



3.6.2 The Programme Board

The role of the PB will be to support and advise the EPB by developing proposals for the design and implementation of interventions in the form of Facilities, Measures and Requirements, drawing on Portsmouth City Council’s Bus Service Improvement Plan and receiving advice and proposals from the Stakeholder Engagement Group.

The PB will comprise of:

- one representative from each Large Operator;
- one representative appointed by South Hampshire Bus Operators' Association in accordance with its governance arrangements and notified in advance representing all Small Operators (if any);
- the chair who shall be held by Portsmouth City Council's Cabinet Member for Traffic and Transportation or their appointed nominee; and
- one representative of Portsmouth City Council.

Terms of reference of the PB are provided in Appendix D.1. and these shall be amended and updated as required in accordance with the terms of reference.

3.6.3 The Enhanced Partnership Board

The role of the EPB will be to review the proposals made by the PB and to provide detailed technical project direction and scrutiny on interventions within the Enhanced Partnership Plan and Enhanced Partnership Scheme as well as having oversight and direction of financial delivery and the monitoring and evaluation framework. In addition, the EPB will support, advise and make recommendations to Portsmouth City Council, drawing on Portsmouth City Council's Bus Service Improvement Plan, regarding any proposed changes to the Enhanced Partnership Plan and Enhanced Partnership Scheme.

The EPB will comprise of:

- one representative from each Large Operator;
- one representative representing all Small Operators appointed by South Hampshire Bus Operators' Association in accordance with its governance arrangements and notified in advance (if any);
- the chair who shall be held by Portsmouth City Council's Cabinet Member for Traffic and Transportation or their appointed nominee; and
- one representative of Portsmouth City Council.

Terms of reference of the EPB are provided in Appendix D.2. and these shall be amended and updated as required in accordance with the terms of reference.

3.6.4 Overview and Scrutiny

The overall oversight and scrutiny of the Enhanced Partnership shall be the responsibility of Portsmouth City Council.

3.7 Review of EP Scheme

3.7.1. Once the Scheme is made, it will be reviewed by the PB every six months following publication of data on progress towards targets, as required by the BSIP – this will ensure any necessary action is taken to deliver the targets set out in the BSIP. Portsmouth City Council will initiate each review.

3.7.2. The PB can also decide to review specific elements of the Scheme on an ad-hoc basis. PB members should contact Portsmouth City Council using the following email address

publictransportmanager@portsmouthcc.gov.uk explaining what the issue is and its urgency. Portsmouth City Council will then decide whether to table at the next scheduled meeting or make arrangements for all or the necessary PB members to gather more quickly.

3.8 Bespoke Arrangements for Varying or Revoking the Enhanced Partnership Scheme

3.8.1. Under powers at s.138E of the Transport Act 2000, Enhanced Partnership Scheme Variations where this section is quoted will be subject to the bespoke voting mechanism set out in the terms of reference of the PB and EPB and the final approval by Portsmouth City Council. All Enhanced Partnership Scheme Variations other than the variations to the Obligations of Bus Operators (Section 4 of this Scheme) are subject to the final approval by Portsmouth City Council.

3.8.2. Variations to the Obligations of the Authority

3.8.2.1. Variations to the Obligations of the Authority (Section 3 of this Scheme) or Obligations of Bus Operators (Section 4 of this Scheme) may be made in accordance with the terms of reference of the PB and EPB and subject to the final approval by Portsmouth City Council as an exercise of the power under s.138E of the Transport Act 2000 and without reference to the statutory variation process.

3.8.2.2. On receipt of a request for a variation under this section, Portsmouth City Council will reconvene the PB, giving at least 14 days' notice for the meeting, to consider the proposed variation. If the proposed variation is agreed in accordance with the terms of reference of the PB, the PB will make a recommendation to the EPB to consider the proposed variation. If the proposed variation is agreed in accordance with the terms of reference of the EPB, the EPB will make a recommendation to consider the proposed variation. Portsmouth City Council will then make a decision in accordance with its governance arrangements. If the proposed variation is agreed by Portsmouth City Council, it will make the EP Scheme variation within seven working days and publish the revised EP Scheme on its website.

3.8.3. Variations to the Obligations of Bus Operators

3.8.3.1. Variations to the Obligations of Bus Operators (Section 4 of this Scheme) may be made in accordance with the terms of reference of PB and EPB as an exercise of the power under s.138E of the Transport Act 2000 and without reference to the statutory variation process.

3.8.3.2. On receipt of a request for a variation under this section, Portsmouth City Council will reconvene the PB, giving at least 14 days' notice for the meeting, to consider the proposed variation. If the proposed variation is agreed in accordance with the terms of reference of the PB, the PB will make a recommendation to the EPB to consider the proposed variation. If the proposed variation is agreed in accordance with the terms of reference of the EPB, Portsmouth City Council will make the EP Scheme variation

3.8.4. Tendered Services

3.8.3. Any tendered service on which Portsmouth City Council takes the revenue risk will not be subject to the Operator Objection Mechanism, consistent with the Enhanced Partnership Plans and Schemes (Objections) Regulations 2018 or approval by the PB or the EPB. within seven working days and publish the revised EP Scheme on its website.

3.9 Revocation of an EP Scheme

3.9.1. If Portsmouth City Council or another member of the EPB believes it is necessary to revoke the Scheme, the EPB will be reconvened and a formal recommendation to Portsmouth City Council will be made. If the decision is taken to revoke the Scheme, Portsmouth City Council will follow the legislative procedures for revocation.

3.9.2. If at any point in the future, any area covered by the Scheme is included in a bus franchising scheme, the relevant requirements set out in the Scheme document will cease to apply to areas covered by the franchising scheme, in line with the arrangements set out in the franchising scheme.

3.10 Data sharing and commercial confidence

Subject to the requirements of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and all other rules, regulations and legislation as may be in force from time to time, at all times each member of the PB, EPB and SEG will respect data confidentiality and the PB, EPB and SEG will maintain processes to maintain and respect commercial confidentiality as required. Should any member believe there has been a breach of confidentiality, they should raise this with the Public Transport Manager of Portsmouth City Council.

APPENDIX A: FACILITIES

A.1. Facilities – Existing

Bus Priority Schemes

The Portsmouth City Council provided bus lanes are listed below:

Road	Direction	Length (m)
Cosham Interchange Link	Eastbound	110
Portsmouth Road Link to Roundabout	Southbound	95
Lake Road	Eastbound	115
London Road Old London Road - Northern Parade	Northbound	380
Furze Lane Link	North & Southbound	370
St Helen's Parade Link	North & Southbound	50
St Helen's Parade	Westbound	130
London Road Hilsea (Bus stops link)	Northbound	105
Highland Road	East & Northbound	80
Commercial Road North Link	Northbound	100
Kingston Crescent Link	West & Southbound	135
Northern Road	Southbound	125
Baffins Road Link	Southbound	40
Commercial Road South / Edinburgh Road Link	North & Southbound	200
Mile End Road	Southbound	780
Edinburgh Road	Westbound	50
London Road Old London Road – Oakwood Road	Southbound	30
London Road Montague Road – Stubbington Avenue	Southbound	70
Fratton Road	Southbound	170

Bus Stations and Passenger Interchanges

Portsmouth City Council owns, manages and staffs a number of bus station facilities:

- The Hard Interchange – large modern facility with 10 bus and 1 coach departure bays,
- Cosham Interchange – small facility with 3 bus stop bays, and
- Portsmouth Park & Ride site – modern facility with 665 parking spaces and 2 bus stop bays.

Bus Stops

As of May 2021, 555 bus stops in Portsmouth maintained by Portsmouth City Council.

Shelters are provided at 343 of the stops. The shelters are the Trafalgar/Heritage type with seats and end panels but may be updated if 'green' roofs are introduced. The shelters are provided and maintained by Clear Channel under contract to Portsmouth City Council.

Real Time Information

As of May 2021, there were 246 real time displays including at 4 railway stations, journey planners at interchanges and 20 free-standing displays.

A.2. Facilities – To be Approved for Implementation by the Enhanced Partnership Board and Portsmouth City Council

The following bus priority schemes have been funded by the Transforming Cities Fund (TCF) award of £56m to a partnership of Portsmouth City Council, Hampshire County Council and the Isle of Wight Council in 2020. Development work is in progress and delivery will take place in 2022/23.

- City centre north including Cascades Approach,
- Lake Road,
- City centre south including Isambard Brunel Road,
- Rudmore roundabout: Mile End Road northbound approach, and
- Spur Road roundabout, Cosham, including Southampton Road.

A.3. Facilities for consideration subject to funding, feasibility and Enhanced Partnership Board and Portsmouth City Council approval

The following options are included in the Bus Service Improvement Plan and will be considered for prioritisation when funding opportunities arise.

- Bus lanes on A2047 London Road/Kingston Road, Northend,
- Bus lanes on A288 Hampshire Terrace, Landport Terrace and King's Terrace, Southsea,
- Bus lane or 2 general traffic lanes on St George's Road approaching Park Road, Portsmouth,

- Northbound contra-flow bus lane on Mile End Road,
- Westbound bus lane on Burrfields Road,
- Anchorage Road corridor - minor measures,
- Red surface treatment on all bus lanes,
- Bus priority at signals,
- Review the physical shape of local bus stops and redesign, fill in laybys/add boarders where needed to improve bus access/egress for passengers and buses.

APPENDIX B: MEASURES

B.1. Measures – Existing

The following measures are now provided:

- Real Time Information at 256 bus stops,
- Camera enforcement of five bus lanes,
- Shelters at 343 bus stops,
- Printed timetable information at all bus stops and
- Bus route map with details of service levels.

B.2. Measures – To be Approved for Implementation by the Enhanced Partnership Board and Portsmouth City Council

The provision of 34 battery electric buses for use on routes 1 Portsmouth – Southsea and 3 Southsea – Fareham as well as routes 9/9A Fareham – Gosport is the subject of a funding bid by Portsmouth City Council, Hampshire County Council and First Bus for the Department for Transport's Zero Emission Bus Regional Area (ZEBRA) fund. The bid will be submitted in January 2022.

B.3. Measures for consideration subject to funding, feasibility and Enhanced Partnership Board and Portsmouth City Council approval

The following options are included in the Bus Service Improvement Plan and will be considered for prioritisation when funding opportunities arise.

- Camera enforcement on all bus lanes,
- Tow away of vehicles that are obstructing bus lanes/junctions,
- Network Management responsibilities to liaise with bus operators to manage delays and reduce impact on bus services,
- Tap on Tap off fare payment,
- Simplified fare structure,
- Multi-operator "hopper fare" providing 90 minute unlimited travel
- Discounted fares for young people, jobseekers and families,
- Marketing of the Solent Go multi-operator ticket,
- Hot spare buses to fill gaps in services caused by delays,
- Daytime bus service frequencies to be increased, starting with the core/main routes,

- Additional services to fill gaps in mornings, evenings, Sundays and Christmas day,
- Express South East Hampshire Rapid Transit services,
- Demand Responsive services,
- Improved bus stop infrastructure giving a better environment for passengers and
- Improved interchange with rail and ferries at The Hard.

APPENDIX C: REQUIREMENTS

C.1. Requirements – Existing

Emission Standards

Bus Operator	Number of vehicles in fleet	Euro III	Euro IV	Euro V	Euro VI
First Hampshire & Dorset	152	2	6	10	134
Stagecoach South	76	4	0	15	57
Total	228	6	6	25	191
	Percent	2.6%	2.6%	11%	84%

Passenger Amenity on Vehicles

Bus Operator	Number of vehicles in fleet	Next stop audio announcements	Next stop visual announcements	WIFI	USB chargers
First Hampshire & Dorset	152	145	145	145	62
Stagecoach South	76	41	41	71	20
Total	228	186	186	216	82
	percent	81.6%	81.6%	94.8%	36%

C.2. Requirements – To be Approved for Implementation by the Enhanced Partnership Board and Portsmouth City Council

Timetable Change Dates

Operators will limit timetable changes for Qualifying Local Services on the following dates:

Proposal is for 1 date immediately prior to each school term date, 3 in total. Flexibility around term dates differing in different areas and different requirements in neighbouring authorities and connections with rail or ferry services

Simpler Ticketing

In advance of funding being made available for the aspects of Simpler Ticketing referred to in the BSIP, Operators will use reasonable endeavours to collaborate with Portsmouth City Council to:

- Make consistent existing ‘own-operator’ ticketing scheme boundaries in order to make the bus product simpler for passenger,
- Offer a common range of fare products, as well as commercial products, (though not the price),
- Where these don’t currently exist, develop carnet products to better meet the needs of part-time commuters and hybrid workers

- Extend the range of Solent Go multi-operator tickets

C.3. Requirements for consideration subject to funding, feasibility and Enhanced Partnership Board and Portsmouth City Council approval

Service levels

The bus operators will discuss planned changes to service levels with the Enhanced Partnership Board. The dates of timetable changes will be standardised as described in Section C2 above. Operators may wish to discuss changes individually with Portsmouth City Council on grounds of commercial confidentiality.

The operators will proactively investigate the following service improvements. They will work with Portsmouth City Council to establish whether they can be delivered commercially and, if not, the level of revenue support funding required.

- Daytime bus service frequencies to be increased, starting with the core/main routes.
- Hours of operation are to be extended to provide early morning and evening services, starting with the main routes.
- Sunday services are to be provided and increased where appropriate, particularly those aimed at the leisure travel market.
- New South East Hampshire Rapid Transit (SEHRT) express services will be introduced connecting the city with Fareham/Paulsgrove, Waterlooville and Leigh Park.

Improvements to Planning / Integration with Other Modes

The bus operators are to work with Portsmouth City Council to investigate and develop opportunities for seamless public transport journeys with rail and ferry operators, involving through ticketing and the coordination of timetables to provide connections. These facilities will be marketed by both the operators and the council as appropriate.

Improvements to fares and ticketing

Value fares

The bus operators will ensure that simple value fares across a smaller range of products are offered and key markets are targeted through fares designed to attract and maintain mode shift and improve mobility. The operators are to work with Portsmouth City Council to deliver the following improvements, subject to funding:

- Develop and, subject to funding, introduce specific promotions aimed at groups such as under-21s, job seekers and visitors to the city;
- Introduce an operator-capped "Tap-on Tap-off" fare payment system;
- Standardise fare stages between operators for journeys on common sections of shared routes; and
- A multi-operator "hopper" fare for up to 90 minutes of travel.

Improve bus information

The bus operators will ensure that network maps they produce include information on complementary services provided by other operators that highlight the travel opportunities available across the city. The operators are to work with Portsmouth City Council to deliver the following improvements, subject to the availability of any necessary funding:

- Continue to provide the existing printed timetable displays at stops;
- Update the printed timetable displays to inform passengers of any service changes;
- Promote established APPs with ticketing, journey planner and live bus arrival information;
- Provide appropriate data feeds to ensure up to date and accurate information is displayed at Real Time Information sites;
- Provide next stop announcements, including audio-visual displays and major attractions, on all new buses and upgrade existing vehicles in advance of forthcoming legal requirements;
- Support a fully functioning public transport journey planner such as Traveline; and
- Market and promote all their service improvements, fare promotions and other facilities as appropriate.

Passenger Charter

The bus operators are to work with Portsmouth City Council to develop, introduce and comply with a bus passenger charter by April 2022. However, each operator will retain its own Conditions of Travel and will publicise the Passenger Charter on their own websites.

Higher specification buses

The bus operators are to work with Portsmouth City Council to deliver the following improvements:

- CCTV will be provided on all buses to provide enhanced on-board security;
- Make use of any available external funding to convert fleets to ultra-low and zero emission vehicles; and
- In line with upcoming statutory requirements, all new buses will have next stop screens and announcements installed. The retrofitting of these facilities to existing vehicles will be investigated.

Other

Marketing

The bus operators and Portsmouth City Council will work together to develop marketing initiatives and joint promotions. All improvements will be publicised where possible.

APPENDIX D: TERMS OF REFERENCE

D.1. Terms of Reference – Programme Board

Role and Duties

1. The role of the EPB will be to review the proposals made by the PB and to provide detailed technical project direction and scrutiny on interventions within the Enhanced Partnership Plan and Enhanced Partnership Scheme as well as having oversight and direction of financial delivery and the monitoring and evaluation framework. In addition, the EPB will review, consider and, where appropriate, approve any proposed variations to the Obligations of Bus Operators (Section 4 of this Scheme). The EPB will also support, advise and make recommendations to Portsmouth City Council, drawing on Portsmouth City Council's Bus Service Improvement Plan, regarding any proposed changes to Obligations of the Authority. In particular, the EPB will:

Review proposals brought to it by the Programme Board in respect of Facilities, Measures and Requirements, and any accompanying evidence and will be responsible for prioritising interventions for Facilities, Measures and Requirements proposed by the Programme Board against available spend as required;

Satisfy itself that any such proposals are sufficiently and appropriately evidenced;

Review proposals brought to it by the Programme Board for changes to the EP Plan and EP Scheme, and if content initiate the required process to make such changes;

Review the prioritisation process set out by the Programme Board;

Liaise with Portsmouth City Council regarding potential bids to external bodies for funding and ensure as far as possible that such bids reflect the priorities of the EP Plan and EP Scheme;

Liaise as required with the Programme Board in considering EP Plan and EP Scheme proposals and in providing direction as required from time to time on the content of the proposals and supporting evidence bases brought to it by the Programme Board;

Liaise with the Stakeholder Engagement and Programme Board on the forward work programme;

Recommend Portsmouth City Council to monitor outcomes against the stated targets and use this evidence to develop its policy in considering proposals brought to it by the Programme Board and the EPB; and

Have the power to consider and approve variations to the Obligations of Bus Operators (Section 4 of the Scheme) and also make recommendations to Portsmouth City Council regarding any proposed Enhanced Partnership Scheme Variations (including variations to the Obligations of the Authority (Section 3 of the Scheme)) and request that such recommendations are formally considered by Portsmouth City Council to implement any changes.

Membership

2.1 The PB shall comprise of:

2.1.1 one representative from each Large Operator;

2.1.2 one representative appointed by South Hampshire Bus Operators' Association in accordance with its governance arrangements and notified in advance representing all Small Operators (if any);

2.1.3 the chair who shall be held by Portsmouth City Council's Cabinet Member for Traffic and Transportation or the appointed nominee; and

2.1.4 one representative of Portsmouth City Council.

2.2 In the absence of the chair, the remaining members present at a PB meeting shall elect the remaining representative of Portsmouth City Council present to chair the meeting.

2.3 Any member may, if necessary, appoint its deputy to participate in the meeting and such deputy will have the same voting rights as his or her principal.

Attendance at Meetings

3.1 The PB shall meet at least twice per year.

3.2 The chair may, with provision for additional meetings as required to take decisions which in the opinion of the chair cannot be deferred to a scheduled meeting, call a PB meeting provided that a quorum can be achieved, with not less than one week's notice being given.

3.3 Only members of the PB have the right to vote at the PB meetings. Other non-members may be invited to attend all or part of any meetings as and when appropriate and necessary and with the agreement of the chair. The chair shall have the discretion to decide who, other than the PB members, shall attend and address the PB meetings.

3.4 One representative from each of Hampshire County Council and West Sussex County Council may attend the meetings of the PB but shall have no voting powers.

3.5 Meetings of the PB may be conducted when the members are physically present together or in the form of either video or audio conference.

3.6 The chair shall have the right to exclude any observer (non-member) from the meeting.

Notice of Meetings

4.1 Meetings of the PB shall be called by the chair at the request of any of the PB members.

4.2 Unless each member of the PB otherwise agrees, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the PB any other person required to attend no later than one week before the date of the meeting. Supporting papers shall be sent to the PB members and to other attendees as appropriate, at the same time.

4.3 The agenda of the PB meeting shall be set by the chair.

4.4 Any PB member may propose any item for inclusion on the agenda provided that such request:

4.4.1 is made in writing and sent to the chair in advance and not less than one week before the scheduled PB meeting; and

4.4.2 contains an explanation of how such item will fulfil or help to achieve the objective set out in the EP Plan and/or the EP Scheme;

4.5 Any member of the SEG and/or the EPB may propose any items to be included on the agenda provided that such requests are made in writing to the chair.

4.6 The PB may send notices, agendas and supporting papers in electronic form.

Quorum

5.1 The quorum necessary for the transaction of business at a PB meeting shall be two members, with at least one member being the representative of the Bus Operators and one member being either the chair or the other representative of Portsmouth City Council.

Voting

6.1 The representatives of the Large Operators represented at any meeting of the PB shall have 40% of the total votes. That 40% shall be apportioned according to the percentage share of scheduled mileage operated by each Large Operator present at the meeting.

6.2 The percentage of scheduled mileage operated by each Large Operator will be that which Portsmouth City Council publishes at the start of the financial year. In the event that a Large Operator's share of scheduled mileage changes by more than 5% during the course of the financial year, Portsmouth City Council will revise and re-issue its calculation.

6.3 The representative of the Small Operators represented at any meeting of the PB shall have 10% of the total votes. If there is no Bus Operator satisfying the requirements of a Small Operator and thus not represented at the meetings, then any such votes shall be distributed between all Large Operators and apportioned in accordance with paragraph 6.1 and paragraph 6.2 above.

6.4 The chair and the representative of Portsmouth City Council shall have the remaining 50% of the total votes.

6.5 In the event of a 50:50 vote, the PB will refer the matter to the EPB for decision. The chair shall not have the casting vote.

6.5 Any proposed variations to the Obligations of Bus Operators (Section 4 of the Scheme) have to be agreed unanimously by all members of the EPB.

6.6 Decisions of the PB shall be made by way of a vote through a show of hands

Minutes of the Meeting

7.1 The representatives of Portsmouth City Council shall minute the proceedings and resolutions of all PB meetings, including the names of those present and in attendance.

7.2 Draft minutes of PB meetings shall be circulated no more than two weeks after each meeting to all PB members. The minutes shall be approved at the next PB meeting.

7.3 Copies of the approved minutes shall also be distributed to all SEG members and Portsmouth City Council.

Review

8.1 The terms of reference will be reviewed on an annual basis.

8.2 Any member of the PB may propose changes to these terms of references.

8.3 Any changes to these terms of references shall be approved by the EPB.

D.2. Terms of Reference – Enhanced Partnership Board

Role and Duties

1. The role of the EPB will be to review the proposals made by the PB and to provide detailed technical project direction and scrutiny on interventions within the Enhanced Partnership Plan and Enhanced Partnership Scheme as well as having oversight and direction of financial delivery and the monitoring and evaluation framework. In addition, the EPB will support, advise and make recommendations to Portsmouth City Council, drawing on Portsmouth City Council's Bus Service Improvement Plan, regarding any proposed changes to the Enhanced Partnership Plan and Enhanced Partnership Scheme. In particular, the EPB will:

- Review proposals brought to it by the Programme Board in respect of Facilities, Measures and Requirements, and any accompanying evidence and will be responsible for prioritising interventions for Facilities, Measures and Requirements proposed by the Programme Board against available spend as required;
- Satisfy itself that any such proposals are sufficiently and appropriately evidenced;
- Vote on whether to proceed with making a recommendation to Portsmouth City Council to implement such a change and, if deemed appropriate, recommend that Portsmouth City Council, applying its normal statutory powers as required to deliver any such change, amend the Enhanced Partnership Plan and/or Scheme as appropriate,
- Review proposals brought to it by the Programme Board for changes to the EP Plan and EP Scheme, and if content initiate the required process to make such changes;
- Review the prioritisation process set out by the Programme Board;
- Liaise with Portsmouth City Council regarding potential bids to external bodies for funding and ensure as far as possible that such bids reflect the priorities of the EP Plan and EP Scheme;
- Liaise as required with the Programme Board in considering EP Plan and EP Scheme proposals and in providing direction as required from time to time on the content of the proposals and supporting evidence bases brought to it by the Programme Board;
- Liaise with the Stakeholder Engagement and Programme Board on the forward work programme;
- Recommend Portsmouth City Council to monitor outcomes against the stated targets and use this evidence to develop its policy in considering proposals brought to it by the Programme Board and the EPB; and
- Have the power to make recommendations to Portsmouth City Council and request that such recommendations are formally considered by Portsmouth City Council to implement any changes that may necessitate the variation to the EP Plan and EP Scheme.

Membership

2.1 The EPB shall comprise of:

2.1.1 one representative from each Large Operator;

2.1.2 one representative representing all Small Operators appointed by South Hampshire Bus Operators' Association in accordance with its governance arrangements and notified in advance (if any);

2.1.3 the chair who shall be held by Portsmouth City Council's Cabinet Member for Traffic and Transportation or the appointed nominee; and

2.1.4 one representative of Portsmouth City Council.

2.2 In the absence of the chair, the remaining members present at a PB meeting shall elect the remaining representative of Portsmouth City Council present to chair the meeting.

2.3 Any member may, if necessary, appoint its deputy to participate in the meeting and such deputy will have the same voting rights as his or her principal.

Attendance at Meetings

3.1 The EPB shall meet at least twice per year.

3.2 The chair may, with provision for additional meetings as required to take decisions which in the opinion of the chair cannot be deferred to a scheduled meeting, call a EPB meeting provided that a quorum can be achieved, with not less than one week's notice being given.

3.3 Only members of the EPB have the right to vote at the EPB meetings. Other non-members may be invited to attend all or part of any meetings as and when appropriate and necessary and with the agreement of the chair. The chair shall have the discretion to decide who, other than the EPB members, shall attend and address the EPB meetings.

3.4 One representative from each of Hampshire County Council and West Sussex County Council may attend the meetings of the EPB but shall have no voting powers.

3.5 Meetings of the EPB may be conducted when the members are physically present together or in the form of either video or audio conference.

3.6 The chair shall have the right to exclude any observer (non-member) from the meeting.

Notice of Meetings

4.1 Meetings of the EPB shall be called by the chair at the request of any of the EPB members.

4.2 Unless each member of the EPB otherwise agrees, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the EPB any other person required to attend no later than one week before the date of the meeting. Supporting papers shall be sent to the EPB members and to other attendees as appropriate, at the same time.

4.3 The agenda of the EPB meeting shall be set by the chair.

4.4 Any EPB member may propose any item for inclusion on the agenda provided that such request:

4.4.1 is made in writing and sent to the chair in advance and not less than one week before the scheduled EPB meeting; and

4.4.2 contains an explanation of how such item will fulfil or help to achieve the objective set out in the EP Plan and/or the EP Scheme;

4.5 Any member of the EPB may propose any items to be included on the agenda provided that such request are made in writing to the chair.

4.6 The EPB may send notices, agendas and supporting papers in electronic form.

Quorum

5.1 The quorum necessary for the transaction of business at a EPB meeting shall be two members, with at least one member being the representative of the Large Operators and one member being either the chair or the other representative of Portsmouth City Council.

Voting

6.1 The representatives of the Large Operators represented at any meeting of the EPB shall have 40% of the total votes. That 40% shall be apportioned according to the percentage share of scheduled mileage operated by each Large Operator present at the meeting.

6.2 The percentage of scheduled mileage operated by each Large Operator will be that which Portsmouth City Council publishes at the start of the financial year. In the event that a Large Operator's share of scheduled mileage changes by more than 5% during the course of the financial year, Portsmouth City Council will revise and re-issue its calculation.

6.3 The representative of the Small Operators represented at any meeting of the EPB shall have 10% of the total votes. If there is no Bus Operator satisfying the requirements of a Small Operator and thus not represented at the meetings, then any such votes shall be distributed between all Large Operators and apportioned in accordance with paragraph 6.1 and paragraph 6.2 above.

6.4 The chair and the representative of Portsmouth City Council shall have the remaining 50% of the total votes.

6.5 In the event of a 50:50 vote, the EPB will refer the matter to Portsmouth City Council for decision. The chair shall not have the casting vote.

6.6 Any proposed variations to the Obligations of Bus Operators (Section 4 of the Scheme) have to be agreed unanimously by all members of the EPB.

6.7 Decisions of the EPB shall be made by way of a vote through a show of hands

Minutes of the Meeting

7.1 The representatives of Portsmouth City Council shall minute the proceedings and resolutions of all EPB meetings, including the names of those present and in attendance.

7.2 Draft minutes of PB meetings shall be circulated no more than two weeks after each meeting to all EPB members. The minutes shall be approved at the next EPB meeting.

7.3 Copies of the approved minutes shall be distributed to all SEG members and Portsmouth City Council.

Review

8.1 The terms of reference will be reviewed on an annual basis.

8.2 Any member of the EPB may propose changes to these terms of references.

8.3 Any changes to these terms of references shall be approved by Portsmouth City Council.

D.3. Terms of Reference – Stakeholder Engagement Group

Role and Duties

1. The Stakeholder Engagement Group will:

- Consider the available evidence from Portsmouth City Council’s monitoring against the BSIP targets of patronage, journey time, reliability and passenger satisfaction;
- Consider how the Programme Board’s and Enhanced Partnership Board’s identification, development and delivery of Facilities, Measures and Requirements can assist in delivering outcomes against those targets and how these Facilities, Measures and Requirements meet the objectives of the EP;
- Receive meeting minutes from the Programme Board and Enhanced Partnership Board;
- Request agenda items for Programme Board and Enhanced Partnership Board meetings; and
- Liaise with the Programme Board and Enhanced Partnership Board on the forward work programme;

2. The Stakeholder Engagement Group will provide opportunities for discussing issues of all kinds affecting the Portsmouth bus network, consulting with and building consensus across the various stakeholders.

3. The SEG will monitor the achievements of the EP against its objectives, and it will monitor delivery against the targets set out in the EP Plan. SEG minutes and recommendations will be discussed at the PB and EPB meetings.

4. In addition, a Stakeholder Engagement Group will enable stakeholders in the bus network to monitor delivery and progress against targets and to provide scrutiny of the activities of the EPB and PB

Membership

5. Membership of the SEG will be voluntary and will comprise of one representative from each of:

- All Bus Operators running Qualifying Bus Services;
- Community transport operators, as established;
- Portsmouth City Council (Public Transport and Highways) to act as the chair;
- Portsmouth train operating companies;
- Ferry and hovercraft companies serving Portsmouth;
- Neighbouring Local Transport Authorities;
- Neighbouring Local Borough Councils;
- Transport Focus, and any bus user groups in Portsmouth as may be constituted; and
- Hospital trusts, tertiary education establishments, Hampshire Chamber of Commerce and the Solent Local Enterprise Partnership.

6. The SEG may invite other external organisations to join the SEG on an advisory basis for fixed periods to provide specialist expertise.

Meeting arrangements

7. SEG meetings will take place not less than twice per year. SEG meetings will be arranged, chaired and minutes taken by the representative of Portsmouth City Council. Meeting length will vary according to agenda content but are ordinarily expected to be one to two hours.

8. Any business for a SEG meeting must be submitted in writing (by post or email) to the chair in advance for inclusion on the agenda. Any request for inclusion of items on the agenda must include an explanation of how they fulfil the objectives set out in the EP Plan.

9. Agendas and meeting papers (including a copy of minutes and outcomes of decisions taken at the previous EPB and PB meetings) will be circulated by Portsmouth City Council no less than one week in advance of each meeting, and draft minutes circulated no more than two weeks after each meeting. Draft minutes will be approved at the next SEG meeting.

APPENDIX E: BSIP CONSULTATION SURVEY

E.1. The Survey

Portsmouth City Council has conducted a research survey in 2021 into the views of members of the public and businesses regarding the bus network within Portsmouth, specifically:

- To understand the strengths and weaknesses of local bus travel,
- To identify the key areas to prioritise in the long and short-term, and
- To measure satisfaction levels of bus users.

Two predominantly quantitative online surveys were released, one for business and one for members of the public. These were launched on Friday 23rd July and remained open until Sunday 22nd August. These were promoted through various marketing and communications to maximise consultation engagement. Additionally, 13 stakeholders were invited to take part in the in-depth qualitative interviews, but only four took part in the research. In total 1,133 people interacted with the main survey, 32 businesses with the business survey and four in-depth interviews.

E.2. Headline findings

As a result of the BSIP consultation survey, Portsmouth City Council found that:

- Satisfaction with local bus services in Portsmouth is divided, 29% of respondents are satisfied and 39% are dissatisfied,
- Users are far more satisfied than non-users (37% compared to 7%) who are more likely to give a neutral rating of 'neither satisfied or dissatisfied', and
- Respondents with a disability (who are using the bus more frequently) are more satisfied than those with no disability

Figure E1 below outlines the results of the question regarding satisfaction with local bus services in Portsmouth, with the key reasons for being satisfied or dissatisfied listed in Table E1.

Curiously, there are great differences in the results of the Transport Focus Survey and that conducted by Portsmouth City Council. These may be explained by the research design, as Transport Focus surveys are randomly sampled whereas Portsmouth City Councils research was based on self-selection of participants. Further research is required to establish the reasons for this difference.

Figure E1 Satisfaction results from BSIP survey

Q: Satisfaction with local bus services in Portsmouth

Base: Total sample (1,036) | Bus user (780) | Non-bus user (256) | Male (357) | Female (533) | Disability (155) | No disability (735)

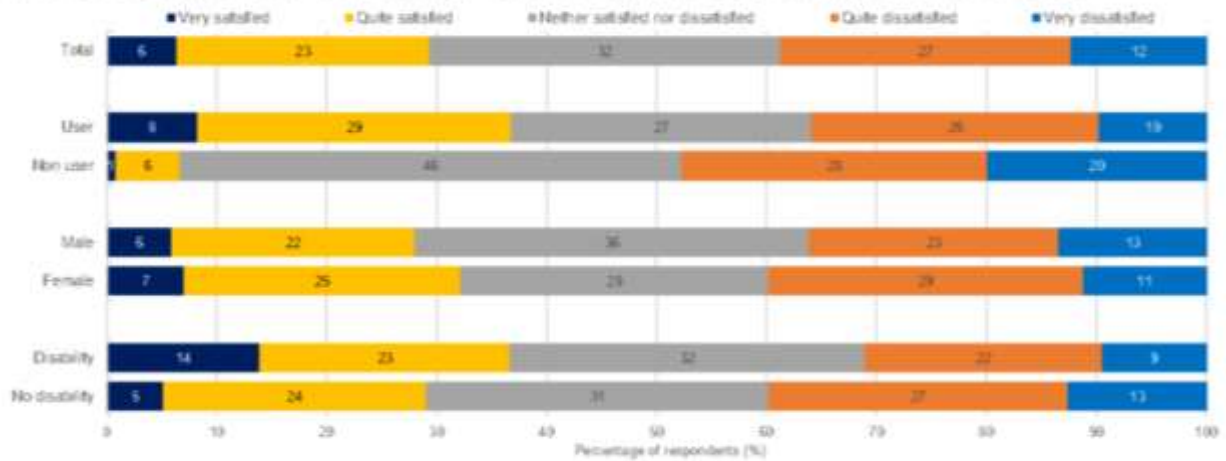


Table E1 - Reasons for level of satisfaction from BSIP survey

Key Reasons for being satisfied (304)		Key Reasons for being Dissatisfied (330)	
Reason	Percentage (%)	Reason	Percentage (%)
Good frequency / regular service / convenient	46	Do not use the bus regularly	25
Good route coverage	30	Cost / tickets	21
On time / reliable	12	Routes not comprehensive enough	15
Clean / comfortable	10	Generally good service /routes	11
Friendly / helpful bus drivers	7	Unreliable	1

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Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & - Diversity This can be found in Section A5

Directorate:

Regeneration

Service, function:

Transport Planning

Title of policy, service, function, project or strategy (new or old) :

Enhanced Partnership with local bus operators

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

As the Local Transport Authority, the council has decided to enter into an Enhanced Partnership (EP) with the local bus operators serving the city (cabinet agreement June 22 2021). The EP is to deliver the measures contained in the Bus Service Improvement Plan which the council has been required to produce under the Government's National Bus Strategy, published in March 2021. The two main

operators are Stagecoach South and First Hampshire, Dorset and Berkshire.

The aims of the BSIP and EP are to increase bus use and thereby deliver a wide range of economic, health and social objectives. Significant new Government funding is being made available, which is contingent upon the establishment of an ambitious EP. The EP aims to deliver shorter bus travel times, better service reliability, more passengers and greater passenger satisfaction.

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

Both the EP Plan and the EP Scheme have been prepared by Portsmouth City Council, through a survey of residents and businesses with over 1,100 responses and ongoing discussions and consultation with the Portsmouth bus operators (Stagecoach South and First Hampshire, Dorset and Berkshire), under the Transport Act 2000 (c. 38).

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A1-Crime - Will it make our city safer?



In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The EP will increase bus patronage. The numbers of bus passengers waiting at stops around the city will increase, thereby raising natural surveillance and enhancing personal security of both passengers and pedestrians.

The measures to improve pedestrian access to bus stops will also enhance personal security.

No negative impacts are anticipated.

How will you measure/check the impact of your proposal?

Through the monitoring of bus passenger numbers and also of security issues concerning passengers.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?



In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?



In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The EP will increase bus usage, and some of the new passengers will be attracted from car travel and those staying at home.

New bus passengers who currently stay at home will benefit from additional exercise as they walk to/from stops. They will also gain mental health and quality of life benefits as they interact more with other people and become confident enough to participate in community activities and social groups.

Since bus passengers walk to/from their stops, compared with car users who can often park close to their home and destination, those switching modes will benefit from taking additional exercise.

How are you going to measure/check the impact of your proposal?

Bus passenger numbers will be monitored and passenger satisfaction surveys will collect data on previous travel patterns. No specific health surveys are anticipated through.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?



In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>

<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The EP will improve bus services, including travel times and reliability. Targetted fares reductions will be provided to make travel cheaper for families, young people, job-seekers and hard to reach groups. Buses are used by many people on low incomes as they often do not have the use of a car. Improvements to bus travel times will increase access to employment and education opportunities for users. This will be of benefit to those on low incomes as the range of opportunities available within a reasonable travel time from their homes increases. This will enable them to take better jobs.

Those with no educational qualifications will have better access to further education opportunities at centres such as Highbury College, which are close to the main bus routes. This will enable them to learn marketable skills.

Those unable to work will gain better access to community and leisure facilities, including libraries and leisure centres which are on bus routes. This will reduce their isolation and improve their quality of life.

How are you going to measure/check the impact of your proposal?

Public transport usage numbers will be regularly monitored. Some socio-economic data could be collected in the passenger satisfaction surveys.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?



In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The Local Transport Plan, which underpins the Bus Service Improvement Plan which will be delivered through the Enhanced Partnership, has been subject to stakeholder engagement and public consultation in order to address its impact on protected characteristics and to integrate the perspectives of these groups.

It is recognised in the strategy that there may be some negative perceptions of safety of public transport for certain groups in society, including women and people of different religions and/or ethnicities and races, are thought to feel more vulnerable. However, the EP will improve passenger security by increasing natural surveillance as passenger numbers rise. This, together with improved safety features at stops and on buses, should help to improve the safety of vulnerable users.

How are you going to measure/check the impact of your proposal?

Bus passenger numbers will be monitored. Personal security issues for bus passengers are continuously monitored by the Public Transport Team.

B - Environment and climate change**Yes****No**

Is your policy/proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?

In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

By improving bus services the EP will increase passenger numbers. Some of the new passengers will be attracted from car travel, thereby reducing car dependency. Since bus travel produces fewer carbon emissions per passenger-mile, greenhouse gas emissions from transport will be reduced.

A bid for funding through the National Bus Strategy of which the EP forms a part, could deliver new battery-electric buses to replace diesel powered buses on some of the busiest routes which would eliminate tail pipe emissions. As electricity is partly generated by renewal sources, this will increase the use of renewal energy in transport and thereby reduce greenhouse gas emissions from this sector.

How are you going to measure/check the impact of your proposal?

Bus passenger numbers will be monitored. Also, the passenger satisfaction surveys could collect data on users transferring from car travel. Traffic levels, including car numbers, in the city are also monitored.

B - Environment and climate change**Yes****No**

Is your policy/proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?

In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Triston.thorn@portsmouthcc.gov.uk or go to:<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf><https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

By improving bus services the EP will increase passenger numbers. Some of the new passengers will be attracted from car travel.

There will therefore be a reduction in petrol consumption as some car journeys are avoided.

How are you going to measure/check the impact of your proposal?

Bus passenger numbers will be monitored. Also, the passenger satisfaction surveys could collect data on users transferring from car travel. Traffic levels, including car numbers, in the city are also monitored.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding?

In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

No impacts on the risks from flooding or extreme weather are anticipated.

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?

In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The EP will complement and support regeneration strategies aimed at making places more attractive. These strategies could include

the provision of green space and equipping bus shelters with green roofs to aid biodiversity.

How are you going to measure/check the impact of your proposal?

The impact on the natural environment will be considered at all stages during the development of EP schemes.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?



In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

By improving bus services the EP will increase passenger numbers. Some of the new passengers will be attracted from car travel, thereby reducing car dependency. Some car journeys will be avoided, thereby reducing car mileage. Since cars are a significant source of pollution as well as traffic congestions, these impacts will also be reduced. EP measures to reduce bus journey times and delays at stops will reduce congestion and improve air quality.

A bid for funding through the National Bus Strategy of which the EP is a part could deliver new battery-electric buses to replace diesel powered buses on some routes. These buses will have zero tailpipe emissions and will not consume fuel while stationary, which is also the case with the latest diesel buses with start/stop technology, and will therefore contribute towards reductions in pollution across the city.

How are you going to measure/check the impact of your proposal?

Whilst difficult to specifically measure the impact had by individual transport schemes, levels of air quality in the city are recorded and assessed, giving an indication of overall improvements to the levels of air pollution.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?



In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The EP measures will improve the attractiveness and accessibility of public transport.

The EP measures include improvements to pedestrian access to bus stops, which will include safety enhancements.

EP measures will make access to stops easier for pedestrians and cyclists to make the first mile/last mile more suitable for active travel and improved bus services will attract some new passengers from car travel, thereby reducing car mileage, helping to improve safety for cyclists and pedestrians.

How are you going to measure/check the impact of your proposal?
All potential EP highway measures will be assessed for their possible impacts on road safety before delivery as part of their design.

B - Environment and climate change	Yes	No
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Is your policy/proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

No impacts on waste management are anticipated.

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The EP will improve bus services increasing their attractiveness. This will improve the accessibility for events and attractions for visitors and residents travelling by bus.

The reductions in congestion and pollution, resulting from a mode shift from car to bus, will make Portsmouth a safer and more appealing place for residents to live and work, and for people to visit and reduce damage to historic buildings.

How are you going to measure/check the impact of your proposal?
Through engagement with culture and leisure and bus operators.

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The EP will reduce bus travel times and improve service reliability. Together with targetted fares reductions, this will improve access to employment and educational opportunities for local residents. The quicker bus travel times will increase the numbers of jobs (including better paid jobs) available to residents within a reasonable commuting time from their homes. This will enable residents to improve household income.

Accessibility to further education colleges such as Highbury College, which is close to a main bus route, will be improved, with

reduced travel and waiting times. This will provide opportunities for residents to obtain or upgrade their skills and qualifications, and thereby increase their earning potential.

Some additional bus driving jobs are likely to be created to enable service frequencies to be increased. Improved public transport will increase access to city businesses and stimulate employment growth in the retail and hospitality sectors.

How are you going to measure/check the impact of your proposal?

Bus passenger numbers will be monitored. The passenger satisfaction surveys will collect data about journey purposes.

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?



In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Traffic congestion is a barrier to growth in the region, reducing this through modal shift from car to bus will encourage development in the city. Improving public transport connectivity and access will enable lower income and isolated residents to access the employment market, and the shorter journey times will widen the labour market catchment available for employers.

How are you going to measure/check the impact of your proposal?

Bus passenger numbers will be monitored. The passenger satisfaction surveys will collect data about journey purposes.

Q8 - Who was involved in the Integrated impact assessment?

James Nevell
Peter Shelley

This IIA has been approved by:

Contact number:

Date:

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Agenda Item 8



THIS ITEM IS FOR INFORMATION ONLY

(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting:	Cabinet
Subject:	Use of Pesticides on City Council Land
Date of meeting:	22 March 2022
Report by:	Director of Culture, Leisure and Regulatory Services Director of Housing, Neighbourhood and Building Services Director of Regeneration
Report authors:	Adrian Rozier, Parks Service Manager Phil Bentley, Head of Estates Services
Wards affected:	All

1. **Requested by** the Leader of the Council

2. **Purpose**

To update Cabinet on the city council's current use of pesticides, approach to reducing and minimising use and the trialling and practical implications of alternative methods.

3. **Information Requested**

3.1 **Background**

3.1.1 Pesticides are used by three council services in the maintenance of parks and public open spaces, communal areas surrounding council housing stock and citywide highway infrastructure (roads, pavements and other public realm areas).

3.1.2 This report informs on the current use of pesticides, consideration of alternatives and measures to reduce usage by the three services, these being Parks and Open Spaces (Culture, Leisure and Regulatory Services), Green and Clean (Housing, Neighbourhoods and Building Services) and Highways PFI Team (Regeneration). Parks and Housing operations are largely undertaken by in-house teams and highway maintenance work undertaken by COLAS.

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3.1.3 Strict controls are applied by the council on the pesticides that are applied to sites, with alternative methods being researched and trialled as they become available.

3.2 Current Use of Pesticides

3.2.1 Pesticides, also known as 'plant protection products' are used to control pests, weeds and diseases. Examples include insecticides, fungicides, herbicides, molluscicides, and plant growth regulators. They can exist in many forms, such as solid granules, powders or liquids and consist of one or more active substances co-formulated with other materials. The active substance or substances within a pesticide has the controlling effect on the pest, weed or disease.

3.2.2 The council uses the following types of pesticides for selective applications and only when required:

Type	Number of products	Treatment	Area Used
Biocide	1	Moss, algae	Paved areas / hard surfaces
Fungicide	2	Foliar	Roses, sports turf
Herbicide	8	Weeds (including Japanese Knotweed)	Paths and paved / hard surfaces, gullies, tree bases, street furniture bases, shrub beds, sports turf
Insecticide	2	Pest control (including Brown Tail Moth)	Infected plant areas only

3.2.3 The use of herbicide to control weed growth on hard surfaces is by far the most common form of pesticide in use by the authority. Weed growth can interfere with visibility for road users and weeds in kerbs or around drains can prevent or slow down drainage. Their growth and moss on pavements may eventually become a trip / slip hazard for footway users. Application of chemical herbicide is used ahead of mechanical weed control due to the ease of application, which often saves on the cost of labour and is carefully targeted to minimise product use. It remains the most effective and cost-efficient means of weed control.

3.2.4 Restricted use of selective herbicides are used for the control of weeds on fine turf and sports areas such as cricket squares, bowling greens and golf greens to control broadleaf weeds and retain a safe and uniform playing surface. This is only carried out to affected areas and where it is not practical to manage the control by hand.

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- 3.2.5 Fungicides are required to prevent and remove fungal attacks on fine turf areas such as golf greens, where high quality surface condition is closely associated to participation and player satisfaction. Other grounds maintenance operations are carried out to reduce the potential for recurrence, such as increasing aeration by mechanical means.
- 3.2.6 Small pesticide plugs are inserted into tree stumps where access by a mechanical stump grinder is not possible and there is a need to control re-growth or spread.
- 3.2.7 The city also has small pockets of Japanese Knotweed and where this is identified, stems are injected with herbicide (glyphosate) to control this invasive species. Other harmful and invasive plants may be treated to maintain their control.

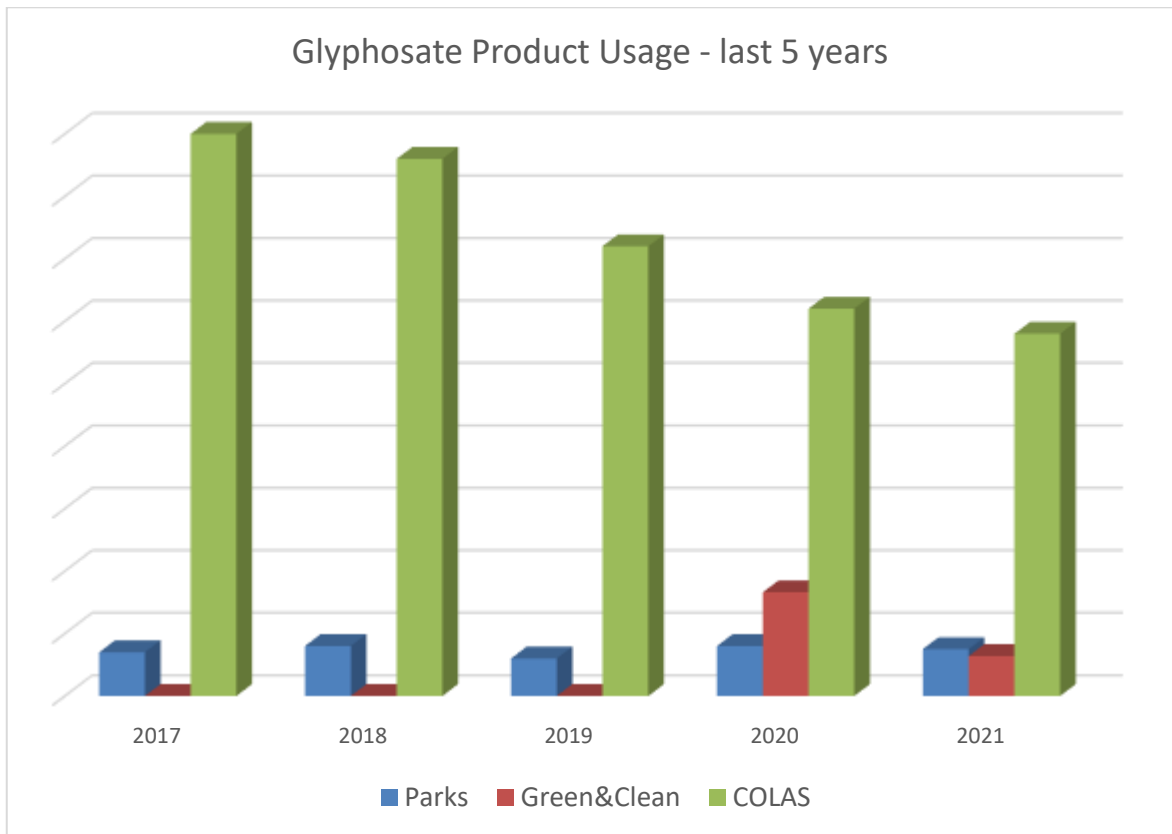
3.3 Use of Glyphosate

- 3.3.1 In 2015, the World Health Organization's International Agency for Research on Cancer (IARC) identified glyphosate, the world's most commonly used herbicide, as a "probable human carcinogen". This report has been contested by the manufacturers of glyphosate who maintain the product remains safe to use. Whilst there has probably been more scientific scrutiny of glyphosate than any other weed control product, the evidence relating to this remains both complicated and conflicting.
- 3.3.2 All products containing glyphosate have previously had to be registered and approved by the European Pesticides Commission having been subjected to a rigorous scrutiny process. From 1 January 2021, an independent pesticides regulatory regime is in operation and new decisions taken under the EU regime will not apply in Great Britain, with the Health and Safety Executive (HSE) the national regulator for the whole of the UK.
- 3.3.3 Authorised use of glyphosate has a current EU expiry date of 15 December 2022, but the legislation introduced post-Brexit means active substance (glyphosate) approvals due to expire before December 2023 now allows extension for 3 years to allow time to plan and implement the GB review programme. Should this extension be applied to glyphosate, it will remain authorised for use until December 2025 unless the Health and Safety Executive exercises its power to review this approval at any time, should new evidence identify any concerns to human health or the environment.
- 3.3.4 Regardless of whichever timescale applies to authorised use of glyphosate, there is a will by all council services to continue reducing dependency on pesticides and using alternative methods to chemical control where these are available and demonstrated to be effective.

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3.3.5 The below graph shows the amount of glyphosate product used by council services over last 5 years:



Notes to be read in conjunction with graph:

1. Parks usage in 2020 includes additional areas to the west of the city and schools being incorporated within the in-house service and 2021 usage includes Great Salterns golf course being incorporated within the in-house provision. Reduction in actual use across all parks areas now maintained in-house is estimated at between 25-30%.
2. Green&Clean usage figures for 2017-19 are not available for representation but show a 60% reduction between 2020 and 2021.
3. COLAS figures represent a 35% reduction in the last five years.

3.4 Reducing use of Pesticides

3.4.1 All council teams involved with grounds maintenance or that use pesticides in maintaining the highway infrastructure and public realm work to the Plant Protection Products (Sustainable Use) Regulations 2012 (formerly the Sustainable Use Directive) and the requirement to consider all available methods of intervention that are economically viable but that minimise risk to human health and the environment.

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3.4.2 The steps the council are currently taking to reduce and minimise the use of pesticides include:

- Restricting use to a minimum - pesticides are only used where they are required - all treatments are targeted with no preventative treatments carried out, whether that be weed or pest control.
- A selective herbicide is no longer applied to any grassed area, other than high amenity sports turf (excluding football pitches).
- Use of weed suppressants - increased mulching of shrub beds and new tree plantings using recycled woodchip from tree works carried out in the city helps to suppress weed growth and the need for treatment.
- Overplanting - an annual winter improvements programme allows for planting beds to be supplemented (gapped-up) or re-planted, not only for their aesthetic and environmental gain, but to reduce areas for weed growth and need for future treatment.
- Maintaining surface integrity - working procedures are in place for surveyors to report surface defects and arrange timely repairs. The efficient reporting of repairs reduces the potential for weeds to grow as they would through damaged paved and hard surfaces. Collaborative working between site surveyors and design teams influence future decision making around the type of surfacing and street furniture.
- Reduced mowing of grass - to enhance and support biodiversity, teams have relaxed mowing regimes to an increasing number of areas across the city and continue to trial expansion of this. Public response has been favourable where this has been introduced and continues to inform further areas where the right balance can be found between increasing wildlife friendly grassland and scrub and public amenity use and respecting walking desire lines. All sites are on a case-by-case assessment and these changes are being monitored and reported through updates on the Council's greening strategy. Wilder site boundaries mean herbicide is no longer applied along areas such as fence lines.
- Mechanical and manual cultivation - chemical treatment is no longer used when preparing beds for the popular and increasing number of wildflower and meadows seeded areas that have been incorporated across a range of green spaces and adjacent residential housing and highways.
- Mechanical weed ripper machines are used to remove moss and weeds to suitable housing curtilage areas and ball courts.
- Manual weed removal is still employed where relatively small areas are affected and it remains more time-efficient for operatives to undertake the necessary control using hand implements, than for this to be followed up by scheduled herbicide treatment.

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- All staff involved in the selection of and use of pesticides have received the necessary training to ensure it is safely applied and is used to a minimum.
- Continual review - teams continue to work with product suppliers to ensure any pesticide used is based on an informed decision and where herbicide is still required, products other than glyphosate are used where possible, or that help reduce the amount used in the weed growing season.

3.5 Alternatives to Chemical Weed Control

3.5.1 Whilst the Council continue with targeted use of pesticides where it is required, all are open to and have trialled alternatives that are on the market, each with pro's and con's. These include:

Method	Use	Advantages	Disadvantages
Hot Foam (thermal treatment)	Weeds in hard and gravel surfaces Moss on hard surfaces and play safety surfacing Grass, where control is required (ie. tree bases)	Foam forms a thermal blanket around heated water and the weed, using natural plant oils Not weather dependent Claimed to kill high percentage of weeds, including roots	Does not kill all weeds on first application Expensive - needs investment of £20k for equipment (estimated to cost £51k to include transport, staffing and materials) Vehicle transport and boiler are diesel powered, increasing carbon footprint Not suited to use on highway network or spaces where access is restricted Resource intensive Time consuming
Hot water / steam (thermal treatment)	Weeds in hard and gravel surfaces Moss on hard surfaces and play safety surfacing	Lower initial purchase cost than hot foam	Requires repeat treatments as heat does not sufficiently damage plant / root structure Diesel consumption and transport increases carbon footprint Resource intensive Time consuming

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Method	Use	Advantages	Disadvantages
Flame gun / weed burners (thermal treatment)	Weeds in some hard surfaces	Relatively cheap to purchase	Health and safety risk when used in public areas Not fully effective
Electrocution	Weeds in hard and gravel surfaces	Pesticide free	Health and safety risk when used in public areas (high-voltage) Diesel consumption increases carbon footprint Time consuming
Mechanical removal blade (highways) / sweeper ripper attachments (paving) See Appendix A	Weeds along kerb lines and in hard surfaces	Attachments can utilise existing machinery	Health and safety risk of projected debris Requires a clear pathway (highways) Ancillary damage to paved areas and kerbing Severs weed head but does not treat root system effectively Fuel consumption increases carbon footprint Risk of manual handling injuries including Hand Arm Vibration Syndrome (HAVs) Resource intensive Time consuming
Vinegar	Weeds in hard and gravel surfaces	Low competence level for application	Not fully effective Strong smell
Soda crystals	Moss treatment	Cheap and effective Low competence level for application	Labour intensive to mix product, apply and agitate moss Slippery on contact, creating alternative hazard
Manual removal	Weeds generally	Effective Low set-up cost	Very time consuming Teams would require significant additional staff resource Increased risk of staff injury

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3.6 Hand Arm Vibration Syndrome (HAVs)

- 3.6.1 Hand-arm vibration syndrome (HAVS) comes from the use of hand-held power tools and is the cause of significant ill health (painful and disabling disorders of the blood vessels, nerves and joints). HAVS is preventable, but once the damage is done it is permanent.
- 3.6.2 The equipment used in some alternative methods of weed control has the potential to increase staff exposure to Hand Arm Vibration Syndrome (HAVS) and this must be managed by risk assessment. The assessment is to mitigate risk and does not completely remove it. To engage in further mechanical treatment of weeds will pose additional risk to staff by its very nature (see Appendix 1) and it is pertinent that previous risk assessment of HAVS has directed services to using herbicides to reduce this exposure.
- 3.6.2 Chemical application is only carried out by qualified and competent operatives and all staff involved in the selection and use of pesticides have received the necessary training to ensure it is safely applied and with minimal use. This report identifies that not only is pesticide use financially economical but is also economical in relation to the level of resources required to complete such tasks. Spray application of a pesticide does not present qualified staff the risk of Hand Arm Vibration Syndrome.

3.7 Future Use of Pesticides

- 3.7.1 It is widely recognised that public use and interaction with open spaces has changed notably in the last 18 months, with a significant increase in usage levels. This has further increased debate and awareness around climate change and concern over anything that is considered to have harmful effect on people, the environment, wildlife or that can have a lasting effect on biodiversity generally. There is greater engagement in the way our public spaces are managed, how they are maintained and allowing for sites to be adapted to connect green infrastructure across this densely populated city.
- 3.7.2 Charities such as Pesticide Action Network (PAN UK) seek to promote safe and sustainable alternatives to pesticide use. It campaigns for pesticide free towns and a number of authorities are recorded as having signalled a phased reduction or end to the use of glyphosate and/or all pesticides, although highways management is often separated from the management of parks, play areas and public footways around housing estates.
- 3.7.3 A commitment to banning the use of all pesticides is not considered a feasible option at this time where there is no viable alternative that is as effective and meets the city's cost and resource constraints for the wide range of circumstances

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where they are currently in use. Appendix A is one example of a recent trial that illustrates this. The significance of weed growth each year is closely aligned to environmental conditions, but the poor appearance and overrun condition of public realm areas in Brighton and Hove was well-publicised in 2021, following the withdrawal of glyphosate from operations. Numerous examples have been illustrated of walkways and public areas being taken over by plant growth, causing reputational damage and reported petition for this to be addressed, as well as claims of surface damage and trip hazard. Engagement with authorities that have committed to a phasing out of pesticides or banning certain products has been commenced by service lead-officers and will help inform success and failures experienced to date.

- 3.7.4 The council's approach is to continue to work towards a reduced, minimal use of pesticides and an integrated or pesticide-free solution wherever possible. The in-house maintenance teams are already committed to reducing the use of all pesticides (see graph in 3.3.5) and the measures being taken to significantly reduce this use are documented in Section 3.4 of this report, resulting in positive outcomes to date. Pesticides will only be used where they are required and where there is no equally effective and cost-efficient alternative (see Appendix A). Continued engagement with authorities that have committed to a phasing out of pesticides or banning or products will further inform success and failures experienced to date.
- 3.7.5 The maintenance of highway infrastructure is subject to a contractual arrangement and specification requirements that require formal amendment if resulting in a material change to the way the infrastructure is managed (such as banning the use of pesticides). Public highways and footways need to be effectively treated to maintain structural integrity, clear flow of drainage channels and avoid trips hazards and slippery surfaces. Trials to find a pesticide free alternative that can meet the complexities of the highway network will continue as alternatives become available.
- 3.7.6 Green spaces will continue to be assessed on a site-by-site basis and a whole site management approach that may incorporate more wildflower and wildlife friendly grassland that increases connectivity for biodiversity and reduces or eliminates the need for herbicide application. Work will continue to naturally suppress the growth of weeds with the use of recycled mulch and maintaining well-stocked planted areas.
- 3.7.7 There is opportunity for green spaces to be managed in consultation with local communities, such as Allotment Associations, Friends Groups and housing residents, to help determine areas where maintenance and use of pesticides may be relaxed and wildlife and biodiversity enhanced.

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- 3.7.8 Invasive and other harmful plants, such as Japanese Knotweed, will continue to be treated with glyphosate as there is no suitable alternative available, so the city council can control growth and spread to neighbouring land. Fine turf areas may also necessitate pesticide treatment to retain their required performance standard until pesticide free alternatives become available, with routine maintenance targeted at prevention of pest and disease, rather than curative treatment.
- 3.7.9 Manual weed removal will still be employed where relatively small areas are affected and it remains more time-efficient for operatives to undertake the necessary control using hand implements. Increased participation by volunteer groups can help support the extent of areas that can be maintained by hand.
- 3.7.10 Chemical application is only carried out by qualified and competent operatives and all staff involved in the selection and use of pesticides have received the necessary training to ensure it is safely applied and with minimal use. Their use is both financially economical and economical in the level of resources required to complete tasks. Spray application of a pesticide does not present qualified staff the risk of Hand Arm Vibration Syndrome.
- 3.7.11 Maintenance teams will continue to work together, in conjunction with product suppliers and with other authorities to share learning and assessment of alternative products that reduce active ingredient usage, offer pesticide-free solutions and adopt integrated control methods where these are proven to be successful. The assessment of alternatives includes capital outlay and ongoing revenue costs such as servicing and maintenance, transport, fuel and power source, consumables, staff welfare and staff resources (including additional treatment visits to that of chemical weed control if required).
- 3.7.12 The environmental benefits of working towards reduced or pesticide-free solutions should also consider the impacts of increased use of fossil fuels and emissions associated to machinery and equipment that enables this transition. In the main, compromise of one is required to offset the other and future operations must account for both. Officers will work with the council's Principal Strategy Advisor for Carbon Management when comparing predicted CO₂e values between existing treatment methods and potential alternatives.

3.8 Financial Consideration

- 3.8.1 A full financial evaluation has not been carried out for each alternative method to pesticide use due to the perceived disadvantages outweighing the advantages, that means they are not considered a viable alternative at an early stage. Where this includes a capital outlay cost or increase in staff resource, this results in a financial implication in addition to assessment of effectiveness.

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- 3.8.2 Whilst in-house teams have not undertaken a comprehensive financial evaluation, the demonstrations and trials undertaken to date provide an indication on the potential financial impacts if Portsmouth were to expedite the reduction in use of pesticides through the investment in mechanical treatments for weeds:
- The trial illustrated in Appendix A results in an estimated increased cost in the region of £49k to equip all Housing Green & Clean area teams with mechanical weed rippers, vehicles and additional staff resource for the treatment of all weeds across housing estate hard surfaces.
 - Following the demonstration of the Foamstream (Weedingtech) thermal treatment machine offering the highest productivity, the Parks Team estimate it would result in an increased cost in the region of £51k to purchase the machine, vehicle, additional staff resource and sundries for the treatment of all weeds across parks and open spaces, including cemeteries.
- 3.8.5 These estimates are high-level, based on limited feasibility and are not an indication these alternatives are recommended to become the adopted method. Neither of these estimates can account for the unknown of repeat treatment frequencies necessitated by their degree of effectiveness. However, it does suggest this would result in additional cost of approximately £100k for both the Parks and Housing Green & Clean teams to adopt alternative practices to applying herbicide.
- 3.8.6 The in-house teams of Parks and Housing have no financial capacity to support the transition to either the hot foam or mechanical alternatives and pesticide application, and there are no identified scheduled works or activities that can be stopped to create capacity, without wider impact. These costs would need to be met from Housing rent payer (via the service charge) and / or the general fund.
- 3.8.7 It is not established what financial consequences may apply to the Highways PFI should there be a requirement to change the contract specification and the use of pesticides in the management of the highway network, or how this may be achieved. This cannot be investigated further until re-structure within the Highways PFI Team is complete. However, since the highway network is extensive and requires the highest volume of herbicide application by any of the teams, any move away from the most effective and cost-efficient method of control will likely be at considerable expense.

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.....
Signed by (Director)

Appendices:

Appendix A - Weed Removal Trial

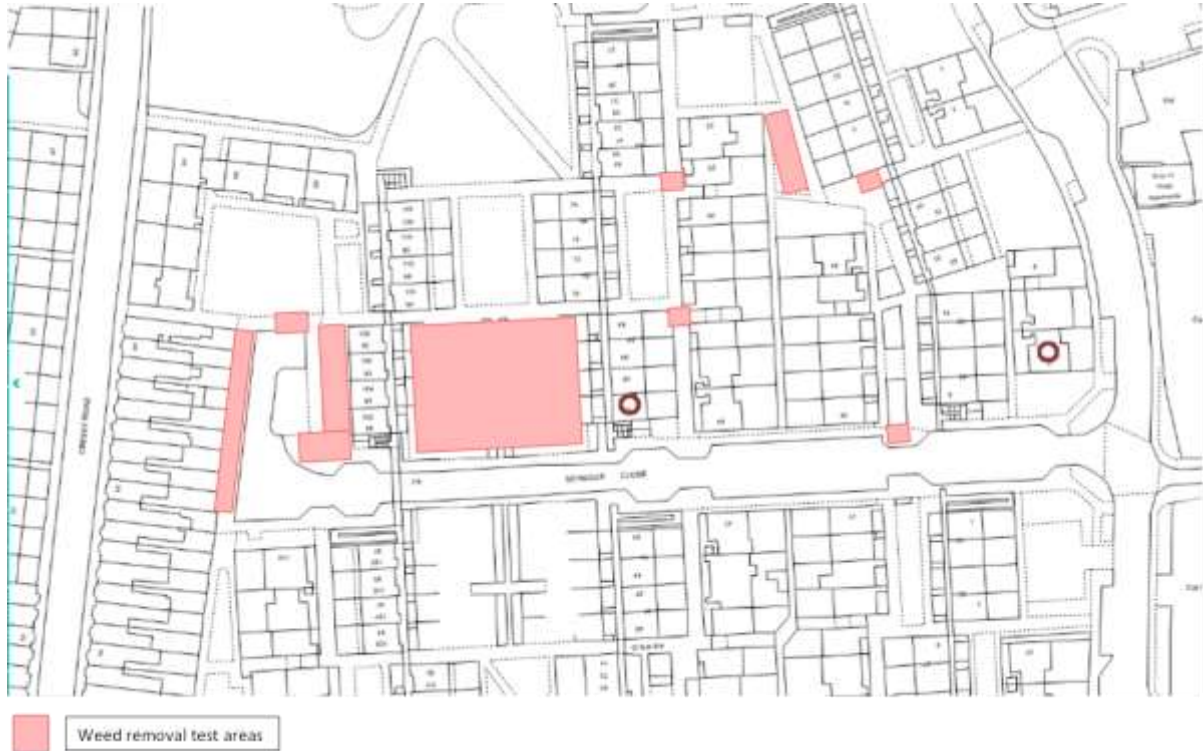
Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

APPENDIX A - WEED REMOVAL TRIAL

In November 2021, Buckland Green & Clean team undertook a weed removal trial to understand the differences between weed spraying and using the weed ripper machine. The trial was undertaken during one day in the Seymour area of Buckland which has mostly hard surfaced areas - block paving, tarmac and paving slabs, as shown below:



For the trial to be comparable, the same area was used by the same number of operatives. Each task of the weed spray and weed ripper process were timed and the results were:

Weed Spray Test				
Activity	Start Time	End Time	Total Minutes	No. of Operatives
Collecting and checking equipment	08:00	08:05	5 mins	2 x operatives
Mixing chemicals	08:05	08:08	3 mins	
Travel time - store to first site	08:08	08:10	2 mins	
Spray time	08:11	08:40	29 mins	
Rinse and clean equipment and store	08:49	08:57	8 mins	
Total			47 mins (1hr 34mins for 2 ops)	

Weed Ripper Test				
Activity	Start Time	End Time	Total Minutes	No. of Operatives
Collecting and checking machine	08:58	09:01	3 mins	2 x operatives
Machine in use	09:07	10:57	1hr 50 mins	
Clean down and return to store	10:58	11:03	5 mins	
Total			1hr 58 mins (3hrs 56 mins for 2 ops)	

Other considerations include:

- Cost of time spent on site specific to the test
 - Weed spray test £22.74
 - Weed ripper test £57.29. 60% increase in resource costs.
- No. of resources needed
 - Weed spray test - two operatives used as they were required for the second part of the test, but only one operative is required to weed spray normally, albeit the time on site will double.
 - Weed ripper test - two operatives required, one to operate the weed ripper machine and one to operate a second machine to follow and sweep up any debris caused.
- Cost of machine - £2,500 per machine plus servicing, repair, running costs and consumable costs (brushes, filters etc).
- Hand Arm Vibration (HAVs) readings - allow for 13 hours use before a limit point is used for the day, which in practical terms means this machine could be used by one operative all day without stopping. However, this is an additional task on top of other mechanical machinery and so risks are naturally increased. Operatives could rotate between this machine and the other machine used to collect debris created, but this would only be a slight reduction in vibrations to the operatives.
- Transport requirements - the weed ripper and the collecting sweeping machines require transport via a van. A van is £26 per day to hire.
- Cost of chemical/petrol - unknown currently.
- Environmental concerns - transporting equipment has environmental impacts that should be considered, specifically the use of the vehicle, but also its carbon footprint to be produced in the first place. The same applies to the weed ripper and sweeping machines which also operate via an engine and therefore produce emissions, use fuel and oil etc.
- Finished product



From the results of the Weed Ripper test we have found:

- The weed ripping machine does not fully remove the weed from slab and block paving joints, leaving the root in-tact.
- The process results in a cleaner appearance to the slab / block paver (but that may require the whole area to be treated if to look consistent).

Scaling up

The following information is relevant to the Buckland Green and Clean team who completed the above experiment and could be used as an indication of cost.

- This year the Buckland G&C team produced 339 hours of work over 3 separate periods of time to complete the weed spraying task.
 - Approximately 9 working weeks of work.
 - If charged, this would cost in the region of £4,942.62
- No additional vehicle is required as staff simply walk the estate with the backpack sprayer and are drawn out of gardening teams for this task.
- The Buckland area used 34.36 litres of herbicide this year over 422 sites (including repeat visits to the same site). This is a spot spray method, not proactive spraying.
- A backpack sprayer costs in the region of £159.
- The Buckland team has spent £280 on herbicide product this year.

Assuming the 60% increase in resource time is accurate (based on the small-scale experiment) the following is applicable to mirror the above experiment:

- Number of treatments per year is unknown, as effectiveness is not fully understood. However, it is anticipated this will require more treatments as the weed itself is never killed to the root, instead it is ripped from the ground.
- On the basis staff will need to work in pairs and that the time on site is 60% increased and staff cannot be drawn from existing resource pools, this would have to be supplementary for this task.
- 339 working hours (60% increase to £4,492.62) = £7,908.19 or 14.6 working weeks
- Van hire = £1,950 on the basis that staff cannot walk the estate, they will need to safely store equipment and move it from site to site.

For Green and Clean alone there are 5 management areas with similar hard surfaced areas. Therefore, the figures would be in the region of:

- $£7,908.19 + £1,950.00 = £49,290.95$
 - 10 x staff and 5 x vans for 15 weeks (minimum)
 - Without vehicle and machine running costs which currently are unknown.
- In the G&C example, supplementary staff would only be required March until October and so would be employed on a temporary basis.
 - Time spent recruiting, and training such staff is an additional unknown expense and likely will come with its own challenges.
- There is no budget capacity to move towards such a scenario currently.

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Agenda Item 9



Portsmouth
CITY COUNCIL

THIS ITEM IS FOR INFORMATION ONLY

(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting: Cabinet	Cabinet
Subject:	Southsea Coastal Scheme - Memorial Benches
Date of meeting:	22 March 2022
Report by:	Tristan Samuels, Director Regeneration
Wards affected:	St Jude; Eastney & Craneswater

1. Requested by

Planning Committee at its meeting on 10 November 2021

2. Purpose

To inform Cabinet of the Southsea Coastal Scheme (the Scheme) plans for memorial benches affected by the project along the Southsea seafront and to update on communication with bench owners to date in relation to sub-frontage 4 around Southsea Castle.

3. Information Requested

The Scheme needs to remove all memorial benches from the seafront within the Scheme boundary in order to build new flood defences. The benches are being securely stored at the Scheme's Pier Road site.

Where contact details are available, the Scheme will make contact with all owners of those benches that will be affected. The owners will be offered the following options:

1. Their plaque is removed from the bench and placed in a temporary location on the seafront during the works. The original bench is returned to Portsmouth City Council for reuse or disposed of. On completion the plaque will be relocated onto new benches installed as part of the Scheme in a location as close as possible to the original bench.
2. The owner takes possession of their bench, but leaves the plaque with us for placing in the temporary location on the seafront during the works. On completion the plaque will be relocated onto new benches installed as part of the Scheme in a location as close as possible to the original bench.

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3. The owner takes possession of both their bench and plaque, meaning the plaque is not replaced in the temporary location and not replaced permanently on the new seating on completion.

The temporary location will permit several plaques to be placed in the same location and allow for seating for visitors.

The Southsea Coastal Scheme will make contact with all bench owners where contact details are held by Portsmouth City Council to explain the reasons for the change, the proposals and to give the options listed above. If we do not hear back from owners, the project will implement Option 1 as a default.

The Southsea Coastal Scheme has already contacted all owners of the benches at sub-frontage 4 around Southsea Castle where contact details were available. The initial feedback has been largely supportive of the proposals and the team is now working with those owners to agree which of the three options they would like to take up.

In addition to direct communication with owners for which we have contact records the Scheme will issue information on the approach to memorial benches on the project website, social media, newsletters and as a press release.

.....
Signed by (Director)

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Memorial benches presentation to Steering Group - Oct 2021	Southsea Coastal Scheme Pier Rd office
Memorial benches letter to owners - Dec 2021	Southsea Coastal Scheme Pier Rd office
Memorial benches letter to owners - Feb 2022	Southsea Coastal Scheme Pier Rd office

Dear memorial bench owner

Memorial bench - Frontage 4 of the Southsea Coastal Scheme

This letter is to advise you that the Southsea Coastal Scheme will be building flood defences in the area around Southsea Castle from January 2022 until March 2024. During this time the promenade between Blue Reef Aquarium and the Pyramids will be closed (see diversion map overleaf).

We note that your memorial bench is located in this area and are writing to let you know that all benches along this section of promenade will need to be removed during the essential work to replace the existing, ageing sea defences.

On completion of the work, all memorial plaques will be replaced on new seating in as close an area as possible to your bench's original location. The new promenade will be much wider and more accessible, and options for seating to complement the new design are being explored.

We are considering plans to temporarily relocate all plaques from this area to a nearby location overlooking the seafront while works are underway. Please contact us to advise if you would like your plaque relocated over this period. If we do not hear from you, we will store your plaque securely until the new seating is installed.

To contact us, please email southseacoastalscheme@portsmouthcc.gov.uk or you can call our helpline on 023 9284 1418. We also have a drop-in information centre at our Pier Road offices and would be happy to chat to you in person.

Thank you for your patience over this time as we work to protect the area around Southsea Castle from the risk of flooding while improving the seafront and preserving the area's unique heritage.

Kind regards,

Southsea Coastal Scheme

Diversion route

The promenade between Blue Reef Aquarium and the Pyramids will be closed from January 2022 until November 2023. A diversion route will be in place.



Date

Dear memorial bench owner

Memorial bench - Frontage 4 of the Southsea Coastal Scheme

This letter is to advise you that the Southsea Coastal Scheme has now removed all memorial benches from the seafront area near Southsea Castle in order to build new flood defences. Your memorial bench for <insert name/s> is one of those that has been removed.

Your bench and plaque are being securely stored by the Southsea Coastal Scheme while work is underway. The future plan is to replace your plaque/s on new seating in as close an area as possible to your bench's original location when the area reopens in 2024.

In the interim, we would like to offer you some options for your memorial bench and plaque:

1. We remove your plaque and place it in a temporary location overlooking the Bandstand field. The original bench is returned to Portsmouth City Council.
2. You take ownership of your bench, but leave the plaque with us for placing in the temporary location.
3. You take ownership of both your bench and plaque, meaning we would not replace the plaque temporarily or permanently on the new seating.

If you opt to have your plaque placed in a temporary location, please note it will be positioned on a bench alongside several other plaques removed from the seafront area around Southsea Castle.

Please also note that if you opt to take ownership of your bench, you will be responsible for its collection.

If we do not hear from you, we will implement Option 1 of temporarily relocating your plaque and returning the bench to Portsmouth City Council. If you would like to discuss the options, please email southseacoastalscheme@portsmouthcc.gov.uk or you can call our helpline on 023 9284 1418. We also have a drop-in information centre at our Pier Road offices and would be happy to chat to you in person.

Thank you for your patience over this time as we work to protect the area around Southsea Castle from the risk of flooding while improving the seafront and preserving the area's unique heritage.

Kind regards,

Southsea Coastal Scheme

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Southsea Coastal Scheme - Memorial Benches

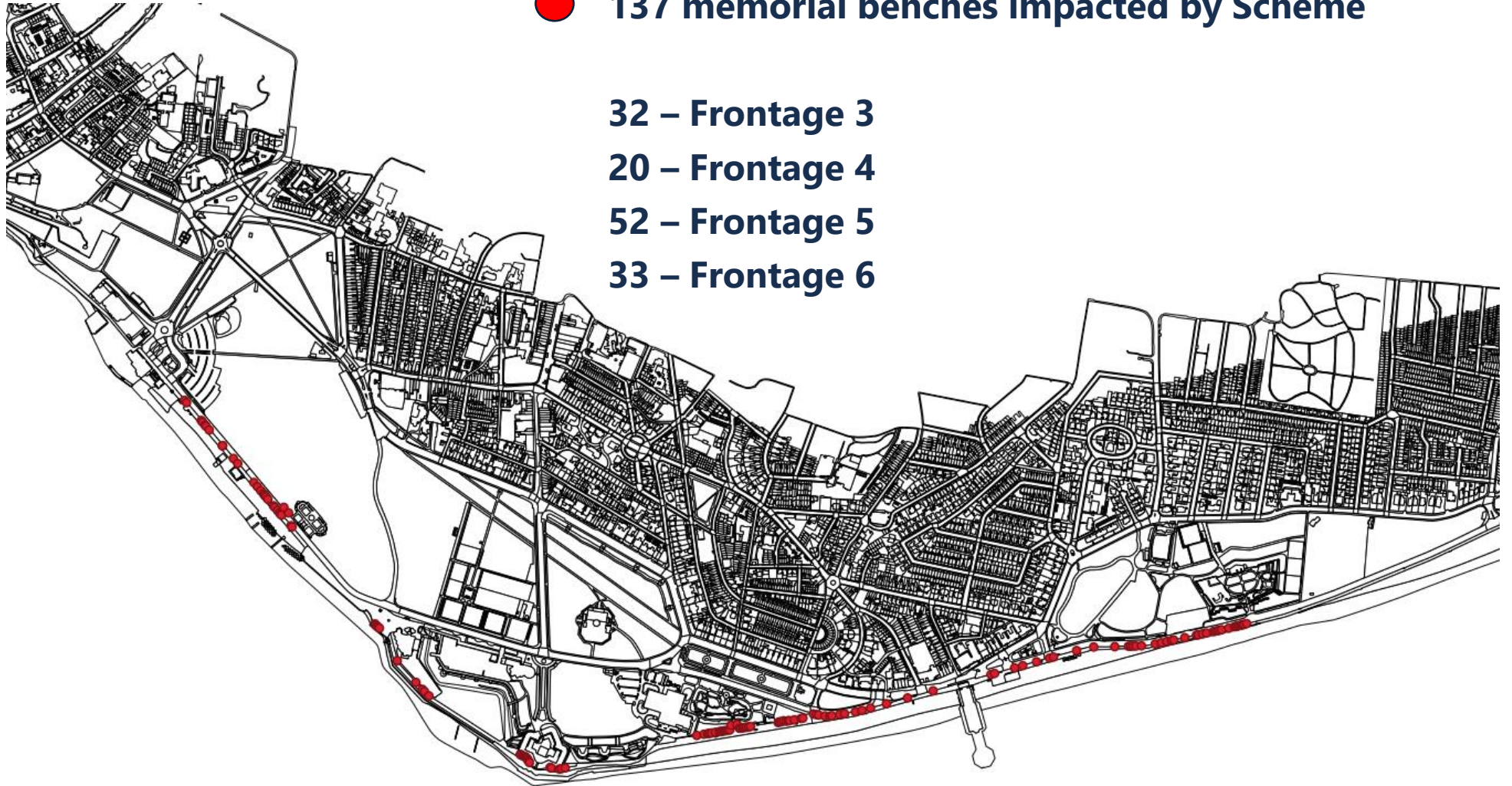
 **137 memorial benches impacted by Scheme**

32 – Frontage 3

20 – Frontage 4

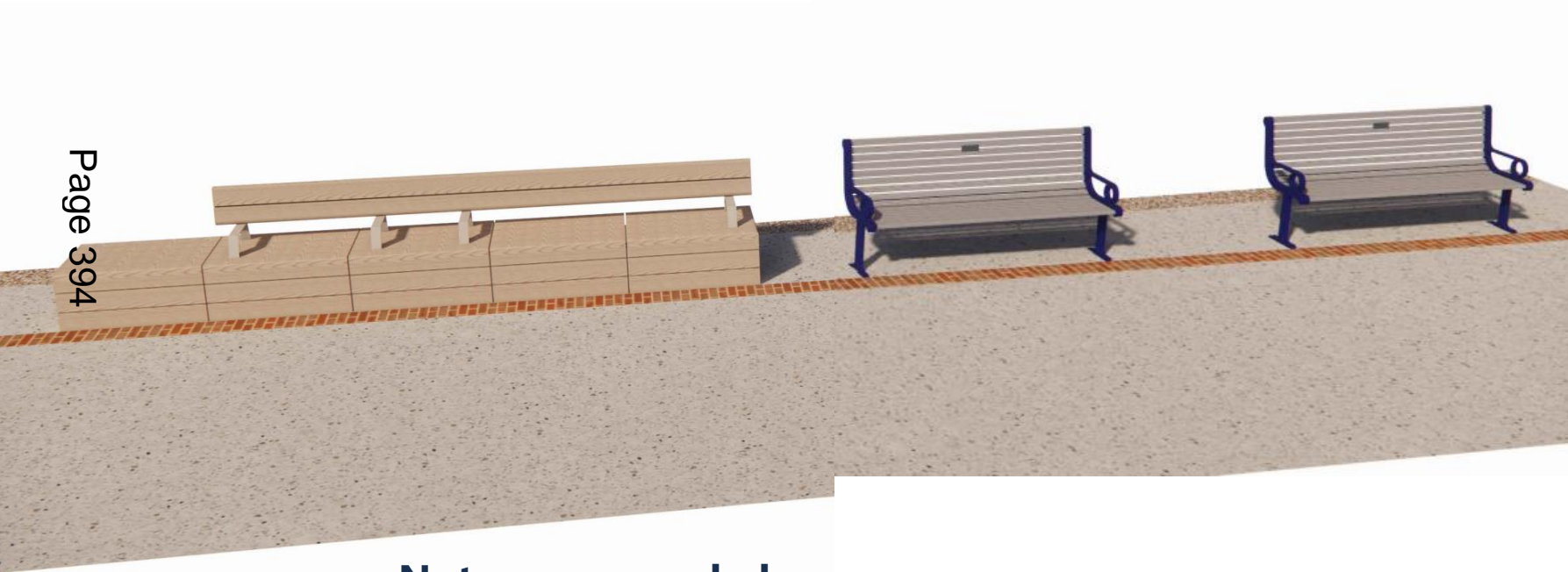
52 – Frontage 5

33 – Frontage 6



Option 1 – Reinstate the existing memorial benches on the new promenade intermixed with new

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Not recommended:

- Mismatch of street furniture (new and old) leading to a disjointed and cluttered promenade – conflicts with the project objective of creating a “world-class seafront”
- Existing benches are in varying degrees of condition – some would not be suitable for reinstatement



Option 2 – Relocate the current plaques on the nearest new bench to the current bench location



Recommended:

- Plaques remain close to the owners chosen location
- New benches can accommodate 3 – 4 plaques
- Plaques re-sited on benches with a +25 year design life



Southsea Coastal Scheme - Memorial Benches

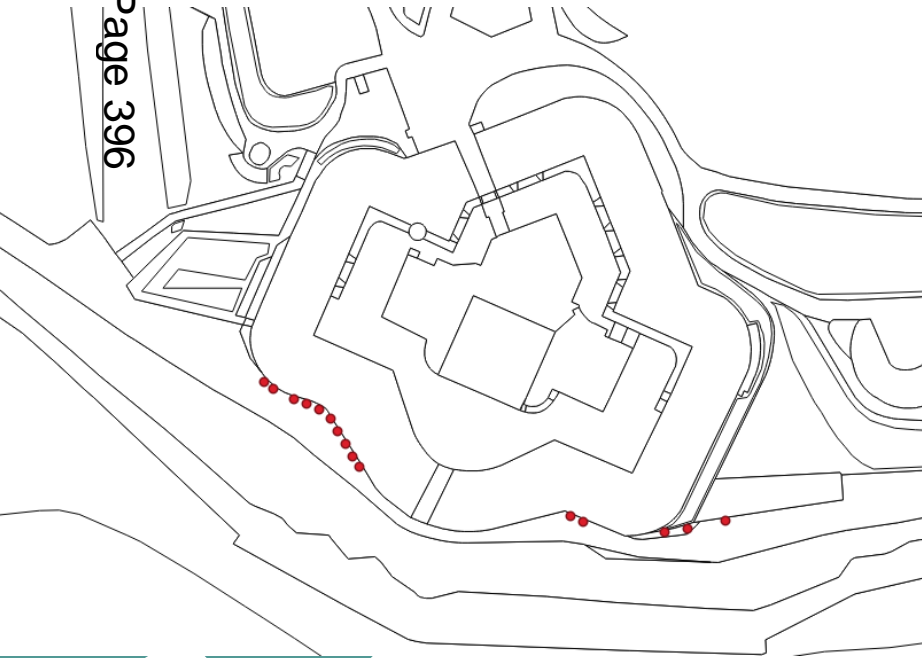


Frontage 4 – Southsea Castle

Existing: 20 benches / 25 plaques

New: 14 benches / capacity for up to 56 plaques

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Frontage 4 central section - 15 existing benches replaced with 4 new benches and capacity for all plaques



Agenda Item 10



THIS ITEM IS FOR INFORMATION ONLY

(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting:	Cabinet
Subject:	Member Champions Annual Report
Date of meeting:	22 March 2022
Report by:	Senior Local Democracy Officer
Wards affected:	N/A

1. Requested by

As part of the revised Member Champions Protocol agreed at the Community & Central Services Decision Meeting held on 5 January 2022 there is a requirement for Member Champions to submit an annual update to Cabinet on their work during the preceding municipal year.

2. Purpose

To update Cabinet on the work of Member Champions during the 2021/22 municipal year.

3. Information Requested

The below reports have been submitted by the Member Champions for information.

Heritage - Cllr Lee Hunt

Portsmouth has a wealth of heritage and memories from Saxon and Viking times through to the 'Brutalist' era emerging in mid-20th Century popular in the 1950s and 60s.

The increasing pressure to build more and more homes and our evolving economy sees much-loved buildings like public houses and heritage assets telling the 'Story of Portsmouth' under threat; many such pubs have already converted to homes. There is very little in the National Planning Policy Framework set by Government to prevent this trend. It is likely to accelerate.

So far I have not experienced a clash between the roles of 'Heritage Champion' and Chair of Portsmouth's Local Planning Authority but with more and more applications to re-use buildings this is likely to change.

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As 'Heritage Champion' it's pleasing to see the £multi-million improvements and the conservation work planned for Victoria Park and to see the improvements coming to Cosham's recent heritage at KGV after many years of a derelict site. The way people use and adapt our parks and open spaces is very much part of Portsmouth's way of life - her heritage. Change is not always easy so great care must be shown when it comes.

I have continued to look at our city's 1950s and 60s heritage which are the 'Cinderella' of conservation - too easily dismissed in the rush for redevelopment. Over several years I have kept an eye on the Norrish Central Library promoting its iconic 'Brutalist' design as a unique feature in the townscape after the controversial demise of The Tricorn. I previously sought assurances that it could not be demolished and received assurances it is covered within the Victoria Park Conservation area; however, with so much pressure on converting buildings like Debenhams and Knight & Lee and with libraries delivering more and more services online I am seeking advice about listing the building to protect it further. It is a comfort the City Council is its owner; however, many Councils under different political leadership have put their libraries into Trusts over which there is much less accountability. I will report back further.

It was pleasing to receive and promote the Landing Craft as part of the D-Day story. It is important to better understand the sacrifices that African and Asian people made within the story of D-Day and wars and the LTC ... a subject I pressed in my former Cabinet role and have recently asked for a further update as Heritage Champion.

Social Media is massively important nowadays so I contribute and listen on pages like 'Portsmouth Past And Present' that help to lobby on behalf of Portsmouth's heritage and to sometimes straighten out misunderstandings.

Armed Forces Liaison - Cllr Gerald Vernon - Jackson

I have continued to build on the links with current serving members of the forces in Portsmouth by meeting serving members of the Royal Navy and the Army but also support the cadet groups and voluntary organisations that support veterans.

This year we will be remembering the 40th anniversary of the Falklands Campaign and the 80th anniversary of the Cockleshell Heroes plus having a major parade to celebrate Armed Forces weekend.

Third Sector City of Service - Cllr Stuart Brown

- Received confirmation of appointment on 5th January 2022
- My main goal is the creation of a City Recognition Scheme for Volunteering (exact name still a work in progress).
- The purpose of this Scheme would be to better recognise Portsmouth people who give their time freely through volunteering.

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- Details are still being finalised, but I envisage a simple web-portal, whereby organisations can register that they are an organisation that people volunteer for, and individual people can create a profile and log their voluntary activities against the organisations they volunteer for.
- This system would then allow us to produce certificates of volunteering at certain thresholds (50 hours, 100 hours etc).
- Volunteers without internet access could also log their hours via the HIVE, or through the organisation they volunteer for.
- We would also have an annual Volunteers Recognition event to highlight success stories, and people achieving significant volunteering milestones.
- I have consulted with some fellow Members, organisations who rely on volunteers, and people who give their time as volunteers to gauge interest in this sort of programme.
- Finding general support, I met with the Cabinet Member for Community & Central Services to discuss how we might implement this. Both of us agreed that buy-in and involvement of the HIVE was essential.
- We have now met with Sandie Davis of the HIVE to progress this. HIVE have agreed to host the web-portal and running the 'day-to-day' of the programme (although hopefully it will be largely automated), with the aim of delivering a pilot programme with specifically selected organisations for the second half of 2022, developing into a full-blown programme open to everyone, starting in 2023.
- I will soon be meeting with Drew Westcott, who manages digital projects for the HIVE, to discuss the technical side of how the platform would operate.

- Benefits of this programme will include:
 - (i) Getting baseline data on how many voluntary hours are given across Portsmouth.
 - (ii) Organisations being able to see how many voluntary hours they use
 - (iii) Promoting volunteering more widely, and hopefully encouraging more people to volunteer
 - (iv) Most importantly, recognising the contributions that every volunteer makes to the life of the City.

- Next steps:
 - (i) Meet with HIVE IT team to discuss how the portal would operate
 - (ii) Get a prototype web platform completed
 - (iii) Initial organisations to be identified and approached for the Pilot scheme
 - (iv) Progress meeting in early March to identify key partners and next steps.

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- Opportunities
 - (i) Possibility for businesses to sponsor the programme altogether, or to sponsor the Recognition 'ceremonies' when they happen.
- In addition to this, I intend to speak to the HIVE and corporate comms to check what comms and specific volunteer recognition is planned from PCC for National Volunteer Week (1-7 June) - and if none, to put something co-ordinated together.

Women, Children & Domestic Violence - Cllr Kirsty Mellor

I am pleased to have been granted this member champion role, in which I hope to raise awareness and take an active role in tackling the serious issue of violence against women and girls.

In the short time since my appointment I have:

- Raised the issue of how particular council services deal with residents who are experiencing domestic abuse, for example private sector housing
- Met regularly with Superintendent Clare Jenkins (district commander for policing in Portsmouth) to catch up on how the local police are dealing with VAWG issues
- Supported the creation and development of a new grassroots VAWG network
- Attended Donna Jones' VAWG regional taskforce as PCC representative
- Submitted motion on VAWG to full council
- Worked with council officers around training for elected representatives
- Fed into the Safer Streets project
- Supported women in socially deprived areas to access education
- Promoted women led community groups
- Helped support the Is This Love awareness campaign.

Nature - Cllr Kimberly Barrett

This is a brand new Champion role that was appointed during this last year as it was recognised that nature is very important to the council across multiple directorates and sectors of the council. The champion role was requested by the local Friends of the Earth Group to the leader of the Council in an email and the suggestion was in reference to point 2 of their 50 point Climate Action plan to try to identify a councillor at a cabinet level in regards to the ongoing climate emergency and nature targets.

Over the year in my role as Nature Champion and also as the Cabinet Member for Climate Change and the Green Recovery, we have pushed forward with a number of reports, actions and targets in regards to nature based projects and these are outlined below:

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- Greening Strategy - The greening strategy was adopted in March 2020 by cabinet and supported many programmes of work across the city such as the Climate Action Strategy, the emerging Local Plan, the air quality strategy and the local transport plan but things have progressed since then so it was decided that it would be updated and presented to the cabinet to make sure it aligned with the different strategies across the city and to make sure that it was in line with the 2030 net zero target we have as a council. The updated Greening Strategy therefore set out four key areas providing the framework for the progress update and work programme over the next 12 months.
- Green and Healthy Streets Co-ordinator - It was recognised that greening the city and increasing tree canopy cover was a big priority for the administration especially with areas of low deprivation across the city, air quality issues and it being a densely populated city. In the early part of 2021, a co-ordinator was brought in and has been applying for grants and funding, coordinating tree planting, offering advice for community projects and being a key contact point for greening across the city. This has been a hugely successful and has meant that we have won funding to plant significant amounts of trees and shrubbery. The co-ordinator secured £79,000 from 'Trees for Cities' which has allowed for significant amounts of whips, trees and shrubbery to be planted across the whole city, has meant that community groups and schools can 'green up' and take ownership of their own spaces and has also meant that we can plant trees in conjunction with the Queen's Platinum Jubilee celebrations.
- Nature Emergency Motion - A nature emergency motion was submitted at Full Council in February 2022. Myself (Cllr Barrett) and Cllr Ashmore worked in partnership with people from the Hampshire and Isle of Wight Wildlife Trust to make sure it was robust and that the council could hit the targets set. It was recognised that alongside the Climate Emergency, a nature emergency is also emerging and that the Council needs to look at setting a similar 2030 target. This would be to increase biodiversity and greening across the city as well as looking after our existing green and open spaces and also encouraging residents, schools and community groups to 'green the grey' wherever possible. A report is set to come back in the early summer to show what we have done, what we are doing and what we can do as a council.
- Education - I have started to touch base with a number of schools across the city who are interested in learning about their natural environment and who either already have or are in the process of setting up eco councils. I have visited a few schools and have also put them in contact with officers at the council, ward

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councillors and outside bodies to try to support them in increasing or creating nature areas. This is ongoing and more schools are coming forward.

- Working with local groups - I have spent time with local community and campaign groups in both my Nature Champion role and my cabinet role to listen to their concerns and see how we can take steps forward working alongside each other to help where possible. These are groups of people of all different ages from school age children to people in their 80's and have resulted in conversations and discussions such as installing swift boxes on properties to asking the planning department to put in conditions such as hedgehog highways and hedgehog gaps to de-paving areas, rewilding areas and looking at the sewage discharge in Langstone Harbour and how we can make a difference. So lots of work and suggestions that I can then take back to the council and speak to the different departments to see what can be done.

These are some of the things that I have done since becoming the Nature Champion and there are a lot of exciting projects coming up across the city over the coming year that I cannot wait to see come to fruition. I also look forward to continue working with Friends of the Earth, HIWWT, the climate action board and many schools and community groups.

.....
Signed by (Director)

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

Agenda Item 11



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(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting:	Cabinet (pre-agenda)
Subject:	LED Street lighting - Adaptive lighting review
Date of meeting:	7 th March 2022
Report by:	Caroline Hopper (on behalf of Tristan Samuels, Director of Regeneration)
Wards affected:	All

1. Requested by Councillor Stagg

2. **Purpose** - To provide an update on the review of Adaptive Lighting profile

3. Information Requested

Portsmouth City Council (PCC) has completed upgrading street lighting on the road network to LED. As part of this upgrade a Central Management System (CMS) has been installed. This technology provides greater control over the lighting at specific locations and allows the introduction of an adaptive street lighting strategy; enabling different energy levels to be applied at different times of night.

In 2020 (4th February), the Cabinet approved the implementation of an adaptive lighting profile that provided additional significant annual energy and CO₂e savings:

- 295 Tonnes of CO₂e¹, and
- £82,953 of energy²

Equivalent to:

- 59 Hot air balloons filled with CO₂e³, or
- 741,393 miles driven in an average car⁴, or
- £326,059 of coal burnt, or
- Carbon sequestered by 4,878 tree seedlings grown for 10 years

¹ Government conversion factors for company reporting of greenhouse gas emissions

² Annual saving will fluctuate in line with energy costs. This figure is the actual saving observed between 2019/20 and 2020/21 following implementation of adaptive lighting.

³ 295,000kg/CO₂ / 1.977 (conversion factor for CO₂ weight to volume) = 149,216 m³CO₂. Average hot air balloon size in m³ = 2,500 m³CO₂.

⁴ Greenhouse Gas Equivalencies Calculator: <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>

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The profile also improves the quality of experience for residents by reducing light pollution.

A review of the adaptive lighting profile was carried out in 2021. This looked to confirm that the planned benefits had been realised and also if any additional benefits had arisen.

Stakeholders including Transport, Police, Community Safety, Blind and Partially sighted residents, Portsmouth University, and organisations working in and around the Night-time Economy (NTE) supported the review.

The review considered various factors including traffic flow, accidents and community safety. Based on this data, the suitability of individual lighting points for adaptive street lighting was rated. Alternative scenarios for adaption of the lighting were also considered.

In November 2021 an on-street demonstration was held to explore the effect of reducing the lighting further between 1am - 4am. This reduction would be in addition to the existing 10pm - 6 am settings.

Although the views of the attendees were mixed, most agreed that reducing the lighting level further impacted the ability to recognise faces and the road generally felt less safe.

It was subsequently found that the quality of the body-cam images was also adversely affected when the lighting levels were reduced further. Therefore, particularly given the focus on Violence Against Women and Girls (VAWG), it was agreed that it would not be suitable to further reduce the level of lighting anywhere on the network in Portsmouth at this time. It was also agreed that the current adaptive settings between 10pm and 6am were adequate.

Consideration was also given to how lighting can support active travel; particularly for people walking and cycling home late at night. The result was the creation of a lighting map of popular routes in and around the city centre and between the transport hubs. This map identified 705 lights on the network that should be maintained at full lighting level from dusk to dawn; increasing visibility and feelings of safety along key routes.

Key findings:

1. Conversion of standard and heritage and bespoke lighting to LED has as expected saved considerable amounts of energy and CO₂e. This in turn has led to significant energy savings for the Council and will continue to do so into the future.
2. It would not appropriate to reduce the level of lighting below the current levels at this time.
3. There is benefit in including key walking and cycling routes within the profile as this will support active travel. The introduction of these routes will be 'cost neutral' as

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mitigated by minor adjustments to thresholds of other lighting units and the recent conversion of Heritage and Bespoke lighting to LED.

Conclusion:

The LED lighting and central control system have been successfully operating for the past two years and have had time to bed in over this period. The current profile of adapted lighting between 10pm and 6am is working and should be maintained with the addition of key walking and cycling routes.

In line with other Council policies, the Adaptive lighting policy will now move to a 3-year review cycle, unless there are any sudden trends or data changes or circumstances within the lighting industry, that makes it necessary to review sooner.

.....
Signed by (Assistant Director)

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Portsmouth Adaptive Street Lighting – Proposal for Citywide implementation - 4 th February 2020	https://democracy.portsmouth.gov.uk/documents/s25690/LED%20Adaptive%20Lighting%20Roll%20Out%20report.pdf
Review of Adaptive Street Lighting Policy 2021 - 21 st January 2022	Regeneration regenerationinfrastructure@portsmouthcc.gov.uk

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Agenda Item 12



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(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)

Title of meeting: Cabinet

Subject: COVID-19, Brexit and Other Factors Impacting Construction Costs

Date of meeting: 22nd March 2022

Report by: Julian Pike, Deputy Director of Finance & S151 Officer

Wards affected: All wards

1. Requested by: Leader

2. Purpose

2.1. To update the Cabinet on the impact of COVID-19, Brexit and other factors impacting construction costs relating to Capital Schemes contained with the report Portsmouth City Council Budget & Council Tax & Medium Term Budget Forecast 2023/24 to 2025/26 approved by City Council 15th February 2022.

3. Information Requested

3.1. Increased global demand in the construction sector, combined with the multiple and complex impacts of the pandemic and logistic issues, have resulted in unprecedented shortages, delays and ultimately, increased prices of materials and labour across the economy.¹

3.2. Within the UK, complications resulting from Brexit have exacerbated this situation, affecting all aspects of trade and labour availability. The repercussions are acutely impacting the UK construction sector.

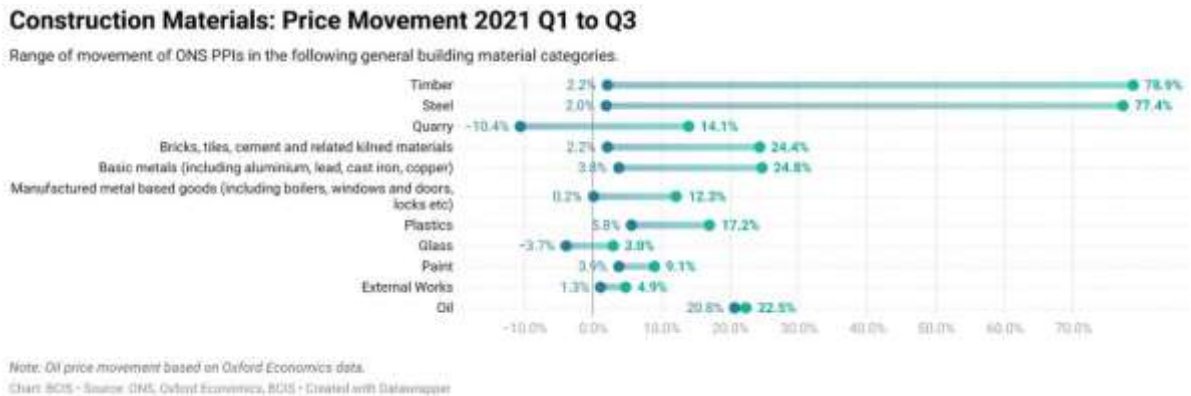
3.3. Other factors affecting construction demand include significant lifestyle changes triggered by the pandemic, with many people continuing to work from home reassessing their housing needs. A booming domestic housing market, substantially increased demand in repair maintenance and improvement sector, combined with large infrastructure projects such as HS2 have all significantly contributed to higher demand for construction materials and labour.

¹ RICS News & Insight

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3.4. Within the BCIS Materials Cost Index, between January and September 2021 the greatest increases can be seen in the steel and timber categories, with a high degree of volatility in nearly all materials categories. The ranges of increases within selected materials categories contributing to the index are presented below:



3.5. The decision of British Steel to add a temporary £30 per tonne surcharge on the cost of structural steel, due to a rising energy costs, will continue to escalate costs for steel.

3.6. With increasing reliance on imports to fulfil domestic timber demand and some timber-producing countries implementing log export bans, timber supply remains under pressure throughout the UK. In November, BEIS Monthly Statistics of Building Materials and Components reported two of the top three construction materials with the greatest price change in the twelve months to September 2021 were imported sawn or planed wood.

3.7. Brick deliveries across the UK are reportedly subject to extensive delays, with major manufacturers warning of significant price rises for pre-order due to extreme market volatility. Since February 2021, IHS/Markit CIPS UK Construction PMI has reported increased prices and supply shortages of bricks. Adding to this, HGV shortages and the sharp rises in wholesale energy prices means the situation for brick, block and ceramics is unlikely to improve in the near term with serious repercussions to the critical path of projects.

3.8. Major capital schemes experiencing increased costs as result of rising construction costs include:

- Sufficiency of Special School Places

The reasons for the additional costs have already been highlighted earlier in the report. As part of the 2021/22 Spending review, a capital grant of £1.18m for special educational needs places has been received, However, this is not

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in response to increases anticipated costs. Further funding for special educational needs places was announced in the 2022/23 spending review, and the details of this are awaited.

- Re-provision of Leisure Centre, Pool & Community Facilities

The project requires the full range of building materials including bricks, steel, glass, cladding and skilled labour. A further contribution from The National Lottery to meet increased costs is extremely unlikely with any additional costs falling on the City Council.

Other schemes which may be similarly affected include new schemes yet to be tendered. Whilst schemes' estimates include provision for inflation and contingency, until tenders are received, actual cost is unconfirmed e.g.

- Victoria Park Revival (NLHF)
 - Investment in Football Facilities (partially grant funded)- still in concept stage
 - Sports & Leisure facilities (Mountbatten Centre roof)
 - Various Theatre regeneration projects
 - Various maintenance projects re Historic/Cultural buildings
- Port Border Control Post

Assessing the impact of Brexit / COVID-19 in financial terms is difficult to quantify. Had the project completed before Brexit & COVID-19 impacted costs potentially may have been significantly lower but this cannot be quantified with any certainty. Other factors which have led to an increase in costs include delays associated with the project, contamination and design changes. Discussions regarding the availability of additional central government funding are ongoing.

- The Berth 2 extension and the Terminal Extension

Cost increases have been experienced as a consequence of COVID-19 as a result of increased fender costs, due to factory shutdowns in China, and interruptions to labour and plant and materials supply chains.

Southsea Sea Defences

The Southsea Team has been negotiating with the Environment Agency since July 2021 for additional funding. The four primary drivers during negotiations were focussed upon:

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- i. Inflationary Pressures
- ii. Programme extension
- iii. Material and labour cost increase
- iv. Further Govt Dept Funding for protection of additional assets.
(Schools/GP surgeries/highways)

Additional funding has now been agreed for £37.9m to underwrite future unforeseen cost and to neutralise the Council's underwritten position of c£17m.

A similar funding re-assessment will be undertaken for the North Portsea Scheme as soon as it is evidenced the budget is no longer in line with current costs and expectations.

- Somerstown Redevelopment

This scheme is one of the largest projects, by value, within the capital programme, and as with all construction related projects, is exposed to the inflationary pressures identified above.

- Landlords' Maintenance

- Tender prices for capital planned maintenance works are at a level 25% above those being received pre-pandemic and during the 2nd half of 2020. The cost increase effects of Covid-19, Brexit, Fuel prices and energy costs are now all starting to flow through into the actual tender costs being submitted for new projects.
- Day to day repairs are subject to the same cost increases with both local building contractors and public bodies experiencing further challenges in retaining existing operative resources against a very buoyant recruitment market.
- Locally, service providers are experiencing serious problems retaining and recruiting all staff and in particular Electricians. Some local companies are recruiting via agencies at hourly rate packages 13% higher than historic rates being paid.
- Building material availability and costs already experiencing upward pressure due, to increased global demand, will be further impacted by the recent "once in a generation" storms that impacted the UK, and the availability of specialist energy efficiency material components due to

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higher demand as a result of the Governments zero carbon aspirations.

- The result of uplifts in energy and carbon costs are being felt in industries with very high energy demands such as the manufacture of gypsum/cement. Ceramics, bricks and smelting metals. In some scenarios manufactures have curtailed production altogether, which further tightens supplies and elongates delivery and supply periods.
- Local supply chain partners are advising price increases to various categories of construction supplies ranging from 3 to 30% on general building materials. Larger price increases in the cost of steel have already been seen in the tender returns for two lift refurbishment schemes with bids in excess of 30% higher than pre-covid estimates.
- No additional government funding is available to support these increases.

.....
Signed by (Director)

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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Title of meeting: Cabinet

Date of meeting: 22 March 2022

Subject: Revenue Budget Monitoring 2021/22 (Third Quarter) to end December 2021

Report by: Director of Finance & Resources

Wards affected: All

Key decision: Yes/No

Full Council decision: Yes/No

1. Purpose of report

1.1 The purpose of this report is to update members on the current Revenue Budget position of the Council as at the end of the third quarter for 2021/22 in accordance with the proposals set out in the “Portsmouth City Council - Budget & Council Tax 2022/23 & Medium Term Budget Forecast 2023/24 to 2025/26” report approved by the City Council on 15 February 2022.

2. Recommendations

2.1 It is recommended that:

- (i) The General Fund Forecast Outturn for 2021/22 (as at 30 December 2021) of an overall net overspend of £802,700 be noted; this is analysed as follows:

FORECAST OUTTURN 2021/22		£000
Forecast Net Overspend (before transfers to/from) Reserves		13,774.0
Less Expenditure funded from Corporate Contingency:		
	Covid-19 Costs	(10,280.0)
	Windfall Costs	(2,002.8)
Less Transfers From Portfolio / Cabinet Reserve:		
	Overspendings (in accordance with approved Council resolutions)	(2,116.1)
Add Transfers to Portfolio and Other Reserves:		
	Underspendings (in accordance with approved Council resolutions)	1,427.6
Overall Forecast Net Overspend 2021/22		802.7

- (ii) The forecast additional spending and forgone income as consequence of the Covid-19 Pandemic totalling £10.28m be noted



- (iii) Members note that the financial consequences arising during 2021/22 from the Covid-19 pandemic will be met from the provision held within the Council's Corporate Contingency which was set aside specifically for this purpose as approved by City Council on 15 February 2022.
- (iv) Members note that in accordance with approved policy as described in Section 8, any actual non Covid-19 overspend at year end will in the first instance be deducted from any Portfolio Reserve balance and once depleted then be deducted from the 2022/23 Cash Limit.
- (v) In accordance with (iv) above and the requirement that in the first instance any Portfolio overspending must be met from the Portfolio Reserve, that £1,354,400 has been withdrawn from the Cabinet Portfolio Reserve to fund current forecast overspendings, leaving a nil balance.
- (vi) Directors, in consultation with the appropriate Cabinet Member, consider options that seek to minimise any forecast non Covid-19 overspending presently being reported and prepare strategies outlining how any consequent reduction to the 2022/23 Portfolio cash limit will be managed to avoid further overspending during 2022/23.

3. Background

- 3.1 A Revised Budget for 2021/22 of £175,975,800 was approved by City Council on 15th February 2022. This level of spending required a contribution from General Reserves of £2.0m since in year expenditure exceeds in year income.
- 3.2 The Budget approved by City Council in February 2022 included provision within the Corporate Contingency of £10.1m to meet estimated Covid-19 related costs and lost income during 2021/22 (**The £10.1m set aside in the Corporate Contingency was majority funded by additional grants from Government estimated at £8m**).
- 3.3 Along with the summary of the forecast full year variances as usually reported through these quarterly budget monitoring reports, this Quarter 3 report also includes an updated assessment of the financial impact in 2021/22 of the Covid-19 Pandemic.
- 3.4 This is the third quarter monitoring report of 2021/22 and reports on the forecast 2021/22 outturn as at the end of December 2021. The forecasts summarised in this report are made on the basis that management action to address any forecast overspends are only brought in when that action has been formulated into a plan and there is a high degree of certainty that it will be achieved.
- 3.5 Any variances within Portfolios that relate to windfall costs or windfall savings will be met / taken corporately and not generally considered as part of the overall budget performance of a Portfolio. "Windfall costs" are defined as those costs where the manager has little or no influence or control over such costs and where the size of those costs is high in relation to the overall budget controlled by that manager. "Windfall costs" therefore are ordinarily met corporately from the Council's central contingency. A manager / Cabinet Member, however, does have an obligation to minimise the impact of any "windfall cost" from within their areas of responsibility in



order to protect the overall financial position of the Council. Similarly, “windfall savings” are those savings that occur fortuitously without any manager action and all such savings accrue to the corporate centre.

4. Forecast Outturn 2021/22 As at end of December 2021

4.1 At the Third Quarter stage the General Fund Revenue Outturn for 2021/22 is forecast to be overspent by £802,700. This is represented in the following tables in paragraphs 4.2 and 4.3. Paragraph 4.2 represents the financial position before any transfers to and from Portfolio and Other Reserves. Paragraph 4.3 shows the overall financial position of the Council once "windfall costs" have been funded and Portfolio Reserves have been used to fund any remaining overspendings.

4.2 The Quarter 3 General Fund Outturn before transfers to / from Reserves is an overall overspend of £13,774,000. After releases from Contingency (to fund Covid related costs of £10,280,000 and Windfall Costs of £2,002,800), there is a net forecast overspend of £1,491,200 as summarised below.

	Total Portfolio Variance	Less Covid-19 Related Costs Met From Contingency	Net Variance
	£	£	£
Children, Families & Education	4,316,600	(2,004,000)	2,312,600
Communities & Central Services	746,800	(240,000)	506,800
Community Safety & Environment	417,100	(15,000)	402,100
Culture, Leisure & Economic Development	1,534,300	(1,230,000)	304,300
Health, Wellbeing & Social Care	1,299,700	(1,172,000)	127,700
Housing	899,800	(246,000)	653,800
Leader	961,300	(73,000)	888,300
Port	4,678,000	(4,678,000)	0
Planning Policy & City Development	391,900	(105,000)	286,900
Licensing Committee	47,000	(44,000)	3,000
Traffic & Transportation	(611,000)	(473,000)	(1,084,000)
Total Portfolio Variance	14,681,500	(10,280,000)	4,401,500
Treasury Management	(907,500)		(907,500)
Total Budget Variance	13,774,000	(10,280,000)	3,494,000
Costs - Met from Corporate Contingency			(2,002,800)
Total General Fund Variance			1,491,200

4.3 As described above, the forecast Portfolio variances do not take account of:

- i) Windfall costs funded by the Council's Corporate Contingency
- ii) Transfers from Portfolio Reserves to fund Portfolio Overspendings
- iii) Transfers to Portfolio and Other Reserves for forecast underspendings.

These are taken into account in the table below and illustrate that after transfers to and from Reserves, the Council is forecasting an overall overspend of £802,700.

	Net Portfolio Variance	Less Windfall Items	Transfers (from)/to Portfolio/PFI Reserves	Total Variance Excluding Covid-19 Costs
	£	£	£	£
Children, Families & Education	2,312,600		(439,900)	1,872,700
Communities & Central Services	506,800	(850,400)	343,600	0
Community Safety & Environment	402,100		(88,100)	314,000
Culture, Leisure & Economic Development	304,300	(282,600)	(21,700)	0
Health, Wellbeing & Social Care	127,700		(127,700)	0
Housing	653,800		(41,000)	612,800
Leader	888,300	(700,000)	(10,200)	178,100
Port	0		0	0
Planning Policy & City Development	286,900	(169,800)	(30,100)	87,000
Licensing Committee	3,000		(3,000)	0
Traffic & Transportation	(1,084,000)		1,084,000	0
Total Portfolio Variance	4,401,500	(2,002,800)	665,900	3,064,600
Use of Cabinet Reserve			(1,354,400)	(1,354,400)
Treasury Management	(907,500)			(907,500)
Overall Variance	3,494,000	(2,002,800)	(688,500)	802,700

5. Quarter 3 Budget Variations - Forecast Outturn 2021/22

5.1 Children, Families & Education – Non Covid-19 related Overspend £2,312,600 or After Transfer From Portfolio Reserve £1,872,700; Covid-19 related costs funded from Corporate Contingency £2,004,000

The cost of Children, Families & Education is forecast to be £2,312,600 higher than budgeted.



The Non Covid-19 overspend is largely due to higher Looked after Children costs of £2.2m due to a small number of very high cost care leavers and to a lesser extent because of increasing numbers of care leavers. In addition, lower numbers of under 18 unaccompanied asylum seeking children has resulted in a greater loss of Home Office Grant than the reduction in cost.

Additional costs expected to arise as a result of the pandemic total £2.0m; primarily due to higher costs relating to Looked After Children (£1.2m) due to a delay in the implementation of planned savings, additional staffing costs arising from an increase in referrals leading to more children being subject to a child protection plan (£0.3m) and higher home to school transport costs due to Covid-19 precautions (£0.2m). These costs will be met from Corporate Contingency.

5.2 Communities & Central Services – Non Covid-19 related Overspend £506,800 or After Transfer From Portfolio Reserve and windfall costs Nil; Covid-19 related costs funded from Corporate Contingency £240,000

The cost of Communities & Central Services is forecast to be £506,800 higher than budgeted.

Forecast overspending relating to non COVID-19 activity of £0.5m is primarily as a result of the introduction of Universal Credit for new clients from September 2018 which has resulted in a fall in the level of subsidy received for rent allowances and rent rebates. As a consequence, the reduction in the level of net subsidy received by the Council relating to Housing Benefit overpayments has been £0.9m. This is a windfall cost and will be met from Corporate Contingency (Para 3.5). In addition, there is overspending within IT services of £0.1m due to delays in savings arising from the Office 365 project. These overspendings are offset by reduced staffing costs arising from vacant posts across the Portfolio of £0.5m and additional income generated through the provision of Professional Procurement services to external organisations.

Additional costs expected to arise as a result of the pandemic total £0.2m. These costs will be met from Corporate Contingency.

5.3 Community Safety & Environment – Non Covid-19 related Overspend £402,100 or After Transfer To Portfolio Reserve £314,000; Covid-19 related costs funded from Corporate Contingency £15,000

The cost of Community Safety & Environment is forecast to be £402,100 higher than budgeted.

Overspending totalling £0.5m is forecast within the Waste Collection and Waste Disposal Services due to falling recycling income, reduced Energy Recovery Facility and Material Recycling Facility income and a reduction in recycling credits. This overspending is offset by underspending totalling £0.1m as a result of staff vacancies and additional income.

Additional costs expected to arise as a result of the pandemic total £15,000. These



costs will be met from Corporate Contingency.

5.4 Culture, Leisure & Economic Development – Non Covid-19 related Overspend £304,300 or After Transfer From Portfolio Reserve and windfall costs Nil; Covid-19 related costs funded from Corporate Contingency £1,230,000

The cost of Culture Leisure & Economic Development is forecast to be £304,300 higher than budgeted.

Overspending relating to non COVID-19 activity of £0.3m is forecast as a consequence of increased utility costs at leisure sites operated by BH Live. This is an exceptional and significant cost which as a result will be met from Corporate Contingency.

As a direct consequence of the COVID-19 Pandemic, income across the Portfolio is forecast to be lower than originally budgeted by £1.2m; primarily as a result of lower usage at leisure sites (£1.1m) and museums (£0.1m). These costs will be met from Corporate Contingency.

5.5 Health, Wellbeing and Social Care – Non Covid-19 related Overspend £127,700 or After Transfer From Portfolio Reserve Nil; Covid-19 related costs funded from Corporate Contingency £1,172,000

The cost of Health, Wellbeing and Social Care is forecast to be £127,700 higher than budgeted.

Overspending of £0.1m has arisen principally within the Older Persons Physical Disability in House Residential and Day Care Services due to increased staffing and agency costs.

The financial impact of the COVID-19 pandemic on the Health, Wellbeing and Social Care Portfolio is forecast to be £1.2m. Of this overspending, £0.3m relates to planned 2021/22 savings in Commissioned Care where implementation has been delayed; £0.4m to meet additional staffing costs at in-house units due to staff illness (including shielding) and to increase Social Worker capacity; £0.5m due to an increase in client volume within domiciliary care with supporting increases within the fieldwork team, offset by lower costs within Nursing and Residential.

5.6 Housing – Non Covid-19 related Overspend £653,800 or After Transfer From Portfolio Reserve £612,800; Covid-19 related costs funded from Corporate Contingency £246,000

The cost of Housing is forecast to be £653,500 higher than budgeted.

The forecast overspend of £0.7m is primarily as a consequence of increased demand for temporary accommodation within the City (£0.6m).

Additional costs expected to arise as a result of the pandemic total £0.2m as result of the loss of income from the View Restaurant; enhanced building cleaning and loss



of the annual rental income from the "Your Centre". These costs will be met from Corporate Contingency.

5.7 Leader – Non Covid-19 related Overspend £888,300 or After Transfer From Portfolio Reserve and windfall costs £178,100; Covid-19 related costs funded from Corporate Contingency £73,000

The cost of Leader is forecast to be £888,300 higher than budgeted.

The £0.9m overspend being forecast has arisen due to Spinnaker Tower Sponsorship income not now expected (£0.7m) and lower rental income following the departure of a tenant from the Brunel Wing of the Civic Offices. The forgone Spinnaker Tower Sponsorship income is a windfall cost which will be met from the Corporate Contingency allocation (Para 3.5).

As a direct consequence of the COVID-19 pandemic, income across the Portfolio is forecast to be £73,000 lower than originally budgeted. Of this, £55,000 relates to the estimated reduction in the profit share that will be payable by Heritage due to visitor numbers not returning to pre-pandemic levels at the Spinnaker Tower and a £18,000 loss of income due to a unit being used as a Covid-19 test centre. These costs will be met from Corporate Contingency.

5.8 Port – Non Covid-19 related Overspend Nil; Covid-19 related costs funded from Corporate Contingency £4,678,000

The overall net General Fund contribution by the Port excluding the impact of Covid-19 is forecast to be on target.

Due to a net reduction in port dues because of reduced traffic passing through the Port, net income as a consequence of the COVID-19 Pandemic is £4.7m lower than originally budgeted. The income shortfall will be met from Corporate Contingency.

5.9 Planning Policy & City Development – Non Covid-19 related Overspend £286,900 or After Transfer From Portfolio Reserve and windfall costs £87,000; Covid-19 related costs funded from Corporate Contingency £105,000

The cost of Planning Policy & City Development is forecast to be £286,900 higher than budgeted.

The Planning Development Control Service is currently forecast to overspend by £246,800 as a consequence of Agency Staff employed within the service to assist with clearing the back log of planning applications and a shortfall in Planning income.

£169,800 of this overspending relates to Planning Application Fee income which is a windfall cost and will be met from the Corporate Contingency allocation (Para 3.5).

In addition, the Portfolio is forecasting a loss of income totalling £105,000 (£94,000 of which relates to Planning Application Fee income) as a consequence of the Covid-19 pandemic. The income shortfall will be met from Corporate Contingency.



5.10 Traffic and Transportation – Non Covid-19 related Underspend £1,084,000 or After Transfer To Parking/PFI Reserve Nil; Covid-19 related costs funded from Corporate Contingency £473,000

The cost of Traffic and Transportation is forecast to be £1,084,000 lower than budgeted.

Underspending relating to non COVID-19 activity of £1.1m, primarily as a result of lower Concessionary Travel payments to bus operators due to significantly lower passenger miles travelled, (£0.4) and staff vacancies and higher levels of fee earning work (£0.5m).

Additional net expenditure expected to arise as a result of the pandemic totals £0.5m, as a consequence of lower income relating to Park & Ride (£0.2m), Off Street Parking (£0.1m) and Hard interchange Departure Charges (£0.2m). These costs will be met from Corporate Contingency.

5.11 Treasury Management – Underspend £907,500

This budget funds all of the costs of servicing the City Council’s long term debt portfolio that has been undertaken to fund capital expenditure. It is also the budget that receives all of the income in respect of the investment of the City Council’s surplus cash flows. As a consequence, it is potentially a very volatile budget particularly in the current economic climate and is extremely susceptible to both changes in interest rates as well as changes in the Council’s total cash inflows and outflows.

5.12 Corporate Contingency – Non Covid-19 related releases £2,002,800; Covid-19 related releases £10,280,000

As at Quarter 3, windfall costs totalling £12,282,800 are being forecast which will be met from Corporate Contingency. (Para 3.5)

Items identified as windfall or exceptional and significant costs in this Quarter 3 report are:

Loss of Housing Benefit Subsidy (windfall)	£850,400
Spinnaker Tower Sponsorship (windfall)	£700,000
Planning Development Control Fee Income (windfall)	£169,800
Covid-19 (windfall)	£10,280,000
Increased Energy Costs at Leisure Sites (exceptional and significant)	282,600

Non Covid-19 - Movement between Quarter 2 compared to Quarter 3

5.13 The Portfolio Quarter 3 Non Covid-19 position has moved from a forecast £5.3m overspend to a forecast £4.4m overspend, an improvement of £0.9m.

This improvement is largely as a consequence of improvements in the forecast



financial positions reported by Communities & Central Services Portfolio and Traffic & Transportation Portfolio.

The movement between Quarter 2 and Quarter 3 Non Covid-19 Forecast Outturn is:

	Quarter 1	Quarter 2	Quarter 3	Deterioration / (Improvement)
	£	£	£	£
Children, Families & Education	920,400	2,404,700	2,312,600	(92,100)
Communities & Central Services	1,544,300	986,800	506,800	(480,000)
Community Safety & Environment	480,700	484,600	402,100	(82,500)
Culture, Leisure & Economic Development	30,000	21,700	304,300	282,600
Health, Wellbeing & Social Care	533,900	237,500	127,700	(109,800)
Housing	422,700	596,500	653,800	57,300
Leader	620,500	753,200	888,300	135,100
Port	0	0	0	0
Planning Policy & City Development	327,700	383,800	286,900	(96,900)
Licensing Committee	(13,000)	0	3,000	3,000
Traffic & Transportation	(576,300)	(526,000)	(1,084,000)	(558,000)
Total Portfolio Variance	4,290,000	5,342,800	4,401,500	(941,300)

Covid-19 Costs / Income Losses - Movement between Quarter 2 compared to Quarter 3

5.14 Additionally, Portfolios are forecasting Covid-19 related costs totalling £10.3m this is a £0.4m decrease compared to Quarter 2.

The overall sum available within Contingency to fund 2021/22 Covid-19 related costs is £10.1m.

The Quarter 3 Covid-19 Forecast Outturn compared to Quarter 2 is:

	Quarter 1	Quarter 2	Quarter 3	Deterioration /(Improvement)
	£	£	£	£
Children, Families & Education	1,556,000	1,873,000	2,004,000	131,000
Communities & Central Services	649,000	639,000	240,000	(399,000)
Community Safety & Environment	66,000	20,000	15,000	(5,000)
Culture, Leisure & Economic Development	1,201,000	1,281,000	1,230,000	(51,000)
Health, Wellbeing & Social Care	771,000	1,259,000	1,172,000	(87,000)
Housing	267,000	285,000	246,000	(39,000)
Leader	258,000	170,000	73,000	(97,000)
Port	2,987,000	4,678,000	4,678,000	0
Planning Policy & City Development	41,000	14,000	105,000	91,000
Licensing Committee	18,000	18,000	44,000	26,000
Traffic & Transportation	458,000	400,000	473,000	73,000
Total Portfolio Variance	8,272,000	10,637,000	10,280,000	(357,000)

6. Transfer From/To Portfolio Specific Reserves

6.1 In November 2013, Full Council approved the following changes to the Council's Budget Guidelines and Financial Rules:

- Each Portfolio to retain 100% of any year-end underspending and to be held in an earmarked reserve for the relevant Portfolio
- The Portfolio Holder be responsible for approving any releases from their reserve in consultation with the Section 151 Officer
- That any retained underspend (held in an earmarked reserve) be used in the first instance to cover the following for the relevant portfolio:
 - i) Any overspendings at the year-end
 - ii) Any one-off Budget Pressures experienced by a Portfolio
 - iii) Any on-going Budget Pressures experienced by a Portfolio whilst actions are formulated to permanently mitigate or manage the implications of such on-going budget pressures
 - iv) Any items of a contingent nature that would historically have been funded from the Council's corporate contingency provision
 - v) Spend to Save schemes, unless they are of a scale that is unaffordable by the earmarked reserve (albeit that the earmarked reserve may be used to make a contribution)

- Once there is confidence that the instances i) to v) above can be satisfied, the earmarked reserve may be used for any other development or initiative

6.2 Cabinet have agreed that in addition to the individual Portfolio Reserves a Cabinet Reserve created from a top slice of Portfolio Reserves will also be established from 2021/22.

6.3 The forecast balances on the Cabinet and Portfolio Reserves are set out below:

Portfolio/Committee	Balance Brought Forward	Approved Transfers	Forecast Under/(Over) Spending	Balance Carried Forward
	£	£	£	£
Cabinet	0	1,354,400	(1,354,400)	0
Children, Families & Education	1,626,400	(1,186,500)	(439,900)	0
Communities & Central Services	874,900	(749,600)	343,600	468,900
Community Safety & Environment	811,800	(723,700)	(88,100)	0
Culture, Leisure & Economic Development	235,300	(205,400)	(21,700)	8,200
Health, Wellbeing & Social Care	497,400	(277,500)	(127,700)	92,200
Housing & Preventing Homelessness	92,700	(51,700)	(41,000)	0
Leader	772,600	(762,400)	(10,200)	0
Port	3,290,100	31,900	0	3,322,000
Planning Policy & City Development	68,000	(37,900)	(30,100)	0
Traffic & Transportation	0	0	0	0
Licensing Committee	77,400	0	(3,000)	74,400
	8,346,600	(2,608,400)	(1,772,500)	3,965,700

7. Director of Finance's comments - Conclusion and Overall Financial Summary

7.1 The overall 2021/22 forecast outturn for the City Council as at the end of December 2021 is forecast to be £176,778,500. This is an overall overspend of £802,700 against the Revised Budget.

7.2 The forecast takes account of all known variations at this stage, but only takes account of any remedial action to the extent that there is reasonable certainty that it will be achieved.

7.3 The overall overspend is only achieved by the use of the Council's forecast contingency of £12.3m and the drawdown from Portfolio Reserves of £1.8m.

7.4 The overall financial position is deemed to be "amber" as in year expenditure exceeds in year income, although the Council's Corporate Contingency has sufficient funding to meet this "in year" overspending if required. The overspending however, may indicate financial difficulties for Portfolios in future years once Portfolio Reserves are depleted.

7.5 The overall financial forecast for Quarter 3 for the whole Council is a cause for



concern with significant forecast overspends in the areas of Looked after Children (£2.2m), Waste Collection & Disposal (£0.5m) and Temporary Accommodation (£0.6m). Whilst the approved Budget 2022/23 has sought to remedy unavoidable budget pressures such as many of those being experienced in the current year, there remains longer term uncertainty relating to further increases in demand. Should this persist, the Council's savings requirements in the future could rise. Consequently, it is recommended that Directors continue to work with the relevant portfolio holder to consider measures to significantly reduce the adverse budget position presently being forecast by Portfolios with a view to eliminating deficits in the medium term, and any necessary decisions presented to a future meeting of the relevant Portfolio.

7.6 Where a Portfolio is presently forecasting a net overspend in accordance with current Council policy, any overspending in 2021/22 which cannot be met by transfer from the Portfolio Specific Reserve will be deducted from cash limits in 2022/23 and therefore the appropriate Directors in consultation with Portfolio Holders should prepare an action plan outlining how their 2021/22 forecast outturn or 2022/23 budget might be reduced to alleviate the adverse variances currently being forecast.

7.7 Based on the Budget of £175,975,800 the Council will remain within its minimum level of General Reserves for 2021/22 of £8.0m as illustrated below:

	£m
General Reserves brought forward at 01/04/2021	23.374
Less:	
Forecast Overspend 2021/22	(0.803)
Less:	
Planned Contribution from General Reserves 2021/22	(1.962)
Forecast General Reserves carried forward into 2022/23	20.609

8. City Solicitor's Comments

8.1 The City Solicitor is satisfied that it is within the Council's powers to approve the recommendations as set out.

9. Equalities Impact Assessment

9.1 This report does not require an Equalities Impact Assessment as there are no proposed changes to PCC's services, policies, or procedures included within the recommendations.

.....
Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Budget & Council Tax 2022/23 & Medium Term Budget Forecast 2023/24 to 2025/26	Office of Deputy Director of Finance
Electronic Budget Monitoring Files	Financial Services Local Area Network

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

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Agenda Item 18

PORTSMOUTH CITY COUNCIL - PUBLIC NOTICE

OMISSION FROM FORWARD PLAN FOR THE PERIOD COVERING 15 February to 15 May 2022

NOTICE IS HEREBY GIVEN that at a meeting on Tuesday 22 March 2022, the Cabinet will make a decision on the following item:

A report by the Director of Culture, Leisure & Regulatory Services

Renegotiated sports and leisure facilities management contract

The report seeks approval to agree a contract variation to the existing sports and leisure facilities management contract, and for the Council's legal services to execute the variation as a deed.

Any questions about the proposed decision should be addressed to:

David Moorman, Strategic Development Manager
Tel 023 9268 8461, david.moorman@portsmouthcc.gov.uk

This decision is a Key Decision for the purposes of the Forward Plan as defined in Article 13 of the Constitution but was not included in the Forward Plan covering the period 15 February to 15 May 2022 and is therefore an omission from the Forward Plan. The Chair of the City Council's Scrutiny Management Panel has been notified of and agreed to the decision being made, in accordance with the City Council's Constitution (General Exceptions, Section 15). The report also includes the following exempt appendix:

Appendix A - Financial Implications

The reason why urgent action has to be taken in connection with this proposal is that the variation agreement, if approved, will come into effect on 1 April 2022.

The decision will be taken at:

- The Cabinet meeting held on Tuesday 22 March at 1.30 pm.

14 March 2022

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Agenda Item 19



Portsmouth
CITY COUNCIL

Title of meeting: Cabinet

Date of meeting: 22 March 2022

Subject: Renegotiated sports and leisure facilities management contract

Report by: Director of Culture Leisure and Regulatory Services

Wards affected: All

Key decision: Yes/No

Full Council decision: Yes/No

1. Purpose of report

- 1.1. To provide the Cabinet with a summary of the contractual negotiations with BH Live, which have now concluded; and to seek Cabinet's approval to vary the existing sports and leisure facilities management contract with BH Live, on the basis that this is a key decision.

2. Recommendation

- 2.1. That the Cabinet authorises the Director for Culture Leisure and Regulatory Services to agree a contract variation to the existing sports and leisure facilities management contract, and for the Council's legal services to execute the variation as a deed.

3. Background

3.1. Introduction

- 3.1.1. On 23 March 2020, in response to the Covid-19 pandemic, the government directed all sports and leisure facilities in England to close for the foreseeable future. As a result BH Live, the operator of the council's sports and leisure facilities, saw an immediate cessation of all their income streams. The majority of BH Live staff were furloughed (and received support for 80% of their pay from central government) but BH Live were left with residual fixed costs that they had no sustainable way to meet.
- 3.1.2. Also in March 2020 the Cabinet Office published procurement policy note (PPN) 02/20 which instructed public sector contracting authorities to act to ensure suppliers at risk were in a position to resume normal contract delivery once the outbreak was over. In view of this, BH Live requested that the council waive its entitlement to collect the management fee for the sports and leisure contract and provide financial support to meet ongoing non-ameliorable fixed costs (non-



furloughed staff, buildings maintenance, residual utility costs and head office contributions).

- 3.1.3. At the same time, the Pyramids contract was based on the council covering any operational deficit and, although BH Live furloughed staff and reduced other operating costs to a minimum, the cost to the Council for the 2020/21 financial year was significant as set out in appendix A.
- 3.1.4. At the beginning of the 2021/22 financial year as the facilities were still unable to open or operate consistently due to the range of changing Covid 19 restrictions, the council agreed to BH Live's request to continue to waive the management fee and underwrite any operational deficit for the sports and leisure contract as well as continuing to underwrite the operational deficit for the Pyramids. This created a significant budget pressure for the Council which has been partly offset by a one-off grant from Sport England under the National Leisure Recovery Fund scheme and in terms of the lost income, in the region of 70% of support from central government from the Covid income support scheme up to June 2021.
- 3.1.5. Due to the imposition of further facility closures, future uncertainty and social distancing measures in early 2021 the council and BH Live agreed to extend the effect of the contract variation up to end of March 2022. These measures were approved by the council's procurement gateway board in April 2021.
- 3.1.6. During the 2021/22 financial year the operational deficit has reduced however no management fee has been received by the Council.
- 3.1.7. With the re-opening of sports and leisure facilities, the gradual return of participants, and the retreating risk of a re-imposition of closures, officers have been in dialogue with BH Live since August 2021 to negotiate post-Covid-19 contractual and financial positions.
- 3.1.8. The key issues to resolve were:
 - The level of the management fee pre-Covid-19 was never sustainable for BH Live, and they are no longer in a position to subsidise their Portsmouth operations from other contracts they hold elsewhere (ie Bournemouth).
 - The income from the management fee forms part of the Culture, Leisure and Regulatory Services budget, and so any reduction will (continue to) create a financial pressure on the service and the council in general.
 - The contract at the Pyramids has expired and is operating under a letter of intent only.
 - The council made a significant investment to transform the Pyramids pool into Exploria – an indoor adventure play and bounce attraction – and convert the Plaza conference and events space into a large multi-zone health and fitness centre.
 - Despite this, there is little prospect in the current market (which is only gradually recovering from the pandemic) of a successful procurement, at this time, of a new operator at the Pyramids as a stand-alone facility.
 - There is no lease in place for the Pyramids (albeit there is a letter of intent governing the parties' relationship) and building maintenance responsibilities are not aligned with the rest of the sports and leisure estate.



3.2. Sports and leisure facilities management contract (background)

- 3.2.1. BH Live has operated the main sports and leisure contract in Portsmouth since February 2017. When it was awarded, the contract delivered a considerable saving to the council compared with the previous operator and included PCC capital investment in the facilities of around £1.2m.
- 3.2.2. Facilities included under this contract are:
- Mountbatten Centre
 - Portsmouth Gymnastics Centre
 - Portsmouth Tennis Centre
 - Eastney Swimming Pool
 - Wimbledon Park Sports Centre
 - Charter Community Sports Centre
- 3.2.3. On appointment, BH Live reviewed the pricing model following competitor benchmarking and reduced the monthly gym membership fee by around £10 per month from the start of the contract. Between 2017 and 2020 (when the pandemic closed all sports and leisure facilities) this new pricing model drove up gym membership from 2700 in February 2017 to 5200 in February 2020 (a 90% increase). Participation was also up across all 'dry' activities – but not swimming which declined in line with national figures.
- 3.2.4. The contract was re-negotiated in 2018, due to issues with affordability and the fact that the plan to expand the gym at Wimbledon Park Sports Centre could not go ahead (primarily due to issues with car parking). This significantly reduced the revenue contribution to PCC over the period of the contract. Even with this reduction, the financial return was still more positive than it had been with the previous operator (as set out in appendix A).
- 3.2.5. BH Live's Board of Trustees and chief executive remain supportive of the long-term partnership with the council, however concerns were raised even before the pandemic that the contract was operating at a significant ongoing loss against the tendered sum.
- 3.2.6. The main sports and leisure management contract runs until the end of January 2027 and has provision to be extended by up to a further 10 years.
- 3.2.7. In response to the Covid-19 pandemic and to ensure that facilities could reopen when allowed, the council and BH Live agreed an initial contract variation which implemented the agreement outlined above whereby the council waives its entitlement to the management fee and provides financial support to meet ongoing non-ameliorable fixed costs. These measures were approved by the council's procurement gateway board in April 2021.
- 3.2.8. As part of this agreement, council officers are actively working with BH Live to scrutinise ongoing costs and levels of income under the existing open book arrangement to ensure that any ongoing deficits are kept to a minimum.

3.3. Pyramids management contract (background)

- 3.3.1. BH Live has operated the Pyramids contract since October 2013 with no operational subsidy underwrite by the Council. The contract was initially awarded

for a 5-year term. Two incidents of flooding occurred in 2014 and 2015 which meant the facility was closed for a period of time. Following the resolution of these incidents, the contract was extended by a year to 30 September 2019 when it expired.

- 3.3.2. At this point the operational losses of the Pyramids were revealed by BH Live. They amounted to £1.8m in losses over the course of the 6-year contract. This situation was clearly unsustainable and so the council entered into an open book arrangement under which it was agreed to underwrite the deficit in order to keep the facility open with the intent of taking a short period of time to understand the various scenarios available to minimise operational losses at the site.
- 3.3.3. With the contract having expired, the council and BH Live implemented an agreement, via a letter of intent from October 2019, to continue under the terms of the original contract and for the council to underwrite any operational losses. With the arrival of the Covid-19 pandemic, this arrangement was continued until the end of January 2021. Due to the imposition of further social distancing measures in early 2021, the council and BH Live agreed to extend the arrangement via a further letter of intent up to the end of March 2022 to be co-terminus with the interim arrangements for the main leisure management contract. These measures were approved by the council's procurement gateway board in April 2021.
- 3.3.4. In August 2020, following a period where resources were directed at responding to the pandemic, officers were able to resume work on addressing the situation at the Pyramids. There was already a capital allocation for renovation of the building – the bulk of the cost would be replacement or major refurbishment of mechanical plant and electrical installations and works needed to the fabric of the building such as relaying flooring extensively and redecorating most areas. An options appraisal in 2018 had concluded that the best way to minimise operational losses was instead to close the pool as it was the single most expensive element of the facilities at the Pyramids.
- 3.3.5. In February 2020, BH Live presented the council with a proposal which would transform the pool area into a ('dry') indoor adventure centre with play and trampoline elements; the Plaza events space would be transformed into a large multi-zone gym. The existing gym would be converted into group exercise studios and the Glasshouse and Solent View events spaces would be retained. This work is complete with the adventure centre having opened in August 2021 as 'Exploria' with encouraging trading results and the gym having opened in January 2022 under the existing 'BH Live Active' brand.

3.4. Negotiations

- 3.4.1. Meetings took place between council officers and BH Live representatives between August and November 2021 to arrive at a position where the objectives (as set out below) could be met while acknowledging the current uncertainties in the leisure market.
- 3.4.2. **Objectives:**
 - Agree a new management fee payable to the council which reflects the fact that previous payments were unsustainable for BH Live even pre-Covid-19, but that any deleterious impact on the council's culture and

leisure budgets must be minimised. A new realistic leisure operating base trading account (LOBTA) must be agreed – one which would operate sustainably for the duration of the contract and not result in a return to negotiations as occurred in 2018.

- Revert contractually, (aside from the revised LOBTA, and some variations which have been agreed to improve performance) to the main sports and leisure management contract as awarded in 2017, ie the interim variations covering the past 2 years which waived the management fee shall expire.
- Resolve the contractual arrangements with the Pyramids. Continuing arrangements, under a letter of intent, is not acceptable to the council going forward. However, a new procurement exercise, for an operator of the Pyramids as a standalone facility is not currently desirable to the council owing to the leisure market which is only gradually recovering from the pandemic.
- Resolve the issue that the Pyramids has been occupied and operated by BH Live since 2013, but no lease had been agreed. The issue related to maintenance responsibilities, but the investment into Exploria and the new gym has largely addressed any significant maintenance risk for the operator and should allow a lease to be entered into and maintenance responsibilities at the Pyramids to be largely aligned with those of the main sports and leisure management contract.

3.4.3. Outcomes:

- **Contractual resolution for the Pyramids**

The interim contractual arrangements (letter of intent) at the Pyramids will expire on 31 March 2022 and the facility will be included in the main sports and leisure management contract via a contract variation. When the main contract was procured the OJEU contract notice explicitly included provision to accommodate additional facilities and so this represents the most appropriate route to re-enter formal contractual arrangements for the Pyramids in a way that is compliant with procurement regulations.

As the council has invested significantly in the transformation of the Pyramids into Exploria and the large well-equipped gym this arrangement for the Pyramids is initially for 2 years only with the provision to extend arrangements thereafter by agreement up to the expiry of the main contract. The agreement is that the council and BH Live will undertake a financial review after 12 months of the facility being fully open (ie in January 2023) and re-negotiate the operating surplus share arrangements including a guaranteed management fee to the council to begin in April 2023 - in light of a full 12 months trading information. This assumes that it will be agreed that the arrangements are to be extended beyond the initial 2-year period; if not, this gives the council time to procure an alternative operator.

- **Agreement on the management fee**

It was agreed that due to the capital investment made into the facility by the Council that from 1 April 2022 the Council would no longer be liable to underwrite any operating deficit from the facility and any operational surplus would be shared 75/25 preferentially to the council.

- **Resolution of the lease for the Pyramids**

The Pyramids lease from 2013 was not signed due to disagreement over maintenance responsibilities. Since then a working arrangement has been in place which, while based on the split of maintenance responsibilities from the main sports and leisure management contract, departed from it in that it contained a cap on the operator's liability for any maintenance element. This has not always worked satisfactorily.

With the large-scale changes that have been made to the Pyramids building, including the fact that a considerable amount has been spent on addressing maintenance issues, and the fact that many items which require expensive maintenance have been taken out of commission, the maintenance risk from the building is much lower than before the re-purposing project.

Consequently, it has been agreed that the maintenance responsibilities at the Pyramids will be the same as the rest of the facilities covered by the sports and leisure maintenance contract with the following exclusions:

- External glazing – repair and replacement to be the council's responsibility.
- Sprinkler system – repair and replacement to be the council's responsibility (NB the sprinkler system has been drained, capped off, and decommissioned so this provision will only apply in the unlikely event that it is required to be re-commissioned).
- The Plaza access lift – repair and replacement to be the council's responsibility (NB the plaza access lift has been decommissioned so this provision will only apply in the unlikely event that it is required to be re-commissioned).

4. Reasons for recommendations

- 4.1. The agreement reached represents the conclusion of a negotiation that has been entered into with the intent of maintaining a partnership relationship, keeping facilities open, providing an important community service, and a desire to retain a balance of risk and reward between the parties. It also acknowledges the extent of investment into facilities by the council and provides a mechanism to incentivise BH Live to drive up operating surplus.
- 4.2. This brings to a close a two-year period during which the council has incurred extensive unprecedented costs (partly offset by Government and Sport England grants) in order to retain the leisure service in a position where it can re-open following the pandemic. There are encouraging signs that participation levels are returning to pre-Covid-19 levels. This rightly returns BH Live to a position where it

is exposed to the risks and vagaries of the market, without the council underwriting operational losses.

4.3. This represents a second re-negotiation of the contract LOBTA since 2017, and both parties were motivated to reach an agreement where no further re-negotiations are required for the duration of the contract. To this end it represents a realistic position given the forecasts for the remaining six years, but one which does not return to the unsustainable pre-Covid-19 levels of management fee for the council.

4.4. The variation agreement, if approved, will come into effect on 1 April 2022.

5. Integrated impact assessment

5.1. An integrated impact assessment has been completed.

6. Legal implications

6.1. This is a proposed variation to the Council's leisure operating contract with BH Live (company registered number 07092112). The contract was publicly procured as a light touch services contract pursuant to the Public Contracts Regulations 2015 ("PCRs") under OJEU number 2016/S 068-118047 dated 7 April 2016.

6.2. Regulation 72 of the PCRs contains provisions regulating variations to concluded contracts. This includes where the original procurement provided clear variation provisions and non-substantial variations.

6.3. The original OJEU notice stated:

"The Council reserves the right to extend the scope of the contract to cover additional sporting, leisure and cultural sites and services across the City, either in whole or in part. Take up of options to extend the scope will be at the Council's sole discretion. Should these options be taken in full the per annum value could increase to approx. 13 500 000 GBP."

6.4. General principles of transparency, equal treatment and non-discrimination should be complied with. The Council must also consider and satisfy its statutory duty of best value (section 3 of the Local Government Act 1999).

6.5. The contract was originally executed by the Council under seal. The Council's Contract Procedure Rules govern that where a contract is executed under seal it may only be varied by a deed.

7. Director of Finance's comments

The financial implications of the Covid 19 impact and the contract renegotiations are included in appendix A.

To date the Council has funded any additional costs and lost income from Covid related grant funding and specific reserves. The proposals presented in this report seek to regularise the contractual position and management fee arrangements on an ongoing basis. This will present an additional net cost to the Portfolio Budget, arising from the reduction in the renegotiated management fees. The Budget approved by Full Council on 15 February 2022 has made full budgetary provision consistent with these proposed changes.

Going forward from 1 April 2022 no operational deficits are forecast however if they were to arise the Council will not be expected to provide any further support. In addition to this there is a guaranteed management fee due from the main Sports and Leisure facilities and one expected from the Pyramids from April 2023. In both cases any operational surpluses over and above the re-negotiated management fees payable to the Council will also become due to the Council on a preferential share.

Whilst there has been a requirement to increase the Portfolio's Budget to reflect all of these changes, the overall financial position still remains more favourable compared with the previous contract.

.....
Signed by:

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & - Diversity - This can be found in Section A5

Directorate:

Culture Leisure and Regulatory Services

Service, function:

Sports and leisure

Title of policy, service, function, project or strategy (new or old) :

Renegotiated sports and leisure facilities management contract

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

The operational management of the council's sports and leisure (built) facilities - ie Mountbatten Centre, Tennis Centre, Gymnastics Centre, Charter Community Sports Centre, Wimbledon Park Sports Centre, Eastney Swimming Pool, Pyramids.

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

No specific consultation for this renegotiation. We have extensive wider consultation that shows that residents value the city's leisure facilities.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A1-Crime - Will it make our city safer?



In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The presence of popular and well-run facilities increases footfall and public presence in the nearby public spaces. Busy public spaces are usually safe spaces, and so this may tend to decrease the likelihood of ASB in surrounding areas. Having an attractive, affordable leisure offer will provide opportunities for young people to participate in active healthy lifestyle choices and provides an outlet for their energy to divert them away from ASB.

How will you measure/check the impact of your proposal?

By monitoring the extent of reported ASB

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?



In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

This project will not have any impact on the quantity of housing in the city. The proximity of well-run accessible

leisure facilities is generally seen as a positive factor in people's choices of where to live.

How are you going to measure/check the impact of your proposal?

N/A

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?



In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Leisure facilities form a key part of the council's approach to encouraging physical activity, particularly in under-represented groups (women and girls, people with disability, older people, people on low incomes). The wider H&IOW physical activity strategy acknowledges that quality leisure facilities represent an important element in the movement towards increasing physical activity. The leisure operators are encouraged to increase accessibility to people new to exercise, and take increasing numbers of GP referrals for people with obesity and chronic respiratory disease.

How are you going to measure/check the impact of your proposal?

Management information will allow us to track trends in participation in sports and leisure, and will include demographic data.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?



In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The management of the council's sports and leisure estate is commissioned in such a way that the operator must minimise barriers to access sports and leisure opportunities. This will include those on low incomes, and our facilities are included in the council's Leisure Card scheme which offers a discount to residents of Portsmouth in receipt of Universal credit, Income support, Income based

How are you going to measure/check the impact of your proposal?

Management information about uptake of the leisure card scheme and use of leisure card discounts at sports and leisure facilities.

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?



In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The council's service specification already includes a requirement to remove barriers to access sports and leisure opportunities to under-represented groups. This is in line with our obligations under the Equality Act 2010 and the national governing body Sport England's strategy Uniting the Movement.

How are you going to measure/check the impact of your proposal?

Management information from BH Live members includes details about some of the protected characteristics so this will give us insight into trends of participation among these groups of people.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?



In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

We work closely with our leisure facilities operator, along with colleagues in the council's energy team, to look for opportunities to reduce energy costs and consequently this will contribute to carbon reduction. Examples are the use of combined heat and power at the Mountbatten Centre, use of solar PV panels at many of our facilities (we are currently looking at installing PV at the Pyramids, and the proposed new roof at the Mountbatten Centre will potentially accommodate more PV panels.

How are you going to measure/check the impact of your proposal?
Energy use is continuously monitored.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?



In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Triston.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>
<https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

See above - the response to the carbon question addresses energy use.

How are you going to measure/check the impact of your proposal?
Energy use is continuously monitored.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding?

In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

No relevance to flooding. This is a contractual variation to an existing working model. The proximity of most of the leisure estate to the coast (Mountbatten Centre, Gymnastics Centre, Tennis Centre, Pyramids) means it will benefit from the flood defences currently being installed.

How are you going to measure/check the impact of your proposal?

Frequency of flooding events in the leisure estate can be monitored (last significant event was 2014 at the Pyramids).

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?

In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The contract relates to the management of the council's built sports and leisure facilities, not our outdoor spaces. Where there is small area of green space within the curtilage of leisure buildings the operator manages these in line with the council's parks department principles and standards (including guidance on pesticide use).

How are you going to measure/check the impact of your proposal?

No provision to monitor performance in this area.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?



In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Presence of well-run sports and leisure facilities in places where people need them will encourage active travel choices. We encourage people to walk or cycle to our facilities.

How are you going to measure/check the impact of your proposal?
We will not monitor air quality.

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?



In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Not related to road safety or transport. We aim to ensure that our facilities have adequate parking, whilst encouraging active travel options.

How are you going to measure/check the impact of your proposal?
N/A

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?

In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Leisure facilities typically generate small quantities of waste.

How are you going to measure/check the impact of your proposal?

N/A

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?



In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

Our leisure facilities are important cultural attractions. They provide opportunities for individual and team/group exercise, they can be used as venues for a wide range of events. The leisure operator is experienced in delivering events at venues across the south coast.

How are you going to measure/check the impact of your proposal?
Income from events and attractions is monitored closely on a monthly basis.

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?



In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The leisure operator depends on a flexible local workforce for running the leisure estate and uses a blend of substantive and temporary posts to meet changes in demand. All staff are trained as part of their role in specialist areas like personal training and teaching swimming, and also in more general areas like first aid.

How are you going to measure/check the impact of your proposal?
Through the monthly contract management meetings.

Is your policy/proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?



In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

One of the factors that make a place attractive to people to live is its cultural offering. Quality, well managed leisure centres are popular with people, and this translates to Portsmouth being an attractive place to live. Good quality places attract good quality workforces, which will be attractive to businesses looking at where to invest.

How are you going to measure/check the impact of your proposal?
No plans to check this.

Q8 - Who was involved in the Integrated impact assessment?

David Moorman, strategic development manager

This IIA has been approved by: Stephen Baily

Contact number: 07825 280803 (DM)

Date: 10 March 2022



Integrated Impact Assessment (IIA)

Integrated impact assessment (IIA) form December 2019

www.portsmouth.gov.uk

The integrated impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies that could impact positively or negatively on the following areas:
 - Communities and safety
 - Regeneration and culture
 - Environment and public space
 - Equality & - Diversity - This can be found in Section A5

Directorate:

Housing, Neighbourhood and Building Services

Service, function:

Waste Management

Title of policy, service, function, project or strategy (new or old) :

Waste collection provision

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

What is the aim of your policy, service, function, project or strategy?

To agree the delivery model for waste collection from 1 October 2023

Has any consultation been undertaken for this proposal? What were the outcomes of the consultations? Has anything changed because of the consultation? Did this inform your proposal?

No consultation with residents but considerable soft market testing and research with other local authorities and considering alternative delivery methods

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A1-Crime - Will it make our city safer?

In thinking about this question:

- How will it reduce crime, disorder, ASB and the fear of crime?
- How will it prevent the misuse of drugs, alcohol and other substances?
- How will it protect and support young people at risk of harm?
- How will it discourage re-offending?

If you want more information contact Lisa.Wills@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-spp-plan-2018-20.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How will you measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A2-Housing - Will it provide good quality homes?

In thinking about this question:

- How will it increase good quality affordable housing, including social housing?
- How will it reduce the number of poor quality homes and accommodation?
- How will it produce well-insulated and sustainable buildings?
- How will it provide a mix of housing for different groups and needs?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/psh-providing-affordable-housing-in-portsmouth-april-19.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A3-Health - Will this help promote healthy, safe and independent living?

In thinking about this question:

- How will it improve physical and mental health?
- How will it improve quality of life?
- How will it encourage healthy lifestyle choices?
- How will it create healthy places? (Including workplaces)

If you want more information contact Dominique.Letouze@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cons-114.86-health-and-wellbeing-strategy-proof-2.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How are you going to measure/check the impact of your proposal?

A - Communities and safety

Yes

No

Is your policy/proposal relevant to the following questions?

A4-Income deprivation and poverty-Will it consider income deprivation and reduce poverty?

In thinking about this question:

- How will it support those vulnerable to falling into poverty; e.g., single working age adults and lone parent households?
- How will it consider low-income communities, households and individuals?
- How will it support those unable to work?
- How will it support those with no educational qualifications?

If you want more information contact Mark.Sage@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-homelessness-strategy-2018-to-2023.pdf>
<https://www.portsmouth.gov.uk/ext/health-and-care/health/joint-strategic-needs-assessment>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How are you going to measure/check the impact of your proposal?

A - Communities and safety	Yes	No
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Is your policy/proposal relevant to the following questions?

A5-Equality & diversity - Will it have any positive/negative impacts on the protected characteristics?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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In thinking about this question:

- How will it impact on the protected characteristics-Positive or negative impact (Protected characteristics under the Equality Act 2010, Age, disability, race/ethnicity, Sexual orientation, gender reassignment, sex, religion or belief, pregnancy and maternity, marriage and civil partnership,socio-economic)
- What mitigation has been put in place to lessen any impacts or barriers removed?
- How will it help promote equality for a specific protected characteristic?

If you want more information contact gina.perryman@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-equality-strategy-2019-22-final.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B1-Carbon emissions - Will it reduce carbon emissions?

In thinking about this question:

- How will it reduce greenhouse gas emissions?
- How will it provide renewable sources of energy?
- How will it reduce the need for motorised vehicle travel?
- How will it encourage and support residents to reduce carbon emissions?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B2-Energy use - Will it reduce energy use?

In thinking about this question:

- How will it reduce water consumption?
- How will it reduce electricity consumption?
- How will it reduce gas consumption?
- How will it reduce the production of waste?

If you want more information contact Triston.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

<https://democracy.portsmouth.gov.uk/documents/s24685/Home%20Energy%20Appendix%201%20-%20Energy%20and%20water%20at%20home%20-%20Strategy%202019-25.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B3 - Climate change mitigation and flooding-Will it proactively mitigate against a changing climate and flooding?

In thinking about this question:

- How will it minimise flood risk from both coastal and surface flooding in the future?
- How will it protect properties and buildings from flooding?
- How will it make local people aware of the risk from flooding?
- How will it mitigate for future changes in temperature and extreme weather events?

If you want more information contact Tristan.thorn@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-surface-water-management-plan-2019.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/cou-flood-risk-management-plan.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B4-Natural environment-Will it ensure public spaces are greener, more sustainable and well-maintained?

In thinking about this question:

- How will it encourage biodiversity and protect habitats?
- How will it preserve natural sites?
- How will it conserve and enhance natural species?

If you want more information contact Daniel.Young@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-solent-recreation-mitigation-strategy-dec-17.pdf>

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B5-Air quality - Will it improve air quality?

In thinking about this question:

- How will it reduce motor vehicle traffic congestion?
- How will it reduce emissions of key pollutants?
- How will it discourage the idling of motor vehicles?
- How will it reduce reliance on private car use?

If you want more information contact Hayley.Trower@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B6-Transport - Will it improve road safety and transport for the whole community?

In thinking about this question:

- How will it prioritise pedestrians, cyclists and public transport users over users of private vehicles?
- How will it allocate street space to ensure children and older people can walk and cycle safely in the area?
- How will it increase the proportion of journeys made using sustainable and active transport?
- How will it reduce the risk of traffic collisions, and near misses, with pedestrians and cyclists?

If you want more information contact Pam.Turton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/travel/local-transport-plan-3>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How are you going to measure/check the impact of your proposal?

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B - Environment and climate change

Yes

No

Is your policy/proposal relevant to the following questions?

B7-Waste management - Will it increase recycling and reduce the production of waste?

In thinking about this question:

- How will it reduce household waste and consumption?
- How will it increase recycling?
- How will it reduce industrial and construction waste?

If you want more information contact Steven.Russell@portsmouthcc.gov.uk or go to:

<https://documents.hants.gov.uk/mineralsandwaste/HampshireMineralsWastePlanADOPTED.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

How are you going to measure/check the impact of your proposal?

n/a

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C1-Culture and heritage - Will it promote, protect and enhance our culture and heritage?

In thinking about this question:

- How will it protect areas of cultural value?
- How will it protect listed buildings?
- How will it encourage events and attractions?
- How will it make Portsmouth a city people want to live in?

If you want more information contact Claire.Looney@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/pln-portsmouth-plan-post-adoption.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How are you going to measure/check the impact of your proposal?

C - Regeneration of our city

Yes

No

Is your policy/proposal relevant to the following questions?

C2-Employment and opportunities - Will it promote the development of a skilled workforce?

In thinking about this question:

- How will it improve qualifications and skills for local people?
- How will it reduce unemployment?
- How will it create high quality jobs?
- How will it improve earnings?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

n/a

How are you going to measure/check the impact of your proposal?

Is your policy/proposal relevant to the following questions?

C3 - Economy - Will it encourage businesses to invest in the city, support sustainable growth and regeneration?

In thinking about this question:

- How will it encourage the development of key industries?
- How will it improve the local economy?
- How will it create valuable employment opportunities for local people?
- How will it promote employment and growth in the city?

If you want more information contact Mark.Pembleton@portsmouthcc.gov.uk or go to:

<https://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf>

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?

The waste collection function currently employs local people and it is expected that it will continue to do so. The transfer of Undertakings (Protection of employment) regulations (TUPE) ensure that staff who are currently employed and dedicated to this contract will transfer to any future employer - contract or Council.

How are you going to measure/check the impact of your proposal?
TUPE regulations will be adhered to if any transfer is required.

Q8 - Who was involved in the Integrated impact assessment?

Colette Hill

This IIA has been approved by: James Hill

Contact number: 023 9283 4872

Date: February 2022