
NOTICE OF MEETING

CABINET

TUESDAY, 21 JUNE 2022 AT 12.00 PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Democratic Services - Tel 023 9283 4060

Email: Democratic@portsmouthcc.gov.uk

Please note the public health requirements for attendees at the bottom of the agenda.

Membership

Councillor Gerald Vernon-Jackson CBE (Chair)

Councillor Suzy Horton (Vice-Chair)

Councillor Chris Attwell

Councillor Kimberly Barrett

Councillor Darren Sanders

Councillor Lynne Stagg

Councillor Jason Fazackarley

Councillor Lee Hunt

Councillor Steve Pitt

Councillor Matthew Winnington

Information with regard to public access due to Covid precautions

- Following the government announcement 'Living with COVID-19' made on 21 February and the end of universal free testing from 1st April, attendees are no longer required to undertake an asymptomatic/ lateral flow test within 48 hours of the meeting however we still encourage attendees to follow the PH precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.

- 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. Updated government guidance from 1 April advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April, anyone with a positive COVID-19 test result is being advised to follow this guidance for five days, which is the period when you are most infectious.

- 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.

(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

1 Apologies for Absence

2 Declarations of Interests

3 Record of Previous Decision Meeting - (Pages 7 - 18)

A copy of the record of the previous decisions taken at Cabinet on 22 March 2022 is attached.

4 Exclusion of Press and Public

RECOMMENDED 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
Provision of Waste Collection Services - appendices 1, 2, 3, 5 & 6	3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

5 Provision of Waste Collection Services (Pages 19 - 36)

Purpose

To provide Cabinet with the information required to inform the decision on the future delivery method for provision of waste collection services in the City at the end of the current contract period and sets out the implementation timescales involved in the various options.

RECOMMENDATION

- 1 Cabinet is asked to consider the options for the City's future waste collection service with careful consideration of the opportunities and risks, including the financial consequence to the City Council for each option. Cabinet has made it clear to officers that their preference is to bring the service back in house. In this case it is a finely balanced judgement, and this report seeks a decision on the delivery model from Cabinet.**
 - Waste collection services are brought 'in house'**
 - Waste collection services are subject to procurement for an external contractor**
- 2 Cabinet notes that either of the options will require the work to implement the decision to start immediately to ensure service continuity.**
- 3 Cabinet takes this opportunity to commend the work of the PCC (Portsmouth City Council) waste management team and the contractor, BIFFA municipal for their response to the pandemic in maintaining the City's collection services, noting the largely uninterrupted service delivery throughout the pandemic, and additionally the impressive delivery of service improvements throughout the pandemic, including the roll out of additional food waste rounds.**

6 Response to the Housing & Social Care Scrutiny Panel review of the Procedures and Performance of Portsmouth City Council and Housing Associations in Relation to Response Repairs and Maintenance. (Pages 37 - 72)

Purpose.

The purpose of this report is to set out the response of officers to the Housing & Social Care Scrutiny Panel's recommendations arising from a review of procedures and performance of Portsmouth City Council (PCC) and Housing Associations in relation to response repairs and maintenance.

RECOMMENDED that:

- 1. The Panel is thanked for its work in undertaking the review.**
- 2. The Cabinet notes and supports the recommendations of the review, which are listed in section 4 of the report and response of officers.**

7 Portsmouth City Council - Gas Contract - Update to the Report of March 2022 (Pages 73 - 90)

Purpose.

1. To update Cabinet as to the changes in structure of Gazprom Marketing and Trading Limited ("Gazprom M&T") trading as Gazprom Energy and the control of their parent company, Gazprom Germania, since the Cabinet decision in March 2022.
2. To provide context, evidence and reassurance that conditions have significantly changed since March 2022, and that further, positive developments are likely in the coming weeks and months.
3. To provide evidence that Gazprom M&T, nor its parent company Gazprom Germania, are directly buying Russian gas.
4. To show that many of the risks associated with terminating the existing corporate gas contract ("the Contract") highlighted in the report to Cabinet in March 2022 (Appendix A of this report), remain.
5. In light of these changes to approve recommendations which amends the decision made by Cabinet in March 2022, which instructed officers to terminate the contract with Gazprom M&T.

RECOMMENDED that

- 1. Consider the content of this report, particularly the breakage of the link between Gazprom M&T with the Russian state, which was made by the change in ownership of the single shareholder; from the Russian Federation to Gazprom Germania on the 4th April 2022.**
- 2. Notes the change in control of Gazprom Germania, the parent company and single shareholder of Gazprom M&T, enacted by the German Government resulting in Gazprom Germania being under the control of the German Federal Network Agency 4th April 2022.**
- 3. Cabinet notes that Gazprom M&T are not placing direct orders for Russian gas.**
- 4. Cabinet notes that Gazprom Germania is not directly placing orders for Russian gas and is prevented from doing so, should it wish to, by Russian sanctions.**
- 5. Cabinet notes the financial and legal risk, detailed within this paper and the paper of March 2022, associated with terminating the**

Contract in June 2022.

- 6. Cabinet instructs officers in light of the changed circumstances not to terminate the Contract with Gazprom M&T on or before the 30th June 2022, in line with the contract conditions.**

8 Household Support Fund Report for Gold (Pages 91 - 100)

Purpose.

To outline the assistance being provided to residents of Portsmouth in financial hardship, making use of the Household Support Fund made available by the Department for Work and Pensions.

RECOMMENDED that the Cabinet note the report.

9 Air Quality Quarterly Report

This report will follow.

10 Appointments to Outside Bodies & Member Champion Appointments (Pages 101 - 146)

Purpose.

To agree appointments to represent the council on the governing bodies of the outside organisations listed in Appendix 1 for the 2022/ 23 municipal year.

RECOMMENDED that

- 1. Cabinet agrees appointments to represent the Council on those outside organisations set out in Appendix 1 for the 2022/23 municipal year; and**
- 2. Cabinet agrees Member Champion positions and appointments for the 2022/23 municipal year.**

11 Modern Slavery Statement (Pages 147 - 172)

Purpose.

The purpose of this report is to provide context to the council's Modern Slavery Transparency Statement, progress against the improvement plan and to seek approval to publish the statement on the council's website (appendix 1).

RECOMMENDED that the Cabinet approves:

- 1. The Modern Slavery and Human Trafficking Statement for the signature of the Leader and publication on the council's website (see appendix 1) and**
- 2. The programme of work set out in item 10 of this report.**
- 3. Full Council is asked to note the decision of the cabinet to approve and publish the statement.**

12 King George V Playing Fields Development (Pages 173 - 180)

Purpose

To update the Cabinet on progress with development of the proposed new all-weather pitches and pavilion at King George V Playing Fields (the "Scheme"); and to seek necessary delegations to enable the Scheme to continue moving forward in a timely fashion.

RECOMMENDED that Cabinet:

- i. Note progress with the King George V Playing Fields Scheme and plans for continued development of the Scheme;**
- ii. Delegate authority to the Director of Finance and Resources to authorise the entering into a grant agreement for the Scheme that includes a clawback period (in the event that the facilities are no longer be used for the activities the grant was awarded for) once the final terms and conditions of funding are known; and**
- iii. Authorise the formal advertising of disposal of open space, which will be the result of granting a lease to an operator.**

13 TECS Scrutiny Panel Recommendations - A Review into the Accessibility of the Transport Network (Pages 181 - 240)

Purpose.

The purpose of this report is to set out the response of officers to the Traffic, Environment and Community Safety (TECS) Scrutiny Panel's recommendations arising from a review into the accessibility of Portsmouth's transport network.

RECOMMENDED that Cabinet:

- 1. Thank the panel for its work in undertaking the review;**
- 2. Note and support the 40 recommendations of the review, which are listed in section 4 and appendix B of the report;**
- 3. Note and support the recommendations listed in 4.2.1 to 4.2.30 which are in progress and the responses from of officers detailing how these are being met;**
- 4. Note and support recommendations listed in 4.3.1 to 4.3.10 and the officers comments that these be accepted and actioned only once funding and resources are identified.**

14 QA Emergency Ward Support

This report will follow.

15 Milton Neighbourhood Plan

This report will follow.

16 National Bus Strategy - Enhanced Partnership Plan and Scheme

This report will follow.

Agenda Item 3

CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Tuesday, 22 March 2022 at 1.30 pm at the Guildhall, Portsmouth

Present

Councillor Gerald Vernon-Jackson CBE (Chair)
Suzy Horton (Vice-Chair)
Chris Attwell
Dave Ashmore
Ben Dowling
Jason Fazackarley
Hugh Mason
Darren Sanders
Lynne Stagg

47. Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Kimberly Barrett. The Cabinet agreed to consider agenda item no.16 (Climate Change Strategy and Carbon Budget) first so that Councillor Barrett could participate remotely.

48. Declarations of Interests (AI 2)

Councillor Sanders declared a personal interest in agenda item no.4 (Additional Licensing for Houses of Multiple Occupation) as he is a tenant in a house of multiple occupation.

49. Record of Previous Decision Meetings (AI 3)

The record of the previous decisions taken at the Cabinet meetings on 14 February 2022 were approved as a correct record.

50. URGENT ITEM - Renewal of Armed Forces Contract

Caroline Hopper, Lead Officer, Armed Forces Covenant, introduced the report and explained the reason for urgency was because of legislative and process changes due to come into force at the end of the year.

DECISION:

The Cabinet approved the signing of the Armed Forces covenant and that the Leader of the Council be given delegated authority to effect the signing.

51. URGENT ITEM - Portsmouth City Council - Gas Contract

Andrew Waggott, Head of Energy Services, introduced the report and explained the reason for urgency was because of the Russian invasion of Ukraine. Councillor Vernon-Jackson realised events may move quickly in the next few days. He hoped there would be action from the government but otherwise it is up to the council to decide to withdraw from the contract.

DECISIONS - Cabinet:

1. Considered the content of the report and the option available to terminate the contract with Gazprom in compliance with the contract conditions referencing termination.
2. Determined if they wish to exercise the option to terminate the contract with Gazprom in compliance with the contract conditions referencing termination; and so;
3. Instructed officers to serve notice to terminate the Gazprom contract effective from 30 June 2022 to end the contract on 30 September 2022.
4. Delegated authority to the Director of Housing, Neighbourhoods and Building Services (in consultation with the Section 151 Officer and the City Solicitor) the authority to terminate the contract with Gazprom in compliance with the contract conditions referencing termination.
5. Delegated authority to the Director of Housing, Neighbourhoods and Building Services (in consultation with the Section 151 Officer and the City Solicitor) to commence a procurement exercise to confirm a new supplier from 1 October 2022; focussing on sourcing routes that allow for the lawful exclusion of Gazprom from bidding for the contract.
6. Asked officers to continue to work with external partners from government, the Local Government Association (LGA), brokers and peer authorities to highlight issues and suggest remedies to the situation that this and other councils find themselves in with regards to Gazprom contracts.
7. Requested a paper be put to Cabinet at the next available meeting in the new municipal year to provide an update and to detail the total known costs of exiting the Gazprom contract ahead of its full term; reflecting market conditions and the costs which will only be clear at the point of formal termination.
8. Noted that the events in Ukraine and the conditions of the gas commodity market remain extremely fluid and note the availability of the Chief Executive's emergency powers to be used, should matters change materially in coming weeks.
9. Following the Full Council meeting on 15 March 2022, and the discussion on this matter arising from an emergency Members' question, the Leader is asked to write to the energy broker to ask that they waive their fees associated with this contract termination, or that they consider donating the fee to an appropriate charity supporting the crisis in Ukraine.

52. Additional Licensing of Houses of Multiple Occupation (AI 4)

Paul Fielding, Assistant Director (Housing), introduced the report.

Deputations were heard from:

- Dom Owen, Democracy & Campaigns Officer, University of Portsmouth Students' Union
- Martin Silman, Chairman, Portsmouth & District Private Landlords' Association
- Councillor Cal Corkery

Deputations are not minuted but can be found on the council's website at

[Agenda for Cabinet on Tuesday, 22nd March, 2022, 1.30 pm Portsmouth City Council](#)

In response to questions from members, officers said there is legislation that would allow the council to have a licensing system for all rented accommodation and check if all landlords were fit and proper. The Private Sector Housing strategy had examined the case for selective licensing but the evidence did not point in this direction.

Councillor Sanders, Cabinet Member for Housing and Preventing Homelessness, supported licensing for smaller houses of multiple occupation (HMO). The council had introduced additional licensing in 2013 for the post code areas PO1, PO4 and PO5 as there was evidence of problems there. However, the government stopped this in 2018. The fact that small HMOs can become "super" HMOs under permitted development rights makes a mockery of legislation. The council's survey shows that HMOs are nearly three times more likely to have hazards than other rented properties. If approved, the proposals will give the council the tools to enforce standards across the city and help improve conditions for tenants and neighbours. As part of the council's holistic Private Rented Sector strategy it already has a mediation scheme. Under additional licensing the state of the property would be part of the licence. Renting needs to be easier and safer. The council could impose additional licensing without consultation but it prefers to consult residents rather than dictate to them. Community cohesion is key. He requested the Cabinet to allow drafting amendments before going out to consultation.

Councillor Horton is a licensed landlord (not in Portsmouth) and responds within a day to tenants but has seen from casework in the Central Southsea ward that some landlords are not being held to account for poor accommodation. HMOs cause issues for both tenants and neighbours. Cases involving HMOs can take 40 to 50 hours to resolve and involve liaising with different council departments as well letting agencies, tenants and landlords. Credit needs to be given to council officers. Not all landlords provide poor accommodation but the proposals will send the right message about acceptable standards.

Councillor Vernon-Jackson said the council was on the side of good landlords and tenants and should use powers to push bad ones to improve. The council has to show that residents want it to proceed and that there is a problem. HMOs are an increasing area of concern.

DECISIONS - Cabinet:

- 1. Agreed that the city council will start the consultation process on the introduction of an additional licensing scheme for HMOs.**
- 2. Subject to recommendation 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). The consultation will start on 23 May 2022 with any drafting changes delegated to the Director of Housing, Neighbourhoods & Building Services in consultation with the Cabinet Member for Housing & Preventing Homelessness.

53. Update on the Street Homelessness & Rough Sleeping Partnership Strategy (AI 5)

Teresa O'Toole, Head of Housing Needs, Advice & Support, introduced the report. Councillor Vernon-Jackson recorded thanks for the support for homeless people during the pandemic.

Councillor Corkery made a deputation.

Councillor Sanders said the narrative has changed so that homeless people are treated as human beings and not swept away. There is a huge political consensus across the city to try to prevent homelessness in the first place. The biggest cause is landlords evicting tenants. Nationally Portsmouth is recognised as one of the best providers of homelessness services and is leading the country. He thanked the Housing opposition spokespeople for their support for the principles.

The Cabinet noted the report.

54. Horatia and Leamington Development - Delivery Next Steps (AI 6)

James Hill, Director of Housing, Neighbourhood & Building Services, introduced the report.

Councillor Corkery made a deputation.

Councillor Attwell extended his thanks to Mary Devaney, Housing Development Project Leader, and Tim Raw, Engagement Manager, for their community engagement work, and particularly to the people of Somerstown. Over 250 people attended an event in November for the Somerstown Gallery despite bad weather. Councillor Sanders noted that by putting local people in

charge, rather than imposing from above, the development would be successful and enhance Somerstown. He agreed with Councillor Corkery that decisions on disposal of the block B land should be as open as possible.

DECISIONS - Cabinet:

- 1. Approved 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 15 September 2020 and Full Council 13 October 2020 for the whole development scheme**
- 2. Approved in principle the disposal of land, from the HRA and 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. Cabinet requests that a report to agree the disposal of this land is brought back to it. The land disposal would be defined by a red book valuation and the capital receipt is used to support the HRA development.**
- 3. Noted 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 15 September 2020 and Full Council 13 October 2020, additional spending would be subject to a cabinet and full council report.**
- 4. Noted 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. Delegated 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. Delegated 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. Delegated 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. Placed 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.**

- 55. National Bus Strategy: Portsmouth Enhanced Partnership (AI 7)**
Peter Shelley, Transport Development Manager, introduced the report.

Councillor Stagg, Cabinet Member for Traffic and Transportation, welcomed the Partnership as the obvious way to improve sustainability and air quality but it depends very much on people using buses as the bus companies are not charities. The aim is to try to get people to use cars less often. Around £8bn is lost annually because of congestion and a meeting of Transport for the South East the previous day had predicted that car ownership will rise by 23%. The Partnership imposes obligations on both the council and the bus companies.

DECISIONS - Cabinet:

- 1. Approved the Draft Portsmouth Enhanced Partnership Plan and Scheme, for submission to the Department for Transport by 29 April 2022;**
 - 2. Delegated 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. Noted that the Enhanced Partnership Plan and Scheme will be monitored through the Enhanced Partnership Board.**
- 56. Use of Pesticides on City Council Land (AI 8)**
Adrian Rozier, Service Manager (Parks & Open Spaces), introduced the report.

Members noted that the council cannot stop using pesticides entirely but the report shows what can be done to minimise their use.

The Cabinet noted the report.

- 57. Southsea Coastal Scheme - Memorial Benches (AI 9)**
Guy Mason, Highways & Coastal Team Leader, introduced the report

Members acknowledged the sensitivity and importance of the benches for residents but the sea defences work cannot take place without removing them. When families cannot be contacted the plaques will be preserved for the length of time they were purchased for. Members were impressed with the speed of response to enquiries.

The Cabinet noted the report.

- 58. Member Champions annual update (AI 10)**
Members said it was good to have a written report of the Champions' work over the last year. They thanked the Champions and also James Harris, Senior Local Democracy Officer, for his work on the revised Member Champions' protocol.

The Cabinet noted the report.

59. LED Street Lighting - Adaptive Lighting Review (AI 11)

Caroline Hopper, Business Assurance Lead (Civils Infrastructure), introduced report.

Some members had attended a demonstration of the LED lighting and were impressed to see a cross-section of people there, for example, the partially sighted and community wardens. They were pleased to see a map showing well-lit places to improve safety for women and girls at night.

The Cabinet noted the report.

60. Covid-19, Brexit and other factors impacting construction costs (AI 12)

Richard Webb, Finance Manager, introduced the report.

Members noted that construction costs were a concern as it could deter firms from bidding at a time when the council is becoming a significant developer in the city. They also noted capital commitments from the previous year increased the difficulties.

The Cabinet noted the report.

61. Falklands 40th Anniversary and Armed Forces Day events AI 14)

David Evans, Seafront Manager, introduced the report. Plans are progressing well. Armed Forces Day will include tattoo events in its programme.

Councillor Vernon-Jackson welcomed the events as Portsmouth is the home of the Royal Navy. He thanked those involved in the Freedom of the City march on 11 March.

DECISIONS - Cabinet:

- 1. Agreed to continue to engage with stakeholders about plans for 2022.**
- 2. Agreed to develop a programme of events and activities that puts Portsmouth at the centre of the Falklands commemorations in 2022.**
- 3. Agreed to confer Freedom of the City to:**
 - i. Falklands Veterans**
 - ii. Royal Naval Association**
 - iii. Association of Wrens**
 - iv. Royal Marines Association**
- 4. Noted that budget provision has been set aside for these events. Cabinet agreed for a further report to Cabinet with an update on the outcome of the community safety survey.**

62. Lateral Flow Testing after 31 March 2022 (AI 15)

Helen Atkinson, Director of Public Health, introduced the report, noting that there had been a significant upsurge in Covid infections (1,016 per 100,000 people) since it had been written.

Members noted the pandemic was not over. The government's decision to end free testing is disappointing and inadvisable in view of increasing positive tests and hospitalisations. Residents want to be responsible so the council is right to continue providing free tests.

DECISIONS - Cabinet:

1. **Considered support for an extension of testing for three months - April - June 2022, (recognising the financial, legal and public health risks and implications outlined below) and select a preferred option from:**
Option A: Maintain the status quo - from 01 April, testing will reduce in line with current government plans
Option B: Retain testing capacity to provide tests for vulnerable people, those caring for and living and working with vulnerable people, outbreak and surge capacity testing
Option C: Option B plus the provision of home test kits to households until either:
 - A 3 month period commencing April 2022 has elapsed or;
 - A maximum of 30,000 home test kits have been provided which is equivalent to an uptake of approximately 10% of households (subject to a final cap of £200,000 (exclusive of VAT))
2. **Delegated to the Director of Public Health, and the S.151 Officer, after consultation with the Leader of the Council, to amend the delivery of the above selected options if there is a change in government policy or local context impacting the Public Health requirement to mitigate or manage COVID-19 infection rates.**
3. **Noted that an additional report will be presented to Cabinet, if further proposals for testing arrangements within Portsmouth are to be considered.**

63. Quarter 3 Budget Monitoring (AI 13)

Richard Webb, Finance Manager, introduced the report.

DECISIONS - Cabinet:

1. **Noted the General Fund Forecast Outturn for 2021/22 (as at 30 December 2021) of an overall net overspend of £802,700, 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. Noted the forecast additional spending and forgone income as consequence of the Covid-19 Pandemic totalling £10.28m.
 3. Noted 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. Noted 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. Noted that 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. Noted that 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.
64. **Portsmouth City Council climate change strategy and carbon budget (AI 16)**
Kristina Downey, Principal Strategy Adviser (Carbon Management), introduced the report.

Councillor Barrett, Cabinet Member for Climate Change and the Green Recovery, said the carbon budget was the first for Portsmouth and the initiatives described in the report will benefit residents' long-term health; they

will save money as well as carbon. Action plans can be adjusted if necessary and will be updated and published annually. The council will apply for government funding and work with partners. Decarbonisation projects need significant investment. The report shows a huge amount of cross-portfolio and cross-department work. Councillor Barrett thanked Cabinet Members for their collaborative work and Ms Downey. Councillor Vernon-Jackson thanked Councillor Barrett and Ms Downey as the carbon budget is a milestone for Portsmouth.

DECISIONS - Cabinet:

- 1. Noted the contents of this report**
- 2. Agreed proposals for monitoring set out in section 14 of the report.**

65. Exclusion of Press and Public (AI 17)

The Cabinet upheld the confidentiality of Appendix A only, relating to contract renegotiations.

66. Forward Plan Omission Notice - Renegotiated sports and leisure facilities management contract (AI 18)

The Cabinet noted the omission for the Forward Plan for 15 February to 15 May 2022 and noted the publication of the notice.

67. Renegotiated sports and leisure facilities management contract (AI 19)

David Moorman, Sports & Leisure Strategic Development Manager, introduced the report.

Councillor Corkery requested that when items are exempt as much information as possible is in the public domain so opposition members and the public know what is happening. Any information which has to be exempt can go in an appendix.

Members noted the last two years had been very difficult for local authorities' sport and leisure contracts but if there is no funding the contractor will leave. BH Live had proved a very positive partner for the council so the contract represented value for money and a sensible way forward.

DECISION:

The Cabinet authorised 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.

68. Exclusion of Press and Public (AI 20)

The Cabinet upheld the confidentiality of the full report.

69. Provision of Waste Collection Services (AI 21)

The Cabinet went into exempt session from 3.21 to 3.43 pm to discuss the report.

DECISION:

The Cabinet agreed to defer the item for more consideration and extend the contract and consider further direct award extension.

The meeting concluded at 3.45 pm. Councillor Vernon-Jackson requested that thanks be put on record to Councillor Dowling for his work as a Cabinet Member as it was his last Cabinet meeting. The Cabinet wished him well for the future.

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

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Agenda Item 5



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet
Date of meeting:	21 June 2022
Subject:	Provision of Waste Collection Services
Report by:	James Hill, Director of Housing, Neighbourhood and Building Services
Report Author:	Colette Hill, Assistant Director of Neighbourhood Services
Wards affected:	All
Key decision:	Yes
Full Council decision:	No

1. Purpose of report

- 1.1. To provide Cabinet with the information required to inform the decision on the future delivery method for provision of waste collection services in the City at the end of the current contract period and sets out the implementation timescales involved in the various options.

2. Recommendations

- 2.1. Cabinet is asked to consider the options for the City's future waste collection service with careful consideration of the opportunities and risks, including the financial consequence to the City Council for each option. Cabinet has made it clear to officers that their preference is to bring the service back in house. In this case it is a finely balanced judgement, and this report seeks a decision on the delivery model from Cabinet.

2.1.1 Waste collection services are brought 'in house'

2.1.2 Waste collection services are subject to procurement for an external contractor

- 2.2. Cabinet notes that either of the options will require the work to implement the decision to start immediately to ensure service continuity.

- 2.3. Cabinet takes this opportunity to commend the work of the PCC (Portsmouth City Council) waste management team and the contractor, BIFFA municipal, for their response to the pandemic in maintaining the City's collection services, noting the largely uninterrupted service delivery throughout the pandemic, and additionally

the impressive delivery of service improvements throughout the pandemic, including the roll out of additional food waste rounds.

3. Background

- 3.1. As the contract comes towards the end of the contract period, PCC has appraised the options available for the future delivery model for waste collection.
- 3.2. The existing waste collection contract with Biffa Municipal began on 1 October 2011 - it is an 8-year contract with an option for a 2-year extension that has been taken up. The contract has subsequently been extended beyond the original term to 30 September 2023, and PCC will enact the option to extend by a further 6 months.
- 3.3. The contract is an 'open book' contract where the council pays for all costs incurred in delivering the service plus a profit and overhead paid to the contractor.
- 3.4. The contractor has performed well over the course of the contract and the open book nature of the contract has meant that the Council has a full understanding of the costs and been able to work with the contractor to make service decisions and set an achievable target price each year. This has helped to keep the costs under control. (Exempt appendix 1)
- 3.5. During the contract term, the contractor has also worked with the council to deliver changes to waste collection. (Exempt appendix 2)
- 3.6. The open book contract has supported joint working between the authority and the contractor, and this has been reflected in the relationship over the past 10 years which has been mainly positive. This has led to good levels of flexibility for the authority even within the constraints of the contract. Any procurement would seek to use a similar open book type of contract.
- 3.7. A project team comprising of waste management, legal, finance and procurement officers have been evaluating the options for future service provision. This has included:
 - A soft market testing exercise with 5 of the major waste management companies in the UK for the contracted-out option
 - Research with other in-house teams to better understand the challenges
 - Met with two other waste management Teckals to learn about their experiences and some the challenges involved.
 - Developed financial models for the options for consideration

4. Delivery Options

- 4.1. A variety of delivery options have been considered by the project team. These include:

- a) In house - service brought in house to form part of Portsmouth City Council
- b) Teckal exemption (Local authority trading company - LATCo) This is where the local authority forms a trading company to deliver services and trade commercially to generate income. The Teckal exemption allows the council to directly award work to that company, the amount of commercial activity is limited to 20% of its overall operations, this would exclude work it undertook for other Local Authorities. This was discounted at this time as further work was required to understand the feasibility of this as an option.
- c) Shared Services organisation - this would be where two or more local authorities work together or with one leading to deliver services on behalf of those local authorities.
- d) Joint Venture - This is where the local authority works in partnership with another organisation. This has been discounted at this time as assets would be transferred to the JV contractor, any profits made would be shared with the contractor. Additionally, this would be most attractive to the partner if other council services were packaged together.
- e) Outsourcing - Procure a contractor to deliver the service.

This paper focusses on options a, and e. Option c - shared service could be enacted with option a in the future (when other local authority contracts end or there are identifiable benefits from sharing services) and for option e - a contract could be set up to include providing services to other local authorities as a future option.

- 4.2. PCC provides the depot to the contractor and there is a plan to redevelop this site to accommodate a larger fleet which is required as we move to deliver the outcomes of the Environment Act 2021. This was approved as part of February 2022 Full Council budget decision.
- 4.3. The local staff who are dedicated to the delivery of the service currently would be eligible under the Transfer of Undertakings (protections of Employment) regulations (TUPE) legislation to transfer to each of these option models.

5. Options for consideration

5.1. Option a - In house provision - existing staff transfer to become PCC employees

- 5.2. The team has considered the opportunity to bring the service in house at the end of the current contract period.
- 5.3. A business case for bringing the service in house has been developed. This case accounts for both the financial and non-financial considerations. (Exempt appendix 3)
- 5.4. **Financial Model** - For the in-house model there are two stages of costs:

- 1) Costs at time of transfer Existing Biffa T&Cs apply - main additional costs are related to the Local Government Superannuation Scheme (LGSS) Pension. (Exempt appendix 6)
- 2) Cost of transferring to PCC T&Cs (ETO model) - A change which provides an economic, technical, or organisational (ETO) reason to review the service would trigger a transfer to PCC T&Cs. This would be a notable change to existing T&Cs - (which are not all the same) including for example additional leave and sickness benefits, contractual overtime etc which would add additional costs. (Exempt appendix 6)

5.5. Additionally, there are **non-financial considerations** (exempt appendix 3)

5.6. Option f - Contract out

Soft Market Testing (SMT)

- 5.7. PCC carried out a SMT exercise in 2020. Waste Management and Procurement staff met with 5 of the large national waste contracting companies: Biffa, Veolia, Viridor, FCC and Serco. All indicated that although the PCC is not one of the largest contracts available, it would still be of interest in terms of bidding. It was suggested that it would be more attractive if it included options to add in street cleansing at a later date and/or provided an opportunity for other LAs to join the contract for additional services such as food waste collection, etc.
- 5.8. The feedback was that the longer the contract period that could be offered the better with 8 years being suggested as the minimum with other options suggested of 10 years plus 10 years.
- 5.9. All contractors are already working with LA's who are moving away from diesel vehicles and are developing their knowledge and experience of operating greener fuels, and E-RCVs in what is an emerging market.
- 5.10. The team learnt that there are fewer companies in this market than 10 years ago, with most contracts attracting 3 or 4 bidders compared to 7 or 8 in years gone by and that they would all prefer a competitive dialogue approach to procurement.
- 5.11. All the contractors highlighted the compact nature of the city as a positive along with the infrastructure being on the island. They did also highlight that the narrow nature of some of the roads can restrict you in terms of vehicle choice. They also were aware of the transient nature of the student population and the challenge this presents in terms of managing waste.
- 5.12. **Soft Market bid** - To understand the market conditions that we would be facing during a procurement, we asked several contractors to submit non-binding soft market bids to help us to understand current market conditions. (Exempt appendix 5)

6. Considerations

- 6.1. **Financial** - there are a range of costs for these options, and these should be considered carefully. (Appendix 6) The service is likely to need to grow to deliver the requirements of the Environment Act 2021 - whilst there is likely to be additional burdens funding for some of this and Extended Producer Responsibility (EPR) tax payments - it is unclear how this will be calculated. Any difference in cost between the options will be multiplied by the need for additional collection crews.
- 6.2. **Risk** - Waste Collections is a high-risk industry in terms of Health and Safety and vehicle incidents. With a contract, much of the risk regarding operations is held by the specialist contractor - although PCC remains responsible for changes to service or legislative changes. With the in-house model **all** risk would transfer to PCC. It is worth noting that risk is often built into the contract price and should be considered when looking at the financial comparisons. Financial risk is mitigated in the contract model through the guaranteed maximum price mechanism. Other risks related to staffing, vehicles and fuel costs can also be mitigated with careful planning. The industry is now indicating that terms and conditions will need to improve going forward to attract and retain employees. This relates to pay as well as pensions, holiday, and sickness benefits. This is likely to increase costs from contractors.
- 6.3. **Future Housing growth** - Since the beginning of the current contract, an additional 4830 homes have been created in Portsmouth, with up to 4500 planned in the next 5 years. The housing growth during the last contract period has been managed by understanding capacity and working to make the rounds as efficient as possible. There is little capacity left in the refuse or recycling rounds. This risk is present in all models but should be considered with reference to the financial models.
- 6.3. **Social Value** - PCC wants to generate more social value from the services it delivers to give the most benefit to Portsmouth, whether that is keeping money in the city, improving the local environment, or supporting schools and communities that need it. For this service, examples of social value could include local employment and apprenticeships, or initiatives working with the community to reduce waste and improve recycling. The future delivery model of the service is an opportunity to incorporate and deliver more social value. Both options can support this (see appendix 3)
- 6.4. **Environment Act 2021** - The business case had been completed on a like for like basis. However, the Environment Act 2021 will bring meaningful change to refuse and recycling collections over the next 2-5 years. This will include changes to recycling collections to ensure consistent kerbside collections across the country (of materials - additional materials of glass, plastic pots, tubs and trays, flexible plastics, cartons and foil trays), and mandatory separate weekly food waste collections. It could also include free garden waste collections which would impact all the models as the profit element is removed. It is expected that additional burdens funding will be provided to fund food waste collections. Whilst the details of this are not clear, the act also introduces 'extended producer responsibility' which will fund the collection, recycling and disposal costs of packaging. It is likely that the start of this contract or

in house service will be close in timescales to the delivery of the proposed new Materials Recovery Facility (MRF) and change to twin stream recycling collections and the funding changes described above. These changes will require significant review and modelling of services in order to deliver an efficient service.

- 6.5. **Additional Value** - an in-house service could bring synergies and more joined up services with existing in-house services such as Green and Clean, along with opportunities to consider how street cleansing is provided for at the end of the PFI contract. A waste contractor will bring its extensive experience and knowledge from within the waste industry.
- 6.6. **Timetable** - This decision is required now to ensure the project team have sufficient time to deliver a new service provision regardless of the option chosen. This will require PCC to enact the extension to the contract for at least a further 6 months (this needs to be done by 31 March 2023) The project timetable will be developed once a decision is made about the delivery model. If the decision is to procure a contract, then this will need to begin immediately to ensure a contractor is in place. All options will require significant procurement and lead times for vehicles are up to a year.
- 6.7. **Procurement and mobilisation costs** - regardless of the delivery model, a team is required to deliver either the procurement or the mobilisation. This will include officers from waste management, finance, procurement and legal. It may also require input from HR, Health and Safety, Fleet, IT, and Insurance.
- 6.8. **Capital costs** - The capital costs of developing the depot and associated office space have been agreed to make adequate depot provision regardless of the delivery model. This also applies to the provision of the vehicle fleet. Mobilisations costs with a contract are usually amortised over the contract period.
- 6.9. **Management** - The service has been contracted out for over 15 years and the existing management team have experience of managing the contract using the open book method - which has provided an understanding of the costs of the service and how decisions impact on the costs. The Council also has experience of developing other in-house services such as cleaning and grounds maintenance.

7. Integrated impact assessment

- 7.1. An integrated impact assessment has been carried out and there are no impacts to any groups. This will be updated subject to the decision. (Appendix 4)

8. Legal implications

- 8.1. It is within the powers of the Council to implement either of the service delivery options recommended for consideration by Members. In deciding which option to take forward the Council has a duty to consider in detail the relative costs, risks and opportunities afforded by each option and to reach a decision which is consistent with principles of value for money and the Council's fiduciary duties to local taxpayers.

8.2. The relative costs, risks and opportunities entailed in each of the options are addressed in the main body of the report, the report's Appendices and the Director of Finance's comments below and will not be repeated in detail here.

9. Director of Finance's comments

9.1. See exempt appendix 6

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

Appendices:

- Exempt appendix 1 – Contract costs 2011-2021
- Exempt appendix 2 – Improvements during current contract period
- Exempt appendix 3 – Risks and Opportunities
- Appendix 4 – Integrated impact assessment
- Exempt appendix 5 – Soft market testing information
- Exempt appendix 6 – Finance Comments

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 City Council Budget and Council Tax 2022/2023 and Medium-Term Budget Forecast 2023/24 to 2025/26 and Capital Programme	Portsmouth City Council Budget and Council Tax 2022/2023 and Medium Term Budget Forecast 2023/24 to 2025/26 and Capital Programme

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:

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

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?

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?

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



Title of meeting:	Cabinet
Date of meeting:	21st June 2022
Subject:	Response to the Housing & Social Care Scrutiny Panel review of the Procedures and Performance of Portsmouth City Council and Housing Associations in Relation to Response Repairs and Maintenance.
Report by:	James Hill - Director for Housing, Neighbourhood and Building Services
Report Authors:	Steve Groves, Head of Building Maintenance and Meredydd Hughes, Assistant Director, Building Services
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1. The purpose of this report is to set out the response of officers to the Housing & Social Care Scrutiny Panel's recommendations arising from a review of procedures and performance of Portsmouth City Council (PCC) and Housing Associations in relation to response repairs and maintenance.

2. Recommendations

- 2.1. That the Panel is thanked for its work in undertaking the review
- 2.2. That the Cabinet notes and supports the recommendations of the review, which are listed in section 4 of the report and the response of officers.

3. Background

- 3.1. The Housing & Social Care Scrutiny Panel reviewed the experiences of residents regarding the procedures and performance of PCC and Housing Associations in relation to response repairs and maintenance.
- 3.2. The review was undertaken between December 2021 and March 2022 and included receiving evidence from
 - 3.2.1. Portsmouth City Council (PCC) and local Housing Association Resident Survey Respondents

- 3.2.2. PCC Residents Consortium Group
- 3.2.3. Housing Association Tenants living in Portsmouth
- 3.2.4. Relevant PCC Officers in Housing, Neighbourhood and Buildings
- 3.2.5. Housing Association Representatives from Abri, Guinness Partnership and Sanctuary.

3.3. The scrutiny panel's full report can be viewed in Appendix 1

4. Scrutiny Panel's Recommendations and Officer Response

4.1. The scrutiny panel made seven recommendations as follows:

4.1.1. Recommendation 1. To request the Leader and the Chief Executive to thank Kevin Beagley, Paul Fielding, Steve Groves, James Hill and Meredydd Hughes, all other Housing, Neighbourhood & Building Services officers involved in the review and the officers that attended from the housing associations.

Response. Agreed (on behalf of all officers involved in the project). On reflection it was agreed by the panel that it was more appropriate for Councillor Corkery to thank officers directly himself. A letter of thanks is to be sent to officers who worked on the project.

4.1.2. Recommendation 2. To collaborate with other local housing providers to upskill the local workforce, including in green technologies, and promote career paths in housing to address problems with recruitment and retention.

Response. Agreed. Officers have held an initial discussion with local Housing Associations as part of their quarterly liaison meetings on 26th April 2022. Further meetings will be diarised with a purpose of establishing a PCC/RSL building sub-group to the main liaison meeting.

4.1.3. Recommendation 3. To meet collectively with other local housing providers to set Portsmouth levels around pay and green issues (such as retrofitting) amongst others, and to share knowledge.

Response. A liaison forum (action 4.1.2) can include agenda items covering a wide range of common and shared interest items for PCC housing building services and housing associations. Though the recommendation is agreed it is important to note that PCC is not able to directly determine the pay and condition housing associations use for their service delivery.

4.1.4. Recommendation 4. To ensure there are instructions for appliances in individual properties and communal areas.

Response. Agreed. PCC have introduced a Do It Yourself leaflet for all new residents, and we are in the process of reviewing options for further similar leaflets to be provided to residents, such as for heating, the operation of windows. Further information articles helping residents understand how their homes work will be included in future editions of the quarterly 'Housetalk'

magazine delivered to all PCC council house residents. The new council housing development at Doyle Avenue will also experiment with different ways of supporting residents moving into the properties to use the new technologies in that scheme for example we are installing solar panels on the roof, solar batteries for storage, Air Sourced Heat Pumps (ASHPs), Mechanical Ventilation with Heat Recovery (MVHR) and Electric Vehicle (EV) charging points for the wheelchair accessible homes.

4.1.5. Recommendation 5. To consider feedback mechanisms where residents are not under immediate pressure to give feedback.

Response. Agreed. This is an ongoing work in progress and updates on progress will be given at future Resident Consortium meetings.

4.1.6. Recommendation 6. To continue to provide residents with opportunities to give feedback and engage with housing services.

Response. At the meeting on 24th March 2022, it was decided to change Recommendation 6 in the review from "To resume the residents' meetings for council tenants that used to be held before Covid" to "To continue to provide residents with opportunities to give feedback and engage with housing services" because the earlier version is incorrect. Residents Consortium meetings are already in place and scheduled in the calendar. This amendment has been reflected and updated in item 4.1.6 recommendation 6 above.

4.1.7. Recommendation 7. The panel noted that the council's repairs and maintenance contractors had continued to deliver as close to a normal repairs and maintenance service as safely possible throughout the pandemic. Whilst the housing associations participating conceded they were now dealing with backlogs the council's position was different and the panel requests that the Leader and Chief Executive place on record a note of thanks for the council's repairs and maintenance contractors and the Building Services team for their efforts throughout the pandemic.

Response. Agreed, the Director of Housing Neighbourhood and Building Services will arrange for the letter to be sent from the Chief Executive.

5. Integrated impact assessment

5.1. No specific changes arise from this report. However, an IIA would be produced for each specific scheme or policy change which would arise from this work.

6. Legal implications

6.1. Paragraph 11 of the Scrutiny and Review Panels (Overview and Scrutiny) Procedure Rules set out in Part 3 of the Council's Constitution requires that once a final scrutiny review report has been agreed, the Cabinet or the relevant Cabinet Member will consider and respond to the report within 8 weeks.

7. Director of Finance's comments

- 7.1. There are no direct financial implications as a result of the recommendations within section 2 of this report.
- 7.2. The cost of the recommendations within section 4 of this report will be met from existing budgets within the Housing Revenue Account or Cash Limited budgets within the General Fund.

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

Appendix 1 - HOUSING AND SOCIAL CARE SCRUTINY PANEL - REVIEW OF THE PROCEDURES AND PERFORMANCE OF PORTSMOUTH CITY COUNCIL AND HOUSING ASSOCIATIONS IN RELATION TO RESPOSE REPAIRS AND MAINTENANCE.

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:

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Appendix 1



Portsmouth
CITY COUNCIL

HOUSING AND SOCIAL CARE SCRUTINY PANEL

REVIEW OF THE PROCEDURES AND PERFORMANCE OF PORTSMOUTH CITY COUNCIL AND HOUSING ASSOCIATIONS IN RELATION TO RESPONSE REPAIRS AND MAINTENANCE

Date published: 24 March 2022

Under the terms of the Council's Constitution, reports prepared by a Scrutiny Panel should be considered formally by the Cabinet or the relevant Cabinet Member within a period of eight weeks, as required by Rule 11(a) of the Policy & Review Procedure Rules.

PREFACE

As the Charter for Social Housing Residents: Social Housing White Paper (published in 2020) states, "A home should always be more than just four walls and a roof. A home should provide safety, security and dignity." Everyone should have a decent and safe home to live in.

If residents have poor quality housing their quality of life will be severely impacted, affecting their health, wellbeing and daily life. Through their casework councillors have heard about residents having problems with their housing and additional problems in getting the problems resolved.

Therefore, the main objective of the review was to learn about residents' (council and housing association tenants) experiences of repairs and maintenance and what could be done to provide consistent and good services and improve standards.

The panel would like to thank Meredydd Hughes (Assistant Director of Buildings), Steve Groves (Head of Building Maintenance), Paul Fielding (Assistant Director of Housing), James Hill (Director of Housing, Neighbourhood & Building Services) and Kevin Beagley (Housing Enabling Officer) for providing information and arranging meetings with residents and organisations. The panel would like to thank Abri, Guinness and Sanctuary housing associations for meeting the panel and responding to their questions.

The panel would like to thank residents who participated in the review by sharing their experiences of repairs and maintenance.

I would like to thank all the panel members who have taken part: Stuart Brown, Lee Hunt, Gemma New, Robert New and Lynda Symes.

Councillor Cal Corkery
Chair, Housing and Social Care Scrutiny Panel.

Date: 24 March 2022

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Purpose

The purpose of this report is to present the Cabinet with the recommendations of the Housing and Social Care Scrutiny Panel's review of the procedures and performance of Portsmouth City Council (henceforth referred to this report as "the council") and housing associations in relation to response repairs and maintenance.

Background

At its meeting on 11 November 2020 the Housing and Social Care Scrutiny Panel (henceforth referred to in this report as "the panel") agreed on the following topic: "To review the procedures and performance of housing associations in relation to repairs and maintenance."

The Covid pandemic caused considerable disruption to scrutiny across the council and the panel's next meeting was not until 25 November 2021 when they agreed it would be more valuable to expand the topic to include the council as then its procedures and performance could be compared and contrasted with those of housing associations. The topic was therefore amended to "Procedures and performance of PCC and housing associations in relation to response repairs and maintenance."

The review was started by the Housing and Social Care Scrutiny Panel which comprised:

Councillors Cal Corkery
Stuart Brown
Lee Hunt
Gemma New
Robert New
Linda Symes

Standing Deputies were: Councillors Matthew Atkins, Tom Coles, Lewis Gosling, Ian Holder, Scott Payter-Harris, Rob Wood.

In order that the review could be completed within the municipal year it would be fairly limited in scope and more in the nature of a "temperature check." However, it could highlight aspects that may merit more in-depth investigation. Repairs and maintenance covers the interior of homes, communal areas and the blocks themselves. There are several types of repair:

- response (reactive)
- compliance, for example, gas safety inspections
- adaptations, for example, a stairlift installed through the Disabled Facilities Grant
- planned maintenance
- voids (empty properties)
- out of hours

The review would cover the experiences of council and housing association tenants; it would not cover leaseholders of council properties or the private rented sector.

Timeline

In view of the limited timescale the panel agreed the review would focus on day-to-day (response) repairs, for example, a leaky tap, rather than planned maintenance, for example, repainting communal areas in blocks.

The panel agreed on the following timeline:

- January 2022 - meeting with residents (possibly from Residents' Consortium, repair group, housing association tenants, survey respondents) to get their views
- February 2022 - meeting with relevant council officers and housing association representatives to respond to findings
- Early/mid-March 2022 - agree findings of the review

The panel met formally on three occasions between 25 November 2021 and 24 March 2022. A list of meetings held by the panel and details of the written evidence received can be found in Appendix 1. The minutes of the panel's meetings are published on the council's website. The panel also met council and housing association tenants informally to learn about their experiences of repairs and maintenance.

Objectives

The main objective of the review was to learn about tenants' experiences of repairs and maintenance and, in particular, if there were any barriers. The panel was keen to engage with residents and to be led by their experiences. Findings from the review could help improve standards and share good practice amongst providers. The review could also show the advantages and disadvantages of different practices amongst housing associations or between associations and the council.

Background to repair services - Housing associations

It can be difficult to compare directly how the council and housing associations report on repairs as the council uses systems thinking methodology which looks at the end-to-end time from the resident's point of view.

Housing Associations, also referred to as registered social landlords (RSLs) and registered providers of social housing (RPSH), are regulated by the Regulator of Social Housing (RSH). The RSH is an executive non-departmental public body. The RSH has a strong focus on checking that housing associations are financially viable and that they deliver value for money. Housing associations produce annual reports and these are made available to residents via the association's website.

The RSH has not issued targets but provides guidance which set expectations with regard to repairs and maintenance. Documents such as the Home Standard 2015 and the Decent Homes Standard expect registered providers to provide a cost effective repairs and maintenance service to homes and communal areas with an objective to complete repairs and improvements right first time, and meeting statutory requirements which provide for the health and safety of the occupants in their properties.

The sector has developed what it considers to be best practice and may have set its own targets which link to the RSH guidance. The housing association's performance is reported internally to management boards which have sub-committees reporting a specific remit, for example internal audit.

In the Portsmouth City Council boundary the three largest (in terms of stock size) housing associations are; Vivid with approximately 3000 homes, Abri (formerly Radian) with over 800 homes and Southern Housing Group with over 600 homes. Repairs and maintenance performance is reported to residents via their websites and/or their annual reports. At the time of publishing the scrutiny review the information (obtained from published material) is about 18 months to two years out of date but the general principles are likely to be very similar.

Vivid

Satisfaction with a repair - current performance 8.4/10

Average time to complete a repair - current performance 10.8 days

Percentage of emergency repairs completed within 24hrs - current performance 98%

Satisfaction with planned maintenance - current performance 5.8/10 (this is the only accessible data relating to planned maintenance).

Gas compliance 100% achieved.

Abri

The Most recent data comes from the 2018 - 2019 annual report and explains 95.4% of repairs are completed right first time

97.2 % customer satisfaction with the repairs service

Gas compliance 100% achieved

Nothing relates to planned maintenance performance.

Southern Housing Group

The most recent data comes from the 2019 - 2020 annual report and explains 93% of emergency repairs are completed in 24hrs

Gas compliance 100% achieved

Nothing relates to planned maintenance.

Background to repairs - Portsmouth City Council

The council manages, maintains and owns an asset portfolio of around 14,700 residential dwellings as well as managing just under 1,900 additional residential leasehold properties. Approximately 30% of the dwellings the council owns are situated in the neighbouring local authority of Havant Borough Council. The majority of the Council HRA stock is flats and maisonettes which account for nearly 70% of our dwelling assets, whilst houses and bungalows make up the remainder of our HRA stock.

The majority of residential dwellings were constructed post-war in the 1950s and 1960s. Most residential dwellings are traditionally constructed, although there are a significant number of various non-traditional construction concrete and steel frame properties.

Most residential dwellings are low to medium rise construction up to five storeys, although there are 26 blocks of flats that are high rise construction of between six and nine storeys, with a further 13 tower blocks that are 10 storeys and above.

Response repairs

The purpose of the repairs service area is 'to carry out the right repair at the right time.'

The dwelling assets are managed from seven area housing offices that are located within the local area and receive the initial customer demand. Within the city (on-island) there are housing offices at Buckland, Landport, Portsea, and Somerstown. Outside of the city (off-island) there are housing offices at Leigh Park, Paulsgrove and Wecock Farm. The housing offices at Leigh Park and Wecock Farm are located within the neighbouring local authority of Havant Borough Council.

Response repair demand is received by staff based at area housing management offices, from residents, leaseholders and from staff undertaking their role visiting the assets. The response repair demand is predominantly reported by telephone (approx.90%) or in person at an area housing office (approx.10%).

Currently the council receives an average of over 1,500 response repairs per week that generally include plumbing, gas, electrical, carpentry, roofing and decoration repairs through to new kitchens, bathrooms and boilers.



Repairs contractors

Service Providers are employed to provide the response repairs service using the NEC3 term service contract using the 'open book' option E cost reimbursable contract.

All the service providers will work together as partners to form a core group to achieve agreed objectives. The partners who are part of the core group will carry out the following:

- Act in a spirit of mutual trust and co-operation
- Share data, best practice, innovation and knowledge to enable continuous improvement and achieve value for money, no partner shall have a monopoly on best practice, initiative or solution
- Joint working on agreed initiatives between partners and their suppliers
- Implement agreed changes to systems efficiently and effectively
- Plan and invest in partners' staff development,
- Develop and maximise funding streams and trading opportunities
- Avoid conflicts or disagreements and should they arise, resolve them promptly together.

A key objective is to develop a sustainable approach to the maintenance of our assets that is designed to incorporate the needs and benefits of the local community. The Council Social Value Policy states social value is the lasting and positive impact that we create through the way in which we act to shape a resilient future, for our local and regional communities, businesses and environment. The Service Providers report social value plans as part of the annual contractor plan review.

The Service Providers currently providing the response repairs service are:

- i. Comserv (UK) Ltd - 'Off Island' (Leigh Park, Paulsgrove & Wecock Farm)



ii. Mountjoy Ltd - 'On Island' (Somersetown, Buckland, Landport & Portsea)



BUSINESS OVERVIEW

2021



OUR BUSINESS

Mountjoy provides professional construction, refurbishment and building maintenance and FM services across the South of England.

HQ in Portsmouth with 4 other local offices across the South East

Founded in 1992

Turnover of £34milion

Over 300 directly employed staff

Approx. 87% of our staff live within a 10 mile postcode

UKAS certified to ISO 9001, ISO 14001 and ISO 45001

Approx. 50,000 repairs carried out per annum across all firm contracts

Approx. 23,000 properties maintained per annum

Approx. 60 construction and refurbishment projects undertaken in the last 3 years



MAINTENANCE SERVICES

Our Maintenance Division is focused on managing long term contracts which cover responsive repairs, planned preventative maintenance, void rents and minor works.

Our Responsive Repairs and Voids contract covers 8,000 residential properties across Portsmouth, from single storey buildings to high-rise blocks.

Our Corporate Assets contract covers the Council's entire corporate stock, including schools, activity centres and historical buildings such as Southern Castle.

Our Maintenance & Minor Works contract covers 100 university buildings including academic facilities and halls of residences, with additional minor projects carried out.

Other key clients include:



CONSTRUCTION SERVICES

Our Construction Division is focused on delivering projects from £100k up to £5m across the South East.

The Lantern, Mary Rose Academy (£800k)
We made alterations to a vacant building to provide suitable classrooms, offices, and WCs facilities for SEN pupils.

Hamshaw Junior School (£500k)
We carried out re-considering works over the summer holiday to bring the school back up to standard, including replacing the roof and installing new fire doors.

Victoria Cottage Hospital (£1.8m)
We are refurbishing a vacant hospital in Emsworth to create a new, modern GP surgery for the local community in response to the growing population.

Other key current projects include:

- Construction of New Boarding House at Rale School (£2m)
- Creation of New GP and Dental
- Surgery at Andover War Memorial Hospital (£5.8m)
- Pool in the Park Leisure Centre
- Phase 2 Refurbishment (£3.1m)
- Brading Primary School Extension (£3.6m)
- Sports Hall Extension at Dilham
- Park School (£200k)

COMMUNITY INVOLVEMENT

As a company with its roots in Portsmouth and the Isle of Wight, we care about our local community. Some examples of our recent community initiatives are provided below.

11 monthly Integrity Awards
Many of our Portsmouth City Council staff have won prizes and have been recognised for their good deeds in our internal awards.

Supporting Local Apprentices
We currently employ 11 apprentices working in various roles throughout the company including 3 degree apprenticeships through the University of Portsmouth.

EBP South Partnership
We regularly support the Education Business Partnership South at their careers fairs, mock interview days and more recently, virtual Q&A panels.

Community Projects

- Our Building Projects team along with select subcontractors sourced materials and helped create a pond at Stannah Junior School for the local community.
- Some of our Directors and Leadership Team helped plant at The Lantern built planters to assist in school enrichment activities.
- Two of our Portsmouth City Council Operatives sourced bulk two sheds for a family centre in the city.



iii. Liberty Gas - All Areas

Local Impact - Portsmouth

175
Average number of customer calls each day

80
strong workforce

£7m
Havant office turnover

88.5%
of employees live within 10 miles of the office

4
clients serviced from the Havant office

100%
of employees live in a PO postcode

15,696
domestic properties (gas)

5
local supply partner locations

Havant Office Team Structure


Chris Gilmore
Operations Director


Charlotte Kinnaird
Contract Manager


Ryan Kennedy
Contract Manager

Services provided to Portsmouth City Council

Legionella testing

Gas service and maintenance

Commercial, mechanical and electrical

Corporate Social Responsibility - Portsmouth

15
operatives started their careers as apprentices

Work
experience with local schools

School Job Fairs
Volunteering in community with council projects

5%
apprentices

National Strength - Liberty Group

£84m
turnover in 18/19

£95m
turnover in 19/20

188,000
domestic properties (gas)

52,000
domestic properties (R&M)

1000
strong workforce

60+
clients

Company creation of Liberty Group in 1969

Acquisition of Booth Mechanical Services in 1989

ForViva acquires Liberty Group in 2016

ForWorks integration in 2018



Performance

The service uses six types of measure and these are further categorised as leading or lagging.

Leading measures looks forward and is predictive of future performance:

- Demand - how many repairs do we get, how many gas safety checks are due
- Capability - repair end-to-end time (first customer contact to all repairs complete)
- Capacity - how many repairs do we complete
- Quality - repair appointments kept, repairs fixed first time, services carried out first visit

Lagging measures looks back at what has happened:

- Cost - repairs expenditure per week
- Customer satisfaction - satisfaction scores

The council will use a suite of measures to enable officers to assess how specific areas of the business are performing as opposed to setting traditional targets. These measures will be derived from the work and will be used by managers, staff and contractors to make improvements. The importance of each measure will fluctuate as learning is gained and they will be a key aspect of making informed decisions and assessing outcomes.

The council uses a range of measures to assess performance and seek improvements rather than targets. Officers are currently working on how residents contact the council and are experimenting with options. Covid has changed how residents contact council. Appointments that are moved are a source of frustration. Recruitment and retention in key trades is an issue; there are shortages of staff and supply issues with materials. Rising prices are an added pressure on budgets.

When operatives go to a property to do a repair they should ask if there are any other repairs that need doing; these can either be done at the same time or a time arranged for them. This is because getting into properties is the hardest part of carrying out repairs. As far as officers know, this practice is unique to the council, which has been operating this way since 2007. In that time officers have visited other local authorities and housing associations and re-tendered the repairs service twice but are not aware of other organisations doing the same.

The examples of current performance measures for 2021/22 as reported at Q2 is as follows.

Measure	
Repairs Demand - The number of new repairs orders per week	1582 per week
Repairs Fixed First Time - The percentage of repairs fixed first time	82.9% of all repairs completed
Repairs Fixed First Visit - The percentage of repairs completed in one visit, not on a subsequent visit. It is not always possible to do repairs in one visit, for example, a newly hung door would not be painted the same day.	61.1% of all repairs completed

Repairs End to End - The average time elapsed in calendar days for repairs from first customer contact	27.7 days
Number of Visits - The average number of visits required to complete repair	2.29 visits for all completed repairs
Cost - The average cost of a repair	£462.40 per repair
Customer Satisfaction - The customer satisfaction of repairs	9.96 (out of 10)

The Council has received complaints from 36 residents regarding the repairs service during Q1 and Q2 of 2021/22. The complaints received are evaluated with the Service Providers to identify any areas that the service can be improved.

Examples of key areas of improvement that the service is currently working to address through various interventions include.

- i. Customer contact for repairs
- ii. Customer appointment options
- iii. Recruitment and retention of key trades
- iv. Materials supply and increased costs
- v. Budget savings

Residents' views

Portsmouth City Council tenants can join the Residents' Consortium, which usually meets monthly, and gives council tenants and leaseholders the opportunity to share their views and to be kept informed about housing issues. The Consortium elects three representatives who attend meetings of the Housing and Preventing Homelessness portfolio.

The Spring 2021 of Housetalk (the council's quarterly magazine for tenants and leaseholders) asked if residents were interested in sharing their views on the repairs service. Residents had previously been offered the opportunity to be involved with the Horatia House and Leamington House deconstruction contractor selection, Safer Buildings and Homes Customer Panel, and fire policy.

Residents' survey

An online survey ran from 2 to 23 December 2021 to learn about the experience of council and housing association tenants with repairs to gather initial information to inform the next stages of the review. The design and detailed analysis of a more in-depth survey can take three to four months. Ideally the survey would be more comprehensive but it could gauge broad themes and feelings. In view of the cost, capacity and limited time available unfortunately paper copies were not feasible. However, when it was online members offered to go out and engage with residents without access to the internet or smart devices and feedback their responses. It could also be disseminated via the Residents' Consortium. Respondents could be anonymous but with the option for to say if they wanted to attend a meeting to discuss their experiences further, in which case they would need to give contact details.

Which social housing provider is your landlord?

Abri - 10
Aster - 1
CESSA - 1
Clarion Housing Group - 1
Haig Housing - 1
Home Group - 2
Hyde Housing Association - 2
Osborne/Leaves - 1
Places for People - 2
Portsmouth Churches Housing Association - 1
SAHA - 1
Sanctuary Housing - 2
Southern Housing Group - 8
The Guinness Partnership - 6
Vivid Housing - 23
Sub-Total - 62

Portsmouth City Council - 75 responses

Total - 137

Not all respondents completed all the fields. Some responses were one word whereas others gave more details. There were some blank entries and eight from the private sector which have been discounted.

Issues raised

Here is a summary of the issues raised in the closed questions and the open-ended comment section: Have there been any particular experiences of, or issues with, your landlord's repair service that you would like to share?

Plumbing inc taps, toilets, leaks	43
Windows	30
Heating / boiler	27
Garden / Outside	27
Electrics	22
Doors (internal)	18
Damp / mould	12
Bath / shower (excl. leaks)	12
Kitchen (excl. leaks)	10
Mice	6
Ceiling (excl. leaks)	4
Roof	4
Flooring	3
Fire / smoke alarms	2

Some responses were one word - electrics, plumbing, windows, door - or mentioned several issues - toilets, fridge, boiler - without specifying the problem, whereas others gave details of the problem, for example, radiator hanging off wall. Some respondents did not mention any particular problem whereas others had several. Matters raised were similar across the council and housing associations so it was not a case of one provider, for example, having a problem specifically with windows.

Kitchen and bathroom exclude leaks so are matters like replacing a bath or where the problem was not specified.

Ceiling excludes leaks so applies to structural matters like cracks or where the problem was not specified. Therefore, if a respondent mentioned "leaky ceiling" this is included under leaks.

Garden / outside includes fences, gates, porch, external or back doors, balconies, external parts of building. Apart from mentions of damage to communal areas, neglected outdoor paintwork and fence panels that keep blowing over as they not fixed properly, issues were not usually specified.

Electric includes any form of lighting. Where a respondent mentioned that a balcony light was the problem this is under Electrics as the light is a problem, not the balcony.

Leaks were the most common problem - one respondent said "leaks, leaks and more leaks" - and the word leak (including variations of it - leaks, leaky, leaking, leaked) occurs 80 times; some respondents mentioned it more than once. Sources of leaks were ceilings, taps, showers, toilets, gutters, overflows and roofs.

The main issues with doors and windows were that they were either broken or needed replacing. Other issues were window locks, drafts, door handles and doors not closing. A non-compliant fire door was mentioned.

Waiting time / delays	32
Quality of work	18
Communication	14
Behaviour	6
Problems for elderly or with disability	4
Out of hours service	1
Compliments	6

The time taken to do repairs ranged from weeks to months to years. Responses from housing association tenants were "I've had 8 different plumbers out, each appointment takes about 5 weeks to book, this has been going on for about 10 months and still not fixed," "waited five months to put a radiator back on the wall," "having to wait 6 weeks for a repair to light which would not turn off," "communal doors broken for months," "We have been waiting almost 6 years to have the ventilation unit at the top of the building repaired or replaced" and "13 months to repair 2 fence panels, 2 years to repair leaks through windows, not done yet. 8 months to repair leaks to front and rear gutters."

A council tenant had "Ongoing repairs that have yet to be done despite a senior surveyor coming to my house and promising to oversee the complete works and communicate with me regularly. It's been nearly a year already!!" Another had a "mice problem not solved for a few years."

Behaviour is complaints about contractors being rude, swearing, breaking personal property and includes one comment on contractors not wearing masks though the respondent says this has improved.

Quality of work includes poor quality repairs that have to be done again and sending contractors who are not qualified to do a particular job. Mess left behind was mentioned. The quality of materials as well as contractors was not always satisfactory. One council tenant said, "The quality of the replacement parts are very cheap and thus do not last very long."

Communication includes problems getting through to an organisation to report or discuss a problem, lack of communication within an organisation, not hearing back, having to chase, not hearing after an initial visit, sending several contractors without resolving the problem, workmen not turning up or cancelling visits. Fragmented and disconnected working practices seem to cause problems. One housing association respondent said that it "takes ages to send somebody. Then the person would take a quick look then will say they'll report what needs to be done. After several weeks of waiting, nothing. I have to follow up. Then they will schedule repairs without pre-agreement about dates. Several times I would come home and find "Sorry we missed you" card. Then I have to call reschedule and have to wait months again." Another said, "it's just so disorganised and fragmented. What happened to doing it right first time?? Any queries get lost and you end up chasing for over a year before anything gets done."

A detailed response from a housing association tenant explains the problems caused by fragmentation: "The concern comes from the inability of the customer service (frontline) teams to accurately communicate with repairs team, and then onward to trades contractors actually doing the repairs. Nothing is adequately communicated to the actual tenant and it seems to be becoming the norm that the only way to get anything more than the most basic repairs done is to initiate a complaints process, which must be taking up the HA's capacity even further. Repairs 'managers' seem to be refusing to deal directly with tenants, which seems strange as it means there is no one person or project manager a tenant can talk to."

One housing association respondent said, "For years there were constant mix-ups and delays but the service has improved a lot recently. I believe this is because they have taken administration of repairs in-house." Another thought problems were caused when their housing association had got too big.

A council tenant said, "I find it quite difficult to arrange a repair as the call handler always puts it for weeks down the line." Another tenant mentioned "lack of knowledge with office staff when repairs are booked, they had no idea how long the job would take, they said it was a day job in fact it was a week job and sent wrong repair bloke etc." Another tenant said, "Not easy to report for old people. No easy phone access too many admin people working from home." The reference to people working from home may be because of Covid. The only other mention of Covid was by a housing association tenant who thought it might explain the lack of capacity.

Causes of complaints are linked so having to chase repairs ("the number of chases to get jobs completed") leads to delays in resolving problems; likewise having to re-do poor quality work means delays. The high figure for waiting time / delays tallies with delays accounting for the highest response rate (38 for Very Dissatisfied) of all the closed questions.

Time taken to complete the repair	Total	PCC	HA
Very Satisfied	31	24	7
Satisfied	27	20	7
Neither Satisfied or Dissatisfied	18	10	8
Dissatisfied	27	9	18
Very Dissatisfied	38	11	27

Quality of repair work	Total	PCC	HA
Very Satisfied	27	18	9
Satisfied	28	21	7
Neither Satisfied or Dissatisfied	26	14	8
Dissatisfied	23	6	17
Very Dissatisfied	24	7	17

Professionalism of staff	Total	PCC	HA
Very Satisfied	40	28	12
Satisfied	38	22	16
Neither Satisfied or Dissatisfied	34	12	22
Dissatisfied	8	3	5
Very Dissatisfied	19	8	11

Compliments

The numbers for compliments might be low because people may only comment when things are going wrong; if there are no problems they do not need to say anything. One respondent said that their housing association was "swamped with demand" as they had inherited problems from the previous association.

Amongst council tenants compliments were that "Mountjoy are always professional and courteous keep you informed at all stages" whereas other council tenants said Mountjoy "take forever and have unacceptable standards of repair" and "Mountjoy haven't been the best." Therefore, it seems experience of repairs can vary greatly within the same organisation. Another tenant had different experiences of Mountjoy workmen: "The guy who came to fix my back door couldn't get out quickly enough and glued something to the top and said job Done. The next guy was amazing."

Other compliments from council tenants were "received first class service," "I can't fault them and how soon they fix any repairs" and "The repairs have always been carried out quickly and with professionalism."

Meetings with residents

Two meetings were held in early February 2022 for respondents to the online survey who expressed interest in discussing their views further. One meeting was held in the day and another was offered virtually in the early evening for those who could not attend during the day. Twelve residents attended, split between council and housing association tenants. Discussions were structured around the topics asked about in the survey - time taken to complete repair, quality of work, professionalism of staff.

Time taken

Several tenants had been left without basic amenities for a long time; for example, eight weeks with no functioning toilet (so the tenant had to use a neighbour's toilet), others had been without hot water for periods of 8 weeks, 12 weeks and for months. Another had had no storage heaters. Another had had a problem with the ceiling for two years. A couple of tenants have had problems since they moved into their current properties; 14 years for a housing association tenant and nine for a council tenant. Tenants have sometimes had to find their own solutions like buying a heater or using the shower to do the washing-up.

Quality of work

A common theme was multiple visits to try to resolve a repair or items having to be frequently replaced. One council tenant had had 12 new shower units and has had constant problems with damp and leaks since moving in. Having different people come out is "repetitive and stressful." Another council tenant's wet room pump went wrong three days after being repaired and it took about four people coming out to resolve the matter when it could have been fixed properly the first time. The tenant felt there was a disconnect between the council and Mountjoy. One tenant had problems with workmen not having the right tools or leaving them in the van.

Professionalism of staff

Experiences of professionalism of staff are often closely linked to issues with communication. Several tenants had problems contacting the housing association on the phone, were kept on hold for over an hour and then cut off. This was upsetting for tenants who do not have English as a first language as well as incurring expense for tenants. Tenants said they were "fobbed off", had to make repeated calls and did not get any response.

Some tenants have had positive experiences of Mountjoy as they usually come when they say they will, are good at saying if they are running late and "crack on and do the job." One said the council do repairs properly and quickly. Another tenants said the council's telephone menu option is good as callers can get straight through to repairs so do not have to repeat themselves to the switchboard and repairs team

Tenants acknowledged the disruption caused by Covid though some felt it was used as a "get out of jail free card." A council tenant said workmen wear a mask and ask residents to social distance; they do not stay for coffee as they do not want to be in the property for longer than possible.

A bugbear is the lack of instructions of lack of instructions for appliances like showers and communal washing machines, especially for new residents who have just moved in and may be used to ones that work differently. It might be something as straightforward as waiting for the washing machine token to take effect. One tenant had to leave washing in the machine over the weekend as there was no-one around to ask for help. Instructions would be particularly useful for people in sheltered housing or where there is a high turnover of residents.

Feedback and complaints

With regard to feedback methods, tenants felt giving a score out of ten (which is used for repairs done by Mountjoy) is "a vexed point." It can be awkward for both the tenant and workman when given at the time of the repair in the workman's presence. The score may not reflect the overall experience of the repair so "you can have the nicest

person and a calamity" or the repair is good but there were problems contacting the office to report the repair. Residents said that complaining does not get results, takes a long time and is really hard work. Before Covid there were PCC residents' meetings which were good so perhaps they could be resumed.

Meeting with providers

On 4 March representatives from the council and three housing associations - Abri, Guinness Partnership, Sanctuary - met the panel to respond to issues raised by residents at the meetings in February. Representatives gave a brief introduction to their repairs and maintenance services.

Abri has 972 homes in Portsmouth, mostly in blocks in the areas covered by PCC. The last year has been the most challenging but there has been good news in the last quarter with the recruitment strategy. 2,042 repairs (72% routine) were completed in the last six months at a cost of £262,000. The average response time is 36 days which is not desirable but it is improving. About 80% repairs are done by Abri's own trades(people) and are only outsourced where there are recruitment issues. There are about 12 trades in Portsmouth, including supervisors and two gas engineers, but additional ones can be added if necessary. Brexit, fuel costs, furlough and damage caused by Storm Eunice (fences, roofs) and a high staff turnover all cause problems. However, an additional 100 resources have been recruited in the south over the last six to seven months. Abri have improved processes as to how they deal with damp and mould. They have started a stock condition survey in the Portsmouth area which in the next few months will inform the investment profile. Planned maintenance reduces the need for response repairs.

Guinness employ around 500 trades across the country and are looking at employing 20% more but it is a very tough market at the moment. They are over-recruiting because of issues with performance and cost of sub-contractors. They used to be able to state terms but rates are increasing and sub-contractors are changing jobs for higher rates.

The majority of response repairs are delivered directly and Guinness will continue to do this. They are considering giving more responsibility to service managers (who have more contact with customers) who see what can be done to reduce multiple visits. There will also be a dedicated disrepair team so disrepair is actioned quickly. Delays and decisions on which repairs to priorities during Covid have created a backlog (a "bow wave") so Guinness have been catching up over the last six to nine months and are still catching up. Recruitment of new staff is a challenge as trades are jumping from organisation to organisation so Guinness have re-aligned their rates. Key to service delivery is "boots on the ground." Rates are rising exponentially so Guinness' costs have increased. End to end times for repairs are currently 26.4 days. There are about 108 jobs outstanding. On average customer satisfaction is 82% and is expected to increase dramatically. Guinness is working on speeding up response times but it is a very challenging environment and Guinness has to move quickly so customers do not pay the price.

Sanctuary has 129 properties in Portsmouth and had similar issues to Abri and Guinness. Routine repairs are done in 23.7 days and within 24 hours (23.4 hours average in last 12 months) for emergencies. There are 62 open repairs of which 18 are overdue. A damp and mould team was established in October 2021 and has been successful so far. Satisfaction statistics for the South West show a satisfaction rate of

95.9% with staff. 91% residents felt they were treated as valued customers. Before Covid 95% repairs were done in-house but now external contractors are used more.

Portsmouth City Council does not have categories for completions but made appointments when it was convenient to residents which is probably a unique practice in the area. It uses three contractors - one for Portsea Island, one for off-island (PCC owns properties in the Havant Borough Council area) and one for gas. Contractors use the NEC3 term service contract using the reimbursable "open book" option. The council uses a range of measures rather than Key Performance Indicators. End to end times for repairs are about 25 days. Customer satisfaction is measured by a score out of ten and the majority of scores are 9/10. The council looks at how it captures customer satisfaction and where the focus should be, including positive aspects; booking appointments is very positive. It looks at how it engages with residents and how it keeps them informed, especially when there are extensive repairs or moves into new properties.

The same service was delivered during Covid though some repairs took longer due to difficulties accessing properties. The biggest challenge is the difficulty of recruitment and retention of staff as the market is very competitive. The workforce used to be very stable but contractors are losing staff they thought they would never lose, particularly in the last six months. Officers who have worked in housing for many years and has never known the industry in the situation it is now. Pressures are Brexit, Covid, fuel prices, shortages of labour and materials and now the situation in the Ukraine.

Feedback and residents' voice

Housing associations and the council explained their procedures if residents are not happy with the speed and quality of repairs. They also explained how residents had a voice, something which has become more important since the Grenfell Tower tragedy in 2017.

Abri aim to resolve problems by improving the first point of contact before they reach the complaints stage. Call agents are empowered to investigate issues and prioritise repairs; they have access to the diary management system for trades. If the repair cannot be done in-house external trades will be used. If residents are still not happy then they can go through the complaints stage. There is constant dialogue with residents to minimise disruption. Abri have launched a community investment strategy around employment, empowerment and wellbeing with activities around Landport and Southsea. Teams will be developing local panels to listen better and a resident scrutiny panel will look at outcomes. Customers can also express their views via webchats. Abri is launching a new housing services strategy in mid-March.

Guinness' complaints procedure is similar to that of Abri. Guinness do a lot of transactional surveys to see if there are any outstanding issues or to see if the service provided was not as expected. The number of service managers is being increased as they have more contact with customers. The longer and more complicated repairs is where there is failure to keep customers informed. Much feedback is about communication on longer jobs so that is Guinness' focus in the next three months. Residents will get a call from an operational support or a service manager as to what could have been done better. Residents' groups are based around blocks or higher density units so there is a need to focus on more scattered units.

Sanctuary has a very similar formal complaints process to Abri and Guinness. There is frontline resolution for the housing and repairs services. If a customer is not happy Sanctuary will work with them to see what they can do to help. There is also a formal complaints service. Sanctuary has very specific teams within the repairs team who prioritise calls, for example, the Wellbeing Team ensures repairs for vulnerable customers are on track, and the Incident Team deals with matters like a broken lift in a block. There is a national residents' scrutiny panel so residents can get involved in decision making at all levels. However, arrangements will change in the light of the Social Housing White Paper.

Sanctuary said they would examine in detail the issues raised by residents at one of the informal meetings held as part of the review. They would also carry out a separate exercise looking at repairs since lockdown.

The council also hope complaints do not reach the formal stage. Officers analyse demand to see where the failure and value demand is. The highest failure demand is contractors not turning up. Customer satisfaction surveys are also used. The complaints process has two stages: stage 1 is where one of the management team investigates and stage 2 is undertaken by the Head of Building Maintenance although not many reach stage 2. After stage 2 the next stage is the Housing Ombudsman. The council tries to learn from complaints and see if there are common themes or systematic issues in order to address them. It is keen to reach as wide a range of residents as possible to get a wide range of feedback. There is the Residents' Consortium and a repairs focus group. Feedback from residents can be by phone or email and not just meetings.

Abri said repairs can be lengthy and involve repeated visits where they involve other properties, for example, a leak in a ground floor flat means accessing other flats. Feedback is very data driven and is used to identify the top 10% properties where repairs are over and above the normal rate, for instance, a boiler that keeps breaking down or an ongoing leak. Other issues might be identified such in the processes for mutual exchanges or voids. Feedback is a learning process and there are monthly meetings with the repairs team. There might be problems with components such as a particular make of boiler or tap. Guinness acknowledges the frustration caused by lengthy repairs so examines the feedback from call agents in more detail to identify the source of problems.

Guinness replaces a component or does direct replacement if a repair fails. They do not want to send people out four or five times when it is logical to invest in a replacement. In addition, repeated visits mean other customers wait longer. More control over planned budgeting gives more control over what can be spent. Service managers visit to see why a repair has not worked and can recommend a replacement.

Sanctuary is building new software, "One Property", which records all the information on one system so when an operative visits a property they can see its history so are empowered to see what is the best action for the customer. For example, if there is a history of repeated repairs to a boiler the operative can see that a replacement is better.

The council has a similar process. A member of the management team not involved in the original issue with the repair. Data is key so the council keeps a whole host of

data on visits, including for properties where residents do not ask despite needing repairs. The council carries out targeted stock surveys. The trades are technical people who ask at the time of the visit if any other repairs need doing. Even if trades are doing a routine service they have a responsibility to ask if there are other issues.

Workforce - recruitment and retention

For Abri employment and being part of the organisation is a pivotal part of their offer. A recent recruitment fair at a local hotel attracted eight new recruits. Next year Abri are investing resources locally, particularly around EV electricians and retrofitting, as they want people to have a career in housing. 47 apprentice roles are budgeted for. Abri can signpost people to other vacancies if they do not have a particular role. Recruitment costs such as a venue for a jobs event could be shared between organisations.

Guinness said if there were 100 jobs there would only be about five to ten people to fill them so it is a tough market place. Even during Covid people moved from trades based jobs. Guinness are looking at schools and colleges to "grow their own" and providing apprenticeships.

It is a similar situation with the council. It is increasingly important for contractors to provide social value. People need to be recruited at an early stage of their working life. The council "grows" its own chartered building surveyors and now has the strongest team in years. As those present have similar issues perhaps they could work together. Skillsets need to change so that they incorporate new technologies such as retrofitting.

Supply chain and costs

As well as problems with staff shortages, all providers have been experiencing difficulties with materials. Abri had recently carried out a procurement exercise because of rising costs and consolidated their suppliers into three. The benefit of leveraging costs has reduced the cost base and saved up to £1m. Social value, for example, providing apprenticeships, is enhanced as Abri is spending more money with them. A shortage of materials (currently wood because of the storms) has led to a backlog but it is easing now. Materials are more accessible but prices have increased by up to 15 to 20%. Other benefits are that if planned maintenance is done it is cheaper than frequent repairs, for example, replacing a whole window rather than keep repairing it.

Guinness said the cost increase was 15% across the board but is 9% for this year. Guinness has the same issues as other organisations but it is disappointing to have to compete for the same people. Sanctuary knew from speaking to customers that there were delays with materials.

The council is experiencing a similar situation with increases of 10 to 15% across the board with some massively more in some areas than others. It examines what the key items of stock are and where they are (warehouses or vans) and how often they are used. Managing materials is more work for the contractors. The council has regular meetings with the three contractors. Pay is one of the issues discussed as they do not want people leaving. Officers suggested the council and housing associations meet collectively to set Portsmouth levels around pay and green issues amongst others, and to share knowledge.

Conclusions

Based on the evidence and views it received during the review process the panel has come to the following conclusions:

1. Noted that having a telephone menu option where callers can speak directly to repairs is good practice as it removes unnecessary stages in communication and reduces fragmentation.
2. Noted that council tenants are generally satisfied with the repairs and maintenance service. The low level of complaints received by the Housing service is to be commended.
3. Noted that when visiting a property to carry out a repair it is good practice to ask if there are any other repairs that need doing and either do them then or arrange a time for later.
4. Noted that the shortages of labour and materials are causing significant and unprecedented problems across the housing sector.

Recommendations

The panel made the following recommendations:

1. To request the Leader and the Chief Executive to thank Kevin Beagley, Paul Fielding, Steve Groves, James Hill and Meredydd Hughes, all other Housing, Neighbourhood & Building Services officers involved in the review and the officers that attended from the housing associations.
2. To collaborate with other local housing providers to upskill the local workforce, including in green technologies, and promote career paths in housing to address problems with recruitment and retention.
3. To meet collectively with other local housing providers to set Portsmouth levels around pay and green issues (such as retrofitting) amongst others, and to share knowledge.
4. To ensure there are instructions for appliances in individual properties and communal areas.
5. To consider feedback mechanisms where residents are not under immediate pressure to give feedback.
6. To continue the residents' meetings for council tenants that used to be held before Covid.
7. The panel noted that the council's repairs and maintenance contractors had continued to deliver as close to a normal repairs and maintenance service as safely possible throughout the pandemic. Whilst the housing associations participating conceded they were now dealing with backlogs the council's position was different and the panel requests that the Leader and Chief

Executive place on record a note of thanks for the council's repairs and maintenance contractors and the Building Services team for their efforts throughout the pandemic.

Integrated Impact Assessment

An integrated impact assessment would be carried out when the Cabinet makes its decisions based on the recommendations set out in this report.

Budget and policy implications of the recommendations

The following table highlights the budgetary and policy implications of the recommendations being presented by the panel:

	Recommendation	Action By	Budget & Policy Framework	Resource Implications
1	To request the Leader and the Chief Executive to thank Kevin Beagley, Paul Fielding, Steve Groves, James Hill and Meredydd Hughes, all other Housing, Neighbourhood & Building Services officers involved in the review and the officers that attended from the housing associations.	Cllr Cal Corkery	Within existing framework	None
2	To collaborate with other local housing providers to upskill the local workforce, including in green technologies, and promote career paths in housing to address problems with recruitment and retention.	Director of Housing, Neighbourhood & Building Services	Within existing framework	None
3	To meet collectively with other local housing providers to set Portsmouth levels around pay and green issues (such as retrofitting) amongst others, and to share knowledge.	Director of Housing, Neighbourhood & Building Services	Within existing framework	None
4	To ensure there are instructions for appliances in individual properties and communal areas.	Director of Housing, Neighbourhood & Building Services	Within existing framework	None
5	To consider feedback mechanisms where residents are not under immediate pressure to give feedback	Director of Housing, Neighbourhood & Building Services	Within existing framework	None
6	To resume the residents' meetings for council tenants that used to be held before Covid.	Director of Housing, Neighbourhood & Building Services	Within existing framework	None
7	To the Leader and Chief Executive place on record a note of thanks for the council's repairs and maintenance contractors and the Building Services team for their efforts throughout the pandemic to deliver as close to a normal repairs and maintenance service as safely possible.	Leader and Chief Executive	Within existing framework	None

Appendix 1

A list of meetings held by the panel and details of the written evidence received

Meeting Date	Witnesses
25 November 2021	Steve Groves Head of Building Maintenance, PCC Meredydd Hughes Assistant Director of Buildings, PCC
1 February 2022	Resident, a representative of the council's Residents' Consortium Steve Groves Head of Building Maintenance, PCC Meredydd Hughes Assistant Director of Buildings, PCC
4 February 2022	Six residents - council tenants, including two representatives from the Residents' Consortium Six residents - housing association tenants Steve Groves Head of Building Maintenance, PCC Meredydd Hughes Assistant Director of Buildings, PCC
4 March 2022	<u>Abri Housing Association</u> Colin Gallagher - Commercial Director Ralph Facey - Executive Director of Operations <u>Guinness Partnership Housing Association</u> Andrew Godwin - Regional Head of Service Richard King - Regional Commercial Manager <u>Sanctuary Housing Association</u> Adele Lees, Area Manager - Housing (South West) Steve Groves Head of Building Maintenance, PCC Meredydd Hughes Assistant Director of Buildings, PCC
24 March 2022	The panel signed off the report.

Appendix 2

Portsmouth City Council - Value Steps

Repairs Service - Value Steps

Value Steps (Employer or Contractor)	Description
Access (Employer)	<ul style="list-style-type: none">• Take repair request from customer (telephone call, email or in person)• Confirm repair request falls within the <i>Employer's</i> repair responsibility and scope of service for the Affected Property• Research any previous history relating to reported repair(s)• Identify any relevant projects and liaise with <i>Employer's</i> project team as required• Establish other needs of the Affected Property such as out of date electrical or gas certificates only if they fall within the <i>Employer's</i> repair responsibility and scope of service• Identify a convenient date and time, from the customer, for someone to attend the repair<ul style="list-style-type: none">○ If the customer states, they are flexible then a mutually convenient date and time should be agreed and documented as the appointment○ If it is a repair where no customer or <i>Employer</i> staff member needs to be present and there is no reason to carry the repair out immediately, e.g. health and safety, the <i>Contractor</i> can allocate the appointment in the <i>Employer's</i> repairs ICT system to help smooth operative utilisation• Identify all repairs that the customer may have within the <i>Employer's</i> repair responsibility and scope of service for the Affected Property• Identify relevant information relating to the repair(s) to enable the right skilled resource(s) to be sent with the right materials and equipment, e.g. van stock• Update the <i>Employer's</i> repairs ICT system with relevant repair and appointment detail to ensure timely information is available to all• Telephone the repair through to the <i>Contractor</i> and confirms details handed over cleanly

Value Steps (Employer or Contractor)	Description
<p>Diagnosis (Contractor)</p>	<ul style="list-style-type: none"> • Organise the work to minimise the number of separate appointments required • Resource receives one repair at a time from <i>Contractor</i> resource centre • Update <i>Employer's</i> repair and maintenance ICT system, including stock data as required, with information that relates to the purpose of the service and without hand-off after receiving information • Assign the right resource(s) to meet, convenient to customer, timed appointment(s) • Resource receives information about the repair including relevant repair history, the status of relevant projects, relevant information regarding the customer and the <i>Employer's</i> repair responsibility and scope of service for the Affected Property • Capable resource arrives at the Affected Property at the appointed time with a van stocked to meet the predictable demands of repairs they will attend • Diagnosis carried out by the right resource once they have gained access to the repair • Identify what actually needs fixing • Identify any additional repairs the customer may have and what needs fixing within the repair responsibility and scope of service for the Affected Property • Get prior approval from the <i>Employer</i> to proceed with repair(s) if work is estimated to exceed limit for the Affected Property • <i>Employer</i> issues 'Schedule 3 - Part 21 - Repair Authorisation Instruction' to <i>Contractor</i> • Assess time required to complete repair(s) and inform occupant and <i>Contractor's</i> resource controller • If required, arrange convenient follow-on appointments (see Access) and base on knowledge of material lead times and intervals between repair actions, e.g. reinstating electrics after water damage
<p>Repair (Contractor)</p>	<ul style="list-style-type: none"> • For repairs that fit within the scope of the <i>Contractor's</i> service with the <i>Employer</i>, inform the resource centre of: <ul style="list-style-type: none"> ○ Arrival time ○ Estimated departure

Value Steps (Employer or Contractor)	Description
	<ul style="list-style-type: none"> ○ Additional part/material required and when, if not picking up ○ Additional resource required and when • For repairs that fall outside the scope of the <i>Contractor's</i> service with the <i>Employer</i> for the Affected Property, the <i>Contractor</i> will: <ul style="list-style-type: none"> ○ assist the customer in reporting these repairs to the <i>Employer</i> or Others, as appropriate ○ assist in providing any relevant diagnosis information commensurate with their skills and experience • Keep customer informed throughout • Carry out repair and inform resource centre of: <ul style="list-style-type: none"> ○ Work carried out ○ Parts/materials used ○ Any follow-up appointments agreed with customer • For repairs that are likely to exceed their specific authorisation level, the resource seeks further approval to proceed from the <i>Employer</i> • <i>Employer</i> issues 'Schedule 3 - Part 21 - Repair Authorisation Instruction' to <i>Contractor</i> • If all the occupant's repairs are complete, then the operative asks <i>Employer's</i> customer satisfaction questions and feeds back to resource centre • Update <i>Employers</i> repairs and maintenance ICT systems with relevant information about the repair undertaken, using keywords, and stock data where appropriate

Out of Hours Service - Value Steps

Value Steps (<i>Employer</i> or <i>Contractor</i>)	Description
<p>Decide (<i>Employer</i>)</p>	<ul style="list-style-type: none"> • Get customer details • Get location and description of demand • Check history relevant to demand • Decide service to be provided out of hours <ul style="list-style-type: none"> ○ Provide suitable help out of office hours ○ Right repair at the right time ○ Provide suitable homes when needed ○ Keep the local area clean and tidy ○ Provide the right accommodation, support and care when needed
<p>Coordinate (<i>Employer</i>)</p>	<ul style="list-style-type: none"> • Make an appointment that we can meet • Coordinate resource to attend • Right resource (<i>Employer</i> and/or <i>Contractor</i>) attends with right skills and materials, assessing what service to provide out of office hours and asks if there are any other problems • Resource liaises with the customer and Out of Hours Officer • Resource provides out of hours service (not just 'make safe') • Resource asks customer for satisfaction score for out of hours service and any feedback • Resource updates Out of Hours Officer • Out of Hours Officer liaises with <i>Employer</i> and <i>Contractor</i> in hours' teams

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Agenda Item 7



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet
Date of meeting:	21 st June 2022
Subject:	Corporate Gas Contract
Report by:	James Hill - Director for Housing, Neighbourhood and Building Services
Author:	Andrew Waggott, Head of Energy Services
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 To update Cabinet as to the changes in structure of Gazprom Marketing and Trading Limited ("Gazprom M&T") trading as Gazprom Energy and the control of their parent company, Gazprom Germania, since the Cabinet decision in March 2022.
- 1.2 To provide context, evidence and reassurance that conditions have significantly changed since March 2022, and that further, positive developments are likely in the coming weeks and months.
- 1.3 To provide evidence that Gazprom M&T, nor its parent company Gazprom Germania, are directly buying Russian gas.
- 1.4 To show that many of the risks associated with terminating the existing corporate gas contract ("the Contract") highlighted in the report to Cabinet in March 2022 (Appendix A of this report), remain.
- 1.5 In light of these changes to approve recommendations which amends the decision made by Cabinet in March 2022, which instructed officers to terminate the contract with Gazprom M&T.

2. Recommendations

It is recommended that the Cabinet:



- 2.1 Consider the content of this report, particularly the breakage of the link between Gazprom M&T with the Russian state, which was made by the change in ownership of the single shareholder; from the Russian Federation to Gazprom Germania on the 4th April 2022.
- 2.2 Notes the change in control of Gazprom Germania, the parent company and single shareholder of Gazprom M&T, enacted by the German Government resulting in Gazprom Germania being under the control of the German Federal Network Agency 4th April 2022.
- 2.3 Cabinet notes that Gazprom M&T are not placing direct orders for Russian gas.
- 2.4 Cabinet notes that Gazprom Germania is not directly placing orders for Russian gas and is prevented from doing so, should it wish to, by Russian sanctions.
- 2.5 Cabinet notes the financial and legal risk, detailed within this paper and the paper of March 2022, associated with terminating the Contract in June 2022.
- 2.6 Cabinet instructs officers in light of the changed circumstances not to terminate the Contract with Gazprom M&T on or before the 30th June 2022, in line with the contract conditions.

3. Background

3.2 Previous Cabinet Decision - 22nd March

- 3.2.1 On 22nd March 2022, the Cabinet agreed the recommendation that the Council's gas contract with Gazprom M&T should be terminated before the 30th June 2022, in line with the contract conditions. The 30th June being the latest annual date that the Council could serve notice in order to terminate (on none default positions) upon the contract's anniversary on 30th September 2022.
- 3.2.2 This decision was reached in the immediate aftermath of the invasion of Ukraine, and was made with a desire to break any connection in the supply with the Russian state, the Russian state being the single shareholder of Gazprom M&T and its parent companies, with the strong likelihood that revenue and profits made on the Contract, that were finding their way back to Russia.
- 3.2.3 On 22nd March many local authorities and other organisations were similarly looking for an opportunity to end their respective contracts with Gazprom M&T. In particular, the Council was engaged in discussions with the Local Government Association (LGA), who had organised meetings with peer authorities, with their own Gazprom M&T contracts, and central government departments.
- 3.2.4 The Cabinet were asked to note in the recommendations that events remained fluid and that, should matters materially change, that powers could be executed by the Chief Executive during the pre-election period and the immediately after the election.

3.2.5 The Cabinet also requested that a paper be brought to the next Cabinet of the new municipal year, in order to reflect market conditions.

3.2.6 The full text of the March 22nd Cabinet paper is in Appendix A of this report.

3.3 Developments Since 22nd March

3.3.1 A number of significant developments have occurred since the Cabinet decision on the 22nd March. The key developments are the change in ownership of Gazprom M&T and the change in control of Gazprom Germania.

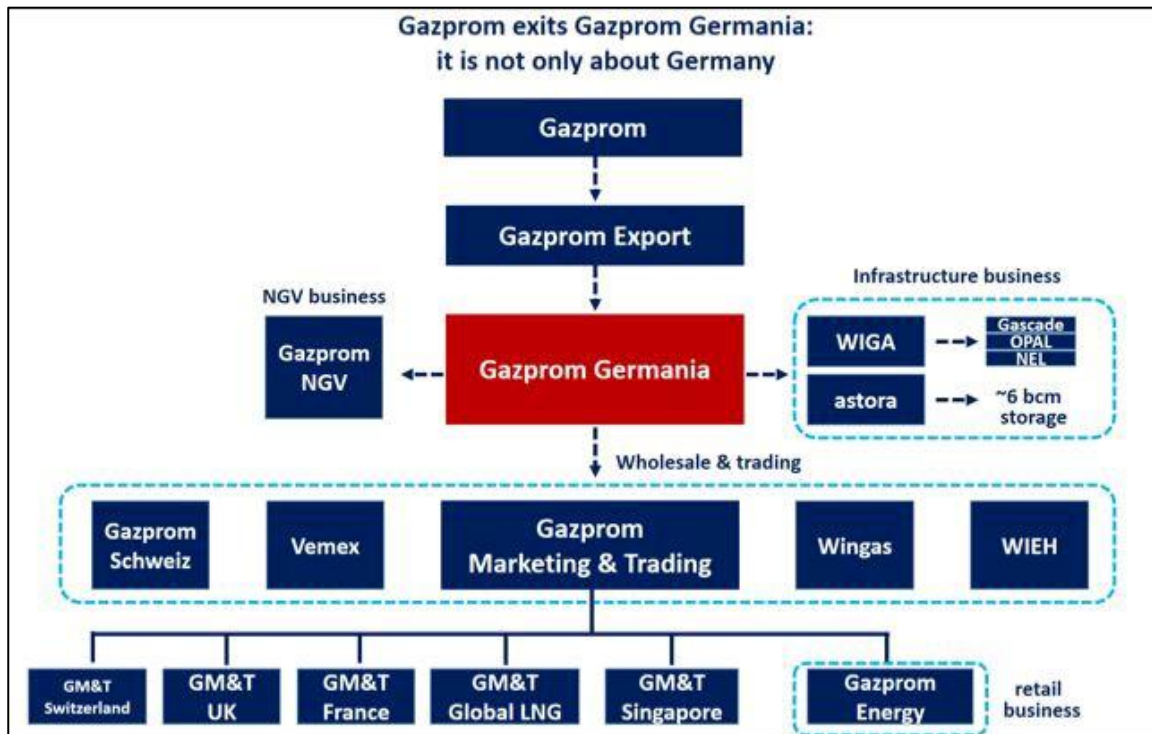
3.3.2 A timeline of the key developments over recent months is included within the table below:

Date	Development
24/02/2022	Russia invades Ukraine
26/02/2022	The USA sanctions the Gazprom company group including Gazprom Germania and its subsidiary company Gazprom M&T
04/04/2022	The German government hands control of Gazprom Germania to the German Federal Network Agency
04/04/2022	Gazprom Germania replaces the Russian Federation as the single shareholder of Gazprom M&T
02/05/2022	The US Department of the Treasury removes sanctions on Gazprom Germania and its subsidiary, Gazprom M&T
03/05/2022	Russia imposes sanctions on Gazprom Germania and its subsidiaries, including Gazprom M&T

3.3.3 One of the key developments is the change of shareholding within Gazprom M&T. Until the 4th April, 100% of the shares were held by the Russian Federation. On that date, Gazprom Germania became the single shareholder¹.

3.3.4 The control of the parent company, Gazprom Germania to the German Federal Network Agency was made on 4th April. The diagram below shows the position of Gazprom Germania within the company structure:

¹ [GAZPROM MARKETING & TRADING LIMITED persons with significant control - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](https://www.gov.uk/company-information/service)



- 3.3.4 German law has a 6-month limitation on the period that it can seize control over Gazprom Germania. This can be extended indefinitely, with the current period set to end on the 30th September 2022. Despite this, it is considered extremely unlikely that control would be ceded back to Russia.
- 3.3.5 At time of writing (the 10th June), the German government does not have a legal mechanism by which it can expropriate the shares from Gazprom Germania, however they have taken control of the company and its subsidiaries. The German government has also laid legislation in the Bundestag (yet to be enacted) which will enable this².
- 3.3.6 Russian sanctions means that Gazprom Germania is unable to buy Russian gas from Russia³.
- 3.3.7 It can be reasonably inferred from the US removal of sanctions on Gazprom Germania, that they are satisfied that the link with the Russian state has been severed.
- 3.3.8 It is widely believed that Gazprom Energy will rebrand in early July⁴.

² [Reform of the Energy Security Act: New Options for Action to Secure Energy Supply in the Event of Crisis | Hogan Lovells - JDSupra](#)

³ [Germany faces 5 billion euros a year hit from Russian gas sanctions, Welt am Sonntag reports | Reuters](#)

⁴ [I can't believe it's not Gazprom! Gas giant's UK division seeks rebrand as it severs ties with Putin \(cityam.com\)](#)

- 3.3.9 In the period since the March cabinet paper was made, a number of peer authorities have publicly stated that they cannot end their supply contracts with Gazprom⁵, some of which had initially announced their intention to do so⁶.
- 3.3.10 Eden District Council have specifically cited the ultimate German control as the reason for staying in their Gazprom supply contracts⁷.

4. Reasons for recommendations

- 4.1 The imperative that existed to end the contract in March no longer exists, as in so far as can be reasonably ascertained, no money from the Contract is flowing back to the Russian state. The change of shareholder of Gazprom M&T and the control of Gazprom Germania by the German Federal Network Agency breaks the link between the Contract and Russia.
- 4.2 Gazprom M&T has no direct contracts in place for Russian gas. Gazprom Germania is unable to buy Russian gas, if it wanted to, because of the Russian sanctions placed on the company⁸.
- 4.3 Terminating the Contract with Gazprom M&T will have an inevitable cost increase to the Council which cannot be quantified in full noting the termination cost provision is linked to costs incurred by Gazprom M&T, but it will result in a negative effect from Best Value perspective. These likely cost implications are articulated in detail in the 22nd March Cabinet paper in Appendix A.
- 4.4 Terminating the Contract in line existing Contract conditions is in the Council's gift provided this is done within the annual deadline timeframe. However, the provision and calculation of termination costs is not clear and would result in a negotiation with Gazprom M&T and potential litigation costs.

5. Integrated impact assessment

- 5.1 See Appendix A of this report.

6. Legal implications

- 6.1 The Council entered into the Contract with Gazprom M&T for the supply of gas on 1 October 2021 with an expiry date of 30 September 2024. The Contract was awarded via the Council's broker through a competitive tender process.

⁵ [Sanctioning Gazprom would legally protect councils, Salford mayor says - BBC News](#)

⁶ [Merton Council urges law change to exit Gazprom contract \(swlondoner.co.uk\)](#)

⁷ [Eden District Council to continue Gazprom contract - BBC News](#)

⁸ [Russia puts sanctions on Gazprom units in Europe and U.S., part owner of pipeline | Reuters](#)



- 6.2 The Council can exit the Contract on the 12-month anniversary (30 September 2022), subject to providing written confirmation before 30 June 2022. This is a continuing annual right
- 6.3 If the Council elects to terminate early, in accordance with the contract terms, then the Council will have to pay a "*termination payment*", outlined in 4.3 of this report. Legal cannot quantify the costs of *termination payment* at this stage due to the basis of the reality of the unknown factors such as Gazprom's loss of costs. . Negotiations as to such costs would begin with the contractor via legal upon issuing of the notice.
- 6.4 Any decision to terminate the contract outside the annual anniversary notice date would be deemed wrongful termination resulting in liability for damages allowing Gazprom M&T and entitlement to damages for breach of contract based on common law principles. This would not be regulated or limited by the Contract. Legal cannot comment or assess the potential quantum at this stage (due to this being based on common law statute) but it is highly likely to exceed the termination payment liability under the break clause.
- 6.5 As noted in the previous March report Section 17 of the Local Government Act 1988 (LGA 1988) relates to exclusion of non-commercial consideration. Section 17(4)(c)(ii) covers the termination of contracts in such instances.
- 6.6 Section 17(5)(e) of the LGA 1988 states that one of the non-commercial matter(s) that cannot be considered by local authorities is "*the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors*". It seems apparent that the contract with Gazprom M&T and their relationship with Russia would fall within this category of non-commercial matters'.
- 6.7 As a result of section 17 there are limited ways to legally terminate the existing Contract (outside the above issuing of termination notice with termination costs) without risk of challenge.
- 6.8 The Council has a duty of Best Value under section 3 of the Local Government Act 1999, which states the Council must "*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.*" Cabinet is reminded that consideration must be given to this duty when reaching a decision on the recommendations in the report.
- 6.9 The Russia (Sanctions) (EU Exit) (Amendment) Regulations 2022 do not reflect commercial relationships already entered into by Authorities and there is currently no specific trade restriction on purchasing gas from a Russian source. Continued investigation should be undertaken to monitor any further amendments and sanctions that could be of relevance.

7. Director of Finance's comments

- 7.1 The invasion of the Ukraine happened 10 days after the Council's budget was agreed on the 14th February 2022 and as a consequence there is no contingency built into the current budget to cover the financial impact of terminating the agreement with Gazprom.
- 7.2 The Council would need to identify a funding source should they choose to terminate this contract. The exact scale of the financial impact of this decision as stated in the report is as yet unknown and neither is the remedial action to cover the financial impact.
- 7.3 The major concern if the contract was cancelled is the Council would need to seek an alternative provider and purchase gas at today's prices. It's unlikely that we would be able to hedge our gas price without a substantial uplift to the current contract.

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

Appendices:

Appendix A - Portsmouth City Council - Gas Contract - Cabinet Paper of the 22nd March 2022

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
N/A	

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

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Signed by:

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Title of meeting:	Cabinet
Date of meeting:	22 nd March 2022
Subject:	Portsmouth City Council - Gas Contract
Report by:	James Hill - Director for Housing, Neighbourhood and Building Services
Author:	Andrew Waggott, Head of Energy Services
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 The Leader of the Council has requested that officers review Portsmouth City Council's gas contract that it holds with Gazprom Energy, in order to determine whether the contract can be terminated sooner than the contract end date.
- 1.2 This paper sets out the background, recommendations, key considerations and financial and legal risk of early termination of this contract.

2. Recommendations

It is recommended that the Cabinet:

- 2.1 Consider the content of the report and the option available to terminate the contract with Gazprom in compliance with the contract conditions referencing termination.
- 2.2 Determine if they wish to exercise the option to terminate the contract with Gazprom in compliance with the contract conditions referencing termination; and if so;
- 2.3 Instructs officers to serve notice to terminate the Gazprom contract effective from the 30 June 2022 to end the contract on the 30 September 2022
- 2.4 Delegates authority to the Director of Housing, Neighbourhoods and Building Services (in consultation with the Section 151 Officer and the City Solicitor) the



authority to terminate the contract with Gazprom in compliance with the contract conditions referencing termination.

- 2.5 Delegates authority to the Director of Housing, Neighbourhoods and Building Services (in consultation with the Section 151 Officer and the City Solicitor) to commence a procurement exercise to confirm a new supplier from the 1st October 2022; focussing on sourcing routes that allow for the lawful exclusion of Gazprom from bidding for the contract
- 2.6 Asks officers to continue to work with external partners from government, the Local Government Association (LGA), brokers and peer authorities to highlight issues and suggest remedies to the situation that this and other councils find themselves in with regards to Gazprom contracts
- 2.7 Request a paper be put to Cabinet at the next available meeting in the new municipal year to provide an update and to detail the total known costs of exiting the Gazprom contract ahead of its full term; reflecting market conditions and the costs which will only be clear at the point of formal termination
- 2.8 Note that the events in Ukraine and the conditions of the gas commodity market remain extremely fluid and note the availability of the Chief Executive's emergency powers to be used, should matters change materially in coming weeks
- 2.9 Following the full council meeting on the 15th March 2022, and the discussion on this matter arising from an emergency Members' question. The Leader is asked to write to the energy broker to ask that they waive their fees associated with this contract termination, or that they consider donating the fee to an appropriate charity supporting the crisis in the Ukraine

3. Background

3.1 Gazprom Energy

- 3.1.1 Gazprom Energy is the trading arm in the UK, Germany, France and the Netherlands of the Russian-listed parent company and is headquartered in Manchester. Gazprom is the largest energy supplier, by volume, to industrial and commercial companies in the UK, supplying around 22% of all gas to over 30,000 clients, including a number of local authorities and other public bodies^[1].
- 3.1.2 Since the commencement of the war in Ukraine, Gazprom's close links to the Russian state has led many local authorities (see section 3.3) and other organisations to cite their intention to end their supply agreements with them,

¹ <https://www.gazprom-energy.co.uk/blog/gazprom-energy-ranked-as-largest-non-domestic-gas-supplier-in-the-uk/#:~:text=Gazprom%20Energy%20ranked%20as%20largest%20non%2Ddomestic%20gas%20supplier%20in%20the%20UK&text=We%27re%20pleased%20to%20announce,Q2%202020%20market%20share%20report.>

although to date the Council is not aware of any public sector bodies who have formally terminated their agreements.

3.1.3 The UK's gas supply is largely comprised of domestic North Sea gas, imported Norwegian and liquified natural gas from the Middle East and the USA. Less than 5% of UK gas originates from Russia. However, gas is traded globally and the threat of reduced flows into Europe brought about by the war in Ukraine has sent huge shocks through the market; with wholesale gas over the past month, trading at as much as 1,200% higher than the same time last year.

3.2 The PCC-Gazprom Contract

3.2.1 The council entered into a 3-year supply contract with Gazprom Energy, commencing on the 1st October 2021 (end date 30th Sept 2024). Gazprom Energy won the contract via the council's third party intermediary (energy broker) through a competitive tender process. This contract is to supply 100% of the natural gas to council-operated buildings including communal heating in social housing properties, schools and tenanted buildings.

3.2.2 This is a flexible contract, allowing the Council to work with their brokers to make forward buying decisions. At the time of entering the contract, the Council estimated their spend on gas to be £1.8 million per annum or £5.4 million across the three-year term of the contract. Since this time, gas prices have risen in an unprecedented way, with huge volatility, particularly since the invasion of Ukraine.

3.2.3 Enquiries have been made as to the contractual arrangements to terminate the contract supply contract with Gazprom. The following information has been reviewed by the energy services team and in-house legal colleagues (see legal comments within this report), who have confirmed that the council can exit from the contract on the 12-month anniversary (i.e. 30th September 2022), subject to providing written confirmation before 30th June.

3.2.4 The council will be liable for a termination payment which will include (but will not be limited to) Gazprom's fees at approximately £45,000 per annum which would suggest the total cost brought about by this element of the charges would be circa £90,000 in total. This figure is unquantifiable as set out in further detail within the legal section of this report. In addition to any termination fee incurred as a result of service of notice an additional one-off fee of £16,875 would be payable to the broker.

3.2.5 Of larger financial concern is that the council has secured 50% of its gas for the October 2022 - March 2023 period. Since the time that this volume of gas was secured, prices have risen considerably, and to re-secure this gas will cost significantly more based on current market conditions. Should notice to terminate be served, it is at Gazprom's discretion as to if and when to sell back this gas to the market, however there is no detail in the contract as to when this trade would be made. Gas prices are extremely volatile at the current time, with the cost of the commodity, at times in the past month, almost double the previous historic high.

- 3.2.6 In informal discussions with Gazprom, they have indicated that the decision about when and at what price to sell off the forward-purchased gas is entirely and solely at their discretion. It is not known what percentage profit Gazprom would realise on these trades. It is also possible that, given the current political climate, if Gazprom were to try to sell the Council's forward-secured gas, that they might not find a buyer.
- 3.2.7 The 50% volume of gas that the Council has forward secured for the winter period 2022-23 was locked in at £997,111. In the worst-case scenario (i.e. no buyer was found for this gas) then the Council would be liable for this cost.
- 3.2.8 Gas is a global commodity, the price of which is subject to daily market conditions. As previously discussed, gas prices have been subject to historic volatility since the beginning of the war in Ukraine. At the time of writing, the 14th March 2022, to resecure the 50% winter 2022-23 volume would cost £ £1,301,965 (an increase of £304,853).
- 3.2.9 These costs are worked up on the basis of serving notice to terminate in accordance with the contract, which can be actioned from now until the 30th June. Serving notice would mean the council's gas would continue to be supplied by Gazprom until the 30th September 2022.
- 3.2.10 If a decision were taken to breach the contract conditions, effectively ending our supply contract immediately, then a more detailed analysis of the financial, legal, procurement and contractual implications would need to be undertaken urgently to understand the potential impact of this. In this eventuality, the Council understands that Gazprom would not release the supplies to a new supplier without the Council settling in full, any breach of contract fees determined by Gazprom and payment for any future secured volumes of gas.

3.3 Working with Peers

- 3.1.1 Council officers are working with the LGA and have participated in a forum at which councils discussed their contracts collaboratively and fed back to government officials.
- 3.3.2 The Cabinet Office are working on a Procurement Policy Notice (PPN) with other departments of central government. The note is due to be issued shortly and will provide guidance to public sector bodies. However, it was clear from the latest LGA organised call that responsibility and risk for decision making will remain with the public sector body concerned. The note will likely take the form of guidance rather than providing mandated direction.
- 3.3.3 The Leader of the Council has sent a response to the Secretary of State for the Department of Levelling Up, Housing and Communities (DLUHC) to request that support be given to ensure that the Council can leave the Gazprom contract without significant costs being incurred.

3.4 Re-Procuring the Gas Contract

- 3.4.1 It is essential that the gas contract be urgently reprocured as a parallel activity with serving notice to terminate with Gazprom. It is essential that the council has a supplier in place through whom they are able to hedge future purchases of gas, as without one they are exposed to an extremely volatile market.
- 3.4.2 The Council's brokers anticipate, using their electronic dynamic purchasing system (DPS), that a compliant procurement exercise can be undertaken in 6-8 weeks. Once in place, trades and hedges beyond October 2022 can be undertaken to insulate the Council from some market volatility.
- 3.4.3 The Council's broker, at time of writing, has not been able to de-list Gazprom as a supplier on their DPS. There is no legitimate way of excluding Gazprom from taking part in these tenders, so it cannot be ensured that they will not win a re-procured contract with the Council. This is an issue being faced by many of the established energy brokers.
- 3.4.4 At present, it is difficult to see how Gazprom can be legitimately suspended from any public procurement exercise. It is an issue faced by a number of the local authorities that the Council has been liaising with through the LGA. Some are actually in the position of entering into a brand-new contract with Gazprom on the 1st April 2022, with no legal way of proceeding.
- 3.4.5 For gas supply contracts the established market norm is for bid evaluation to be focused almost solely upon price which is reflected in the established framework agreement and dynamic purchasing system protocols which typically restrict assessment of non-commercial elements to no more than 30% of the evaluation weightings.
- 3.4.6 The PPN may provide further guidance on how evaluation mechanisms could be legally applied which may deter Gazprom from bidding but is unlikely to go as far as providing a means of lawful exclusion. In any procurement exercise that Gazprom cannot be lawfully excluded from they are likely to be highly competitive as they are likely to have surplus supplies which they may offer at significant discount.
- 3.4.7 If the council's broker is unable to lawfully exclude Gazprom from their own dynamic purchasing system and no legislation is passed which would prevent Gazprom taking part in future procurement processes the council's best option would be to investigate using a framework agreement which Gazprom are not party to and, unlike a dynamic purchasing system, is closed for further applications at the point it is legally established.

4. Reasons for recommendations



- 4.1 The recommendations enable PCC to exit from the Gazprom contract using the contractual mechanism. The delegations enable the relevant officers to proceed with the termination.
- 4.2 Given the conflict in Ukraine, there is an understandable desire to end the Gazprom contract in the shortest period of time possible, however it is important to ensure that in doing so, the Council does not allow Gazprom to achieve significantly higher profits than they would by seeing out the contract terms and conditions.
- 4.3 It is important to note that increased costs will be felt across all service areas, including schools, social housing, social care, tenanted buildings and leisure facilities.
- 4.4 It is important that the Council is not exposed to an un-hedged position for longer than absolutely necessary. Securing a new supplier will allow for a smooth take-over of the gas supplies when Gazprom ceases their supply to the Council's properties.
- 4.5 It is important to ensure that Gazprom are not in a position to win any future tenders of the Council's gas portfolio. At present, there does not seem a way of legally ensuring this, without either a) finding a framework without Gazprom on it or b) central government taking regulatory or legislative action to prevent Gazprom from trading.
- 4.6 At least thirty local authorities hold contracts with Gazprom, some with similar terms and structures to the Council's. There is value in working collectively to overcome issues and share learning on issues of energy buying, financial risk, legal and procurement.
- 4.7 The LGA has been successful in securing external legal advice regarding the Gazprom contracts, which may play an important role in determining the Council's course of action.
- 4.8 Central government action may ultimately prove to be the only way of securing a secure legal route out of the contract without paying large penalties: either through sanctions, suspension of the licence or a relevant statutory instrument.
- 4.9 The total cost the council may be liable for as a result of termination will only become apparent following issuing of the termination notice and legal cost negotiation commences. The costs contained within this paper are best estimates based on discussions with brokers, peers and Gazprom themselves. As previously noted, the gas commodity market is currently very volatile, and the full cost will only be known once new volumes of gas are secured by an alternative supplier for the inter 2022-23 period.
- 4.10 Given the current volatility in gas prices and trading conditions brought about by the war in Ukraine, it would be prudent to allow officers to make agile decisions, to the



financial and legal advantage of the Council, whilst not reneging on the commitment to terminate the contract with Gazprom.

- 4.11 Such a change in conditions could arise from a change in central government's stance on sanctions, the removal of Gazprom licence to supply energy or Gazprom entering administration.

5. Integrated impact assessment

- 5.1 See Appendix A of this report.

6. Legal implications

- 6.1 The Council entered into a contract with Gazprom Energy for the supply of gas from 1 October 2021 due to expire on 30 September 2024 the contract was awarded via the Council's broker through a competitive tender process.
- 6.2 Upon review of the contract, it has been confirmed that the Council can exit the existing contract on the 12-month anniversary (30 September 2022), subject to providing written confirmation before 30 June 2022.
- 6.3 If the Council elects to terminate early, in accordance with the contract terms, then the Council will have to pay a "*termination payment*", outlined in section 3.2.3 and 3.2.4 of this paper. Legal cannot comment or assess the quantum of such *termination payment* at this stage, as there are too many unknown factors. Negotiations as to costs will begin with the contractor via legal upon issuing of the notice.
- 6.4 If a decision is made to terminate the contract outside of its terms (prior to 30 September 2022) this would result in a breach of contract/wrongful termination and would result in liability for damages allowing Gazprom an entitlement to damages for breach of contract based on common law principles and will not be regulated or limited by the contract. Legal cannot comment or assess the potential quantum at this stage (due to this being based on common law statute) but it is highly likely to exceed the termination payment liability under the break clause.
- 6.5 Any procurement of an alternative gas supplier must be done in compliance with the Public Contract Regulations 2015 (PCRs 2015), most significantly Regulation 18 relating to the principles of equal treatment, transparency and proportionality. The PCRs 2015 would therefore prevent the exclusion of bidders based on nationality, such as Russia. In any event many Russian linked companies trade through UK incorporated group or subsidiary companies, as is the case with Gazprom Energy.
- 6.6 If the procurement of a new supplier is via a framework agreement then in order to ensure the Council is meeting its obligations under the PCRs 2015, awards of contracts must comply with the terms of the framework agreement in question.



- 6.7 Section 17 of the Local Government Act 1988 (LGA 1988) relates to '*exclusion of non-commercial considerations*', meaning that there are restrictions on what can be considered when dealing with public supply or works contracts.
- 6.8 Section 17(4)(c)(ii) of the LGA 1988 states that that one of the functions regulated by the section is "*in relation to a subsisting public supply or works contract with the authority - the termination of the contract*" - this is of relevance as it shows that terminating a contract, such as is the case here, is expressly one of the functions regulated by the section.
- 6.9 Section 17(5)(e) of the LGA 1988 states that one of the non-commercial matter(s) that cannot be considered by local authorities is "*the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors*". It seems apparent that the contract with Gazprom and their relationship with Russia would fall within this category of non-commercial matters'.
- 6.10 As a result of section 17 there are limited ways to legally exclude Gazprom from the procurement process for UK public sector contracts without risk of challenge, this is unlikely to change unless legislation is passed to alter this position and remove the existing legislative barriers.
- 6.11 The Council has a duty of Best Value under section 3 of the Local Government Act 1999, which states the Council must "*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.*" Cabinet is reminded that consideration must be given to this duty when reaching a decision on the recommendations in the report.
- 6.12 Currently the Russia (Sanctions) (EU Exit) (Amendment) Regulations 2022 do not reflect commercial relationships already entered into by Authorities and there is currently no specific trade restriction on purchasing gas from a Russian source. Continued investigation should be undertaken to monitor any further amendments and sanctions that could be of relevance.

7. Director of Finance's comments

- 7.1 The invasion of the Ukraine happened 10 days after the Council's budget was agreed on the 14th February 2022 and as a consequence there is no contingency built into the current budget to cover the impact of terminating the agreement with Gazprom. The Council would need to identify a funding source should they choose to terminate this contract. The exact scale of the financial impact of this decision as stated in the report is as yet unknown and neither is the remedial action to cover the financial impact.

.....
Signed by: James Hill - 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
N/A	

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

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Signed by:

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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:	Household Support Fund
Date of meeting:	21 June 2022
Report by:	James Hill, Director of Housing, Neighbourhood and Building Services
Report Author:	Mark Sage, Tackling Poverty Coordinator
Wards affected:	All

1. Requested by Councillor Chris Attwell, Cabinet Member for Communities and Central Services.

2. Purpose

2.1. To outline the assistance being provided to residents of Portsmouth in financial hardship, making use of the Household Support Fund made available by the Department for Work and Pensions (DWP).

3. Information Requested

3.1. Background

3.1.1 On 6 October 2021, the DWP announced a new £500m Household Support Fund (HSF) for County Councils and Unitary Authorities in England, to support those most in need this winter due to financial hardship.

3.1.2 Portsmouth City Council used the full allocation available between October 2021 and March 2022 of £1,888,214.70 to support households in the most need with food, energy and water bills, by paying for those items or 'wider essential costs'.

3.1.3 Appendix 1 includes a breakdown of how the funds were used to support residents over this period.

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)

- 3.1.4 In March, as part of the Spring Budget, the government announced that local authorities would receive another round of HSF, for the period April to September 2022.
- 3.1.5 On 20 April, the DWP provided the final guidance to local authorities on this round of HSF, including confirmation that another £1,888,214.70 is available for Portsmouth.
- 3.1.6 The objective of the HSF remains the same as in the previous round; to provide support to vulnerable households in most need of support to help with significantly rising living costs.
- 3.1.7 In the previous round of HSF, at least half of the funds had to be used to support families with children. 86% of Portsmouth's total spend for that period went to families with children.
- 3.1.8 In this round, at least a third must be used to support families with children, and at least a third must be used to support people over the state pension age.
- 3.1.9 In Portsmouth, less than 20% of the adult population is above state pension age, and therefore this round of funding is heavily weighted towards older people in financial hardship.
- 3.1.10 HSF provides significant short-term funding to support residents in financial hardship. However, to put it in context, following the £20 per week reduction in Universal Credit entitlements from October 2021, around 17,000 households in Portsmouth lost £86.67 a month, a total reduction of income of around £1.47 million each month.
- 3.1.11 The funding available for six months under HSF therefore equates to around six weeks of the reduction in Universal Credit last October.
- 3.1.12 In April 2022, Universal Credit and other means-tested benefits were uprated by 3.1%, however, the Consumer Price Index rose by 9.0% in the 12 months to April 2022.
- 3.1.13 In this context, it is essential that we make full use of the Household Support Fund to benefit residents.

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)

3.1.14 Portsmouth City Council provides a range of support to low income

households, including funding independent money advice focussed on three key outcomes:

3.1.14.1 Ensuring people receive all the income they are entitled to

3.1.14.2 Reducing household expenditure

3.1.14.3 Finding solutions to unmanageable debt.

3.1.15 Delivery of HSF aims to strengthen and support the wider work around money advice and income maximisation.

3.2 Delivering assistance to residents

3.2.1 In May, Portsmouth City Council's Pandemic Business Continuity 'Gold Command' meeting approved plans for the use of this round of HSF, outlined at Appendix 2.

3.2.2 The main principles informing our approach are to deliver:

3.2.2.1 Two large, targeted schemes for children eligible for free school meals and older people on low incomes, to reach a large number of residents and meet the DWP demographic requirements.

3.2.2.2 A range of other schemes that aim to reach those who are missing out either because their income is just over the other eligibility thresholds, or because they are not claiming their other entitlements.

3.2.3 From December 2020, Portsmouth City Council worked with schools to provide vouchers for children eligible for free school meals during the school holidays. However, with no long term funding available to continue this, families and schools were informed that Easter 2022 would be the last school holiday period when these vouchers could be provided.

3.2.4 The new round of HSF funding does not provide enough resource to reinstate school holiday vouchers, but we will use our relationship with schools and experience of providing holiday vouchers to provide a voucher for every child eligible for free school meals during the summer term, and us that opportunity to promote uptake of HAF Fun Pompey, the holiday activities and food programme for the summer holiday.

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)

- 3.2.5 The scheme to provide £100 to every household of state pension age that is in receipt of either Pension Credit, Council Tax Support, or both, is new, and a project team is developing our process for communicating with and making payments to eligible recipients.
- 3.2.6 However, we estimate that over £6 million in Pension Credit goes unclaimed every year in Portsmouth. Those households who are missing out on Pension Credit will also miss out this £100 payment, and therefore we have allocated £60,000 of funding to provide small grants to older people in financial hardship who are missing out on benefit entitlements, alongside support to maximise their income.
- 3.2.7 The HSF schemes we are delivering build on our relationships with local partner organisations, including HIVE Portsmouth and the wider voluntary and community sector.
- 3.2.8 £100,000.00 has been allocated to support the work of community larders and pantries, foodbanks and community meals, which all serve people in need of support with the cost of food, offering a range of local provision that can respond flexibly to local needs.
- 3.2.9 £300,000.00 has been allocated to a discretionary grant scheme for food, energy and other essential costs. This is significantly less than the amount allocated through discretionary grants and energy vouchers in the last round, due to the stipulation on supporting pension age households.
- 3.2.10 The discretionary grant scheme will be a referral scheme, ensuring that we work with partners who understand the needs of their service users, and that grant support is not a one-off, but part of a wider offer of support, focussing on money advice and income maximisation.
- 3.2.11 The allocation also includes £50,000 for voluntary sector organisations supporting people in need. This will provide some resilience in prioritising support for people not receiving support through other HSF schemes. The Administration have expressed concern to officers about the resilience in the food bank and pantry network to meet demand. The allocation here could be used to provide additional support.

3.3 Support during Autumn and Winter

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)

3.3.1 On 26 May, the government announced that a further round of HSF would be provided to local authorities, to extend the scheme from October 2022 to March 2023. We do not yet have any guidance regarding this extension, but this provides some certainty in providing local welfare assistance in Portsmouth this winter, with more time to develop our interventions than under previous rounds of funding.

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

Appendices:

- Appendix 1: Household Support Fund expenditure October 2021 to March 2022**
- Appendix 2: Household Support Fund expenditure plan April to September 2022**

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
Household Support Fund (1 April 2022 to 30 September 2022): final guidance for county councils and unitary authorities in England	Household Support Fund (1 April 2022 to 30 September 2022): final guidance for county councils and unitary authorities in England - GOV.UK
Cost of living support factsheet: 26 May 2022	Cost of living support factsheet: 26 May 2022 - GOV.UK

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Appendix 1 - Household Support Fund expenditure October 2021 to March 2022

Scheme	Description	Spend
School holiday vouchers for early years, schools and colleges	£15 per week for each eligible child for Oct half term, Christmas, Feb half term, £25 per week for Easter	£1,090,045
Discretionary grants scheme	Referral scheme providing white goods and vouchers for food, clothing and other household essentials	£510,471
Energy voucher scheme	Key meter top up vouchers, supermarket vouchers for credit meter customers, heating charge payments	£197,178
Grants for foodbanks, community meals and larders	Funding to support increased demand for food aid	£23,100
Food and other essentials for families in need	Provided by PCC's Play and Youth services	£4,421
Welcome packs for people in the Rough Sleeping Pathway	Food, toiletries, bedding, kitchenware and other essentials	£5,000
Transport costs for young people from low income families in post-16 education	To cover the parental contribution to transport costs, for 29 young people with additional needs who meet exceptional criteria for help with transport costs	£4,785
Holiday Activities and Food	February half term funded places with HAF partner providers	£16,335
Council Tax exceptional hardship fund	For customers in financial hardship where all other forms of financial support have been exhausted	£25,000
Insolvency fees grant scheme	For people requiring a Debt Relief Order or Bankruptcy but unable to afford the fee	£680
Administration costs	Including marketing and communication costs	£11,199
Total		£1,888,214

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Appendix 2 - Household Support Fund expenditure plan April to September 2022

Scheme	Provision	Estimated cost
HSF voucher for every child eligible for free school meals, 2 year old childcare funding, or early years pupil premium	£75 voucher per eligible child, distributed during the summer term	£712,000
HSF payment for every low income household of state pension age	£100 payment for every household in receipt of Council Tax Support and/or Pension Credit	£610,000
Support for older people missing out on Council Tax Support or Pension Credit	Work with voluntary sector partners to identify people missing out, award £100 payments and provide support to claim entitlements	£60,000
Funding for services assisting people with the cost of food	Grants to foodbanks, community meals, larders and pantries to strengthen their offer for people in need	£100,000
Discretionary grant payments for energy and food costs	Referral scheme for any household in need of additional assistance	£300,000
Support with housing costs	Grants for people with unaffordable rent costs, rent arrears, or on the rough sleeping pathway	£60,000
Grant funding for other voluntary sector organisations supporting people in need	Prioritise people not receiving support through other HSF schemes	£50,000
TOTAL		£1,892,000

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Agenda Item 10



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet
Date of meeting:	21 June 2022
Subject:	Appointments to Outside Organisations & Member Champion Positions
Report by:	James Harris, Senior Local Democracy Officer
Wards affected:	N/A
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1. To agree appointments to represent the Council on the governing bodies of the outside organisations listed in Appendix 1 for the 2022/23 municipal year.

2. Recommendations

- 2.1. That Cabinet agrees appointments to represent the Council on those outside organisations set out in Appendix 1 for the 2022/23 municipal year; and
- 2.2. That Cabinet agrees Member Champion positions and appointments for the 2022/23 municipal year.

3. Background

- 3.1. Appendix 1 to this report sets out the detail of those appointments that fall to be made by the Cabinet, together with an indication of any special requirements where these are applicable.
- 3.2. All outside appointments to have effect until superseded, or in the case of a Councillor, until their term of office expires or they resign from the position.
- 3.3. An annual report to agree appointments to outside organisations for the coming municipal year is ordinarily considered at the first meeting of the Cabinet of that municipal year.

4. Reasons for recommendations

- 4.1. Portsmouth City Council's policy is to support and encourage participation by Councillors and Officers in the activities of outside organisations ("**Outside Bodies**") which further PCC's policies and priorities.



5. Integrated impact assessment

- 5.1. An Integrated Impact Assessment has been undertaken and can be found appended to this report.

6. City Solicitor comments

- 6.1. Nominations to Outside Bodies is subject to Part 4E of the constitution which notes that;

"In making appointments to any outside body or organisation, the Executive collectively or an individual Executive member, should act in accordance with the following rules to ensure that, so far as possible, the political proportionality of the council is maintained"

- 6.2. Notwithstanding Part 4E, some appointments must be limited to members of the Executive for constitutional reasons (i.e. where they sit on bodies discharging functions or making decisions on behalf of the Council) and therefore in those circumstances Part 4E would not apply.
- 6.3. The Council nominates and is asked to nominate Councillors and Officers to sit on organisations known as Outside Bodies. This is beneficial to the Council and to the organisations involved as a mechanism for community leadership, partnership working, information sharing and support for the Council's and the organisation's priorities.
- 6.4. The Council's current list of Outside Bodies contains a diverse list of approximately 80 organisations which have various functions, purposes and in some cases statutory obligations.
- 6.5. The Council's role in relation to the Outside Bodies therefore varies hugely and has legal ramifications to the Council, the Outside Bodies themselves and those Councillors and Officers who are nominated to those organisations.
- 6.6. There are a number of Outside Bodies to whom the Council appoints, and they can be broadly (although not exclusively) be divided into a number of categories;

Type	Description	Appointments
Council bodies	Not strictly 'Outside Bodies' but a group set up by the Council for various reasons. Examples include; The City of Portsmouth Sports Council; Education Advisory Board; Port Advisory Board; Transport Liaison Group; Standing Advisory Council for Religious Education.	Appointments are in accordance with their own terms of reference.
Statutory appointments	External bodies which the Council is required by statute to appoint to. Examples include; Hampshire Countryside Access Forum; Southern Inshore Fisheries & Conservation Authority; Southern Regional Flood & Coastal Committee.	Appointments to such organisations is ordinarily governed by the relevant statute

		which established the body.
Joint Committees	<p>Established under the Local Government Act 1972, they ordinarily operate to discharge Council functions. Examples include;</p> <p>Solent Transport Joint Committee, Partnership for South Hampshire; Portchester Crematorium Joint Committee; Project Integra Strategic Board, Building Control Partnership</p>	<p>Appointment to such organisations should be of the executive member with relevant portfolio responsibility, as they are discharging an executive function of the Council</p>
Community Associations	<p>These are organisation usually focused to a particular ward in the city. Examples include;</p> <p>Baffins Community Association; Eastney Area Community Association; Fratton Community Association; Landport Community Association; Milton Village Community Association; Paulsgrove Community Association; Stamshaw & Tipner Community Centre Association; Buckland Community Association.</p>	<p>These are organisations that ordinarily require a link/patronage from the local ward councillor/s. Nominees either observe and represent the Council or can be asked to be a trustee /director of the organisation (which they would undertake in a personal capacity).</p>
Charities/ companies	<p>These are ordinarily local organisations which seek patronage of the Council/Councillors or have a requirement by way of their constitutional documents to invite a nominee from the Council (for example due to historic funding from the Council). Examples include;</p> <p>Aspex Visual Arts Trust; The Lord Mayor of Portsmouth's Coronation Homes; Motiv8; New Theatre Royal Trust; Portsmouth Naval Base Property Trust; Portsmouth Royal Dockyard Historical Trust; Fitzherbert and Moody Charity; Kings Theatre Trust; Mary Rose Trust; Peoples Action Team for Community Harmony Ltd (PATCH); William Shepherd Charity & Elizabeth Mary Claypitt Charity.</p>	<p>As separate legal entities, appointments will be governed by the constitution of the organisations. The Council may not therefore have the right to remove, replace or add nominees. The role the nominee has will generally be determined by the organisation.</p>



Type of Representation

- 6.7. Appointees can take on a range of roles on Outside Bodies. Nominees must therefore fully understand the role they are being asked to take on as their role may involve them taking on personal liability for their actions for which the Council will have no responsibility. The roles include;

Observer / Advisor	The appointee will be there to represent the Council but will have no responsibility for decision making at the Outside Body
Director / Trustee	The appointee will be responsible for making decision for the Outside Body. As a director or trustee, individuals are personally responsible for the decisions they take.
Committee Member	Representing the Council and taking decisions on behalf of the Council at those meetings. For this reason, such nominees should be cabinet members.

Risks

- 6.8. Nominees are not, in the main, required to report back to Full Council, Cabinet or the relevant portfolio holders or directorate/officer. This can result in the relevant nominee not being an effective conduit of the Council's views to the organisation and also not feeding back relevant information back to the Council.
- 6.9. In addition, where the Council is nominating a representative to an Outside Body, the Council should be confident that the nominee will act appropriately and represent the Council to the high standards the Council expects. Nominees should therefore be subject to either the Officer or Councillor Code of Conduct as appropriate. As such, nominees should only be either currently elected Councillors or employed Council officers, to ensure that the Council retains and is able to take appropriate action to ensure the nominee does not bring the Council into disrepute.
- 6.10. The risk of appointing members of the public to an Outside body is that the Council will have no method of control of the individual and therefore such an appointment poses significant reputation risk to the Council. Members of the public will also not benefit from any Council insurance or indemnity which maybe available to a councillor or officer.
- 6.11. Nominees also need to be aware of the potential for conflicts of interest between their role as Councillors and their role with the Outside Body. Executive Councillors in particular (i.e. those responsible for executive decisions by the Council) should be particularly conscious of the risk of conflict where they maybe asked to make a decision which impact on the relevant Outside Body.
- 6.12. Nominees will need to consider whether their position with the Outside Body should be noted in their declaration of interests. Further advice should be sought from the City Solicitor where required.

7. Director of Finance's comments

7.1. There are no finance implications arising from this report.

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Signed by: Natasha Edmunds, Director of Corporate Services

Appendices:

- **Appendix 1** - Table of outside organisations and member champion positions to be appointed to, along with nominations received.
- **Appendix 2** - Part 4E of the Council's Constitution - Appointments to Outside Bodies and organisations, Charities etc - Political Proportionality Protocol.
- **Appendix 3** - Part 9D of the Council's Constitution - Guidance for Members and officers representing the Council on Outside Bodies.
- **Appendix 4** - PCC Member Champions Protocol

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
None.	

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

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Signed by:

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Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
Single Member	Aspex Visual Arts Trust (Registered Charity and Company)	Annual	2022	1 (observer)		Councillor Chris Attwell 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Chris Attwell
Single Member	Baffins Community Association (Registered Charity)	Annual	2022	1		Councillor Darren Sanders 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Abdul Kadir
Multiple Member	Buckland Community Association (Registered Charity)	Annual	2022	2		Councillor Jason Fazackarley Councillor Leo Madden 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Jason Fazackarley & Cllr Leo Madden Lab - Cllr Yinka Adeniran
Single Member	Building Control Partnership	Annual	2022	1		Councillor Hugh Mason 22/06/2021		The Council has statutory powers to discharge building control functions which it discharges through a joint arrangement with Gosport and Fareham Borough Councils. The appointment to this body must be the portfolio holder with responsibility for building control services.	Ian Maguire, Assistant Director	LD - Cllr Lee Hunt
Multiple Member	Bus Lane Adjudication Service Joint Committee (BLASJC) (Linked with PATROL)	Annual	2022	1 + 1 deputy	The joint committee meetings are held annually in July in London. Usually the same member as PATROL	Councillor Lynne Staggs Councillor Simon Boshier (Deputy) 22/06/2021		Local authorities who undertake civil parking enforcement are required by statute to make provision for independent adjudication. The relationship between the adjudicators and the Joint Committee is derived from and governed by the Traffic Management Act 2004 and, in the case of the Bus Lane Adjudication Service Joint Committee, the Transport Act 2000. The appointment to this body need not be the portfolio holder.	Kevin Mckee, Parking Operations Manager	LD - Cllr Lynne Staggs Con - Cllr Scott Payter-Harris
Multiple Member	City of Portsmouth Sports Council	Annual	2022	2+	Usual for the Cabinet Member for Culture and Leisure to Chair Executive Portsmouth Sports Council and the main body of the Sports Council. There also needs to be at least one opposition spokesperson	Councillor Scott Payter-Harris Councillor Ben Dowling 1 x Vacancy 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.	David Evans, Leisure and Sports Facilities Manager	LD - Cllr Steve Pitt Con - Cllr Lewis Gosling Lab - Cllr George Fielding
Single Member	Duke of Edinburgh Award Scheme – Hampshire Forum (Registered Charity)	Annual	2022	1	The outside body has confirmed that they do not require an appointment, so suggest remove.	Councillor Chris Attwell 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		No nominations received received and the body has suggested not required.
Single Member	Eastney Area Community Association (Registered Charity)	Annual	2022	1		Kimberly Barrett 05/10/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Kimberly Barrett Con - Cllr Lynda Symes
Multiple Member	Education Advisory Board	Annual	2022		Cabinet Member for Education, spokespersons and Chair of Education, Children & Young People Scrutiny Panel	Councillor Tom Coles Councillor Terry Norton Councillor Ryan Brent Councillor Suzy Horton 22/06/2021		Not an outside body. The board gives elected members the opportunity to regularly review and scrutinise the performance of education in Portsmouth and to advise the Cabinet Member for Education.		LD - Cllr Suzy Horton Con - Cllr Terry Norton & Cllr Ryan Brent (Chair of ECYP Scrutiny) Lab - Cllr Tom Coles

Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
Multiple Member	Elementary Education Act Trust board	Annual	2022	4 (These usually include the Cabinet Members for Education and Children & Families).	2 or 3 meetings p.a. - dates are set as required.	Councillor Terry Norton Councillor Ryan Brent Councillor Suzy Horton Councillor Hugh Mason Councillor Vernon-Jackson 22/06/2021	Trustee	The Elementary Education Foundation is a charity which originated out of the Elementary Education Act 1870. Prior to then, there were various organisations in the city that provided education to the Children of Portsmouth but after the 1870 act the responsibility for education passed to the local authority. The trust was established to hold the land of the education providers that existed prior to the 1870 act and the Council acts as trustee for the foundation. Appointees to the EEF will act as trustee and will need to devote sufficient time to discharge their legal obligations as trustees. Due to the potential for conflicts of interest between the activities of the EEF and the City Council, careful consideration should be given when appointing cabinet members, to ensure that there will be a cabinet member available to take decisions on behalf of the council when a conflict arises. It would therefore be advisable to <u>not</u> appoint one of the Leader or the Deputy Leader of the Council to this board		LD - Cllr Gerald Vernon-Jackson Con - Cllr Ryan Brent
Multiple Member	European Cities Twinning Committee	3 years	2022	5 cross party positions plus Leader and Lord Mayor	The committee meets quarterly, AGM early July. Useful to appoint the relevant Cabinet Member. Ideally appoint members for their term of office.	The Lord Mayor (President) The Leader (ex officio) Lynne Stagg Lee Mason Linda Symes Claire Udy 11/06/2019	No	There appears to be no legal obligation on the Council to appoint to this body.		Lord Mayor Leader (ex-officio) LD - Lynne Stagg Con Cllr Lee Mason & Cllr Lynda Symes
Multiple Member	Farlington Marshes Management Committee	Annual	2022	4	14 Nov at 2pm - usually lasts an hour	Councillor Ben Swann Councillor Hugh Mason Councillor Leo Madden 1 x Vacancy 22/06/2021		The Farlington Marshes wildlife Reserve was established in Sept 1962. It was the Hampshire & Isle of Wight Wildlife Trust's first reserve. In 1970 PCC purchased the site, declaring it a Local Nature Reserve in 1974. The Trust continued to lease the land. The Management Committee's purpose is to keep under review the management plan for the area and to deal with any policy issues arising which fall outside the general terms of management for the marshes.	Guy Mason, Highways & Coastal Team Leader	LD - Cllr Steve Pitt & Cllr Hugh Mason Lab - Cllr Graham Heaney Con Cllr Ryan Brent
Multiple Member	Fitzherbert & Moody	4 years	2022	2 Not necessarily elected members.		David Fuller Luke Stubbs (19/6/18)	Trustee	This is a charitable organisation. The terms of the scheme allow the Council to appoint up to two "nominative trustees" who serve a term of four years. The appointee need not be a councillor. Despite what the terms of the scheme say, there appears to be no legal obligation on the Council to appoint to this body		LD - Cllr Chris Attwell & David Fuller Con Cllr Lewis Gosling
Ward Member	Fratton Big Local	Annual	2022	1	Fratton Ward Councillor	Councillor Stuart Brown Councillor Tom Coles (Deputy) 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Dave Ashmore Lab - Cllr Tom Coles (deputy)
Single Member	Fratton Community Association	Annual	2022	1		Councillor Dave Ashmore 05/10/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Dave Ashmore
Multiple Member	Haifa/ Portsmouth Friendship Committee	2 years	2023	5		Councillor Lee Mason Councillor Hugh Mason Councillor Dave Ashmore Councillor Matthew Atkins Councillor Tom Coles 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body. However the Council is likely to have committed to participation in the organisation as a friendship link.		Appt Not Due

Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
Single Member	Hampshire & Isle of Wight Community Foundation (Portsmouth City Council Community Fund)	5 years	2023	1	Must be a Councillor. Need to appoint 2022 (five year term starts from this point)	Councillor Rob Wood (19/6/18)		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Hugh Mason Lab - Cllr Asghar Shah Con Cllr Lee Mason
Multiple Member	Hampshire & Isle of Wight Local Government Association	Annual	2022	3	<u>Meetings Held Quarterly</u>	Councillor Judith Smyth Councillor Lee Mason Councillor Matthew Atkins Councillor Darren Sanders (Deputy) 22/06/2021		It is understood that the Council subscribes to this organisation. There is no legal comment.		LD - Cllr Darren Sanders Lab - Cllr Charlotte Gerada Con Cllr Lee Mason & Cllr Matthew Atkins
Single Member	Hampshire Archives Trust - Annual Meeting	Annual	2022	1		Museum & Visitors Services Manager 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		Jane Singh
Single Member	Hampshire Buildings Preservation Trust – Annual Meeting (Registered Charity)	Annual	2022	1		Councillor John Smith 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		Con - Cllr John Smith
Single Member	Hampshire Countryside Access Forum	3 years	2022	1		Councillor Ben Swann 11/06/2019		It is a legal requirement for every county Council, unitary Council and national part authority to establish and support a local access form. HCAF is the statutory joint LAF for Hants, Southampton & PCC. https://www.hants.gov.uk/landplanningandenvironment/country-side/hcaf . It would be advisable for the nominated member to liaise with the relevant portfolio holder/officer lead		Con - Cllr Benedict Swann
Single Member	Honor Waites Almshouses	4 years	2025	1		Councillor Hugh Mason 22/06/2021	possibly a trustee.	Honor Waite made a bequest to Wymering Parish of 4 cottages and surrounding land to be lived in by single women of the parish. In the 19th Century the almshouses were rebuilt and in 1960 the derelict buildings were purchased by the Portsmouth Corporation. The present day charity was set up with the proceeds of the sale to assist single women in Wymering parish who are suffering hardship. (City Solicitor comments) - The Council apparently has a right to appoint a representative (unless whether this is a Trustee position) but need not be a Councillor. There appears however to be no legal obligation on the Council to appoint to this body.		Appt Not Due
Single Member	Improvement & Efficiency South East (IESE) LGA representative	Annual	2022	1	AGM and at least two Board meetings. To represent the views of the Council as part of the Leadership Team	Councillor Darren Sanders 22/06/2021		The Council is a member (i.e. part owner) of the company (IESE Limited). It appears that there is a need for (a) an executive councillor (or officer) with authority to speak at the companies AGM and (b) an elected councillor to act as a director. It would be advisable for the representative at the AGM to be the portfolio holder (or other cabinet member) and the director to be someone different (so that the separate roles of shareholder and director are not mixed up).		LD - Councillor Darren Sanders
Single Member	Improvement & Efficiency South East (IESE) LGA representative - Non Exec Director	Ongoing	2022	1	AGM and at least two Board meetings. useful to have experience as the portfolio member for transformation, digital or social care.	Councillor Rob Wood 22/06/2021	Directors	The Council is a member (i.e. part owner) of the company (IESE Limited). It appears that there is a need for (a) an executive councillor (or officer) with authority to speak at the companies AGM and (b) an elected council as a director. It would be advisable for the representative at the AGM to be the portfolio holder (or other cabinet member) and the director to be someone different (so that the separate roles of shareholder and director are not mixed up).		LD - Cllr Matthew Winnington Con - Cllr Lewis Gosling

Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
Single Member	Key Cities	Annual	2022	1	Key Cities is a diverse, national network covering almost half the UK's urban areas. For Key Cities, platforming and connecting the diverse voices of urban UK is central to unlocking successful devolution and a productive, balanced economy for all parts of the country. Virtual meetings with AGM at the Annual LGA Conference. Usually Leader/deputy Leader or a Cabinet Member	Councillor Hugh Mason		It is understood that the Council is a member of this group. There is no legal comment.		LD - Cllr Steve Pitt
Multiple Member	Kings Theatre Trust Ltd (Charitable Company)	Annual	2022	2		Councillor Rob Wood Councillor Hugh Mason 05/10/2021	Trustee	It is understood that as a result of a 99 year lease given to the trust in 2003, the Council has a right to appoint up to 3 elected members to the trust. There appears to be no legal obligation on the Council to appoint to this body however.	Claire Looney, Commissioning & Partnership Manager	LD - Cllr Mark Jeffery & Cllr Lee Hunt PIP - Cllr George Madgwick Lab - Cllr Graham Heaney Con - Cllr Lynda Symes
Single Member	Landport Community Association (Registered Charity)	Annual	2022	1		Councillor Claire Udy 22/06/2021	Trustee	There appears to be no legal obligation on the Council to appoint to this body.		Lab - Cllr Cal Corkery
Single Member	LGA Coastal Issues Special Interest Group	Annual	2022	1	Quarterly Meetings	Councillor Hugh Mason 22/06/2021		It is understood that the Council subscribes to this organisation. There is no legal comment.		LD - Cllr Kimberly Barrett Lab - Cllr Judith Smyth Con - Cllr Ryan Brent
Single Member	Lord Mayor of Portsmouth's Coronation Homes - Board	ex officio	2022	1	meet every 4-6 weeks	Councillor Frank Jonas (ex officio Lord Mayor) 22/06/2021		This appears to be a separate legal entity, although representative of the Lord Mayor of Portsmouth. There is no legal obligation on the Council to appoint to this body, however as the body is representative of the Lord Mayor of Portsmouth it is likely expected of the authority.		Cllr Hugh Mason (Lord Mayor)
Single Member	Maritime Archaeology Trust (formerly Hants & Isle of Wight Trust for Maritime Archaeology).	Annual	2022	1	Require a nominated councillor as an observer. Three management committee meetings throughout the year (July, November and February) and the AGM in October	Councillor Kimberly Barrett 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Ian Holder
Multiple Member	Mary Rose Trust (Registered Charity and Company)	Annual	2022	2 nominations (for Trust approval) + Lord Mayor ex officio		Councillor Linda Symes Councillor Rob Wood Councillor Frank Jonas 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Gerald Vernon Jackson Lab - Cllr Tom Coles Lord Mayor (Ex Officio) Con - Cllr Linda Symes
Single Member	Milton Village Community Association (Registered Charity)	Annual	2022	1	Either an officer or a councillor, ideally from Milton Ward. Monthly meetings at the hall.	Councillor Ben Dowling 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Gerald Vernon-Jackson
Single Member	Motiv8 (Registered Charity)	Annual	2022	1 observer	Quarterly Meetings	Councillor Suzy Horton 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Suzy Horton
Multiple Member	Parking & Traffic Regulations Outside London (PATROL)	Annual	2022	1 Elected Member + 1 deputy (if not elected member then can only act as an observer)	The joint committee meetings are held annually in July in London. Usually a Cllr with involvement in transport/environment portfolios	Councillor Lynne Stagg Kevin McKee 22/06/2021		It is understood that local authorities who undertake civil enforcement are required by statute to make provisions for independent adjudication. The relationship between the adjudicators and the Joint Committee is derived from and governed by the Traffic Management Act 2004. The committee provide resources to support independent adjudicators and their staff, who together comprise the Traffic Penalty Tribunal (TPT).	Kein Mckee, Parking Operations Manager	LD - Cllr Lynne Stagg Con - Cllr Scott Payter-Harris (Deputy)
Single Member	New Theatre Royal Trust (Registered Charity and Company)	Annual	2022	1		Will Purvis (Not an Elected Member) 05/10/2021	possibly a trustee.	It is understood that the Council has the right to appoint two nominees. The previous appointee by the Council was a member of the public, it would be advisable for the Council to nominate either an officer or a councillor to ensure accountability. There appears to be no legal obligation on the Council to appoint to this body however.	Claire Looney, Commissioning & Partnership Manager	LD - Cllr Gerald Vernon-Jackson Lab - Cllr Judith Smyth

Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
Multiple Member	Overlord Embroidery Trust Liaison Committee	Annual	2022	Cabinet Member for Culture, Leisure & Economic Development + 2 others.	usually just one annual meeting in September at 0-Day Story but date will be decided once reps are known - it usually includes the Cabinet Member for Culture, Leisure and Sport	Councillor Linda Symes Councillor Ben Dowling Councillor Lynne Stagg 22/06/2021		It is understood that the liaison committee was established for the loan of the Overlord Embroidery and participation in the committee is members of the trust and representatives of the Council to "discuss matters of mutual concern relating to the exhibiting of the embroidery".	Jane Mee, Museums & Visitor Services Manager	Cabinet Member - Cllr Steve Pitt LD - Cllr Chris Attwell Con - Cllr Linda Symes
Multiple Ward Member	PATCH Ltd (Registered Company)	Annual	2022	Up to 3	Ward Councillors for St Thomas and Charles Dickens requested	Councillor Cal Corkery Councillor Chris Attwell Councillor Ian Holder 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Chris Attwell & Cllr Ian Holder Lab - Cllr Cal Corkery
Single Member	Paulsgrove Community Association (Registered Charity)	Annual	2022	1	The outside body has confirmed that they do not require a councillor appointment, so suggest remove.	Councillor George Madgwick 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		No nominations received and the association suggest not required
Multiple Member	PFSH (Partnership for South Hampshire) Joint Committee - Formerly PUSH	Annual	2022	1 + 1 deputy	Leader or relevant executive member & CEO. 5 scheduled meetings at Farham BC, Start 6pm	Councillor Hugh Mason Councillor Matthew Atkins (Deputy) 22/06/2021		The board is a joint committee constituted under section 101(5) and 102(1) of the Local Government Act 1972 - meetings are subject to the provision of the Local Government Act 1972 in terms of access to information and meetings being held in public. Appointees (including deputies) must be a cabinet member.	Paddy May, Corporate Strategy Manager	LD - Cllr Lee Hunt Con - Cllr Matthew Atkins (Deputy)
Multiple Member	Port Advisory Board	On-going	2022	1 ex-officio (Cabinet Member for PRED or Port responsibility) + 6 Plus deputies if required.	There are 4 meetings a year and they are held every quarter.	Councillor Claire Udy Councillor Judith Smyth Councillor Simon Boshier 05/10/2021 Councillor Ryan Brent Councillor Kimberley Barrett Councillor Hugh Mason Councillor Gerald Vernon-Jackson (ex officio) 22/06/2021		This is not an 'outside body' but an advisory group to the Leader as the Cabinet Member responsible for oversight of the Port.		Leader (ex-officio) LD - Cllr Mark Jeffery, Cllr Lynne Stagg & Cllr Kimberly Barrett. Cllr Jason Fazackarley (deputy) Cllr Lab - Cllr Judith Smyth (plus Cllr Charlotte Gerada if possible) Con - Cllr Daniel Wemyss
Multiple Member	Portchester Crematorium Joint Committee	Annual	2022	2	Cabinet Members	Councillor Hugh Mason Councillor Dave Ashmore 11/06/2021 (Appointed via MIS)		This is an executive function, jointly discharged between PCC, Gosport, Fareham and Havant under the terms of a formal agreement. It is responsible for the management and operation of the crematorium and employment of staff. Day to day management is delegated to the registrar and manager. The nominee must be cabinet members and should include the portfolio holder		Cllr Steve Pitt & Cllr Lee Hunt (Appointed by MIS 10.06.22)
Multiple Member	Portsmouth & District Friendly Society Homes	4 years	2025	3	Note that Ben Dowling is a current appointment, however appointments do not need to be elected members.	Councillor Gerald Vernon-Jackson Councillor Ben Dowling Councillor Cal Corkery 22/06/2021	Trustee	it is understood that the council has the right to appoint 3 nominative trustees. Despite that, there appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Gerald Vernon-Jackson and Ben Dowling Lab - Cllr Cal Corkery
Single Member	Portsmouth Adoption Panel	3 years	2024	1 nominee (for appointment by the Panel)	(Nominative Trustees)	Councillor Lynne Stagg 22/06/2021				Appt not Due
Multiple Member	Portsmouth and Havant Joint Housing Group	Annual		5	No appointments until meeting needed	N/a		A special joint committee between PCC and Havant Borough Council considering housing matters relating to PCC owned housing in the Havant area. The group appears to have been in abeyance since 2010 and so it maybe appropriate to remove this from the outside bodies list as being no longer relevant.	James Hill, Director of Housing	Appt not Due

Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
Single Member	Portsmouth Fostering Panel	3 years	2023	1	Appointment Required 2022	Councillor Jeanette Smith 03/08/2020				Lab - Cllr Kirsty Mellor
Multiple Member	Portsmouth Naval Base Property Trust	3 years	2024	2		Terry Hall (Not an Elected Member) Steve Pitt (Not an Elected Member) 05/10/2021	possibly director/trustee	It is understood that the Council has the right to appoint two nominees. Appointees in the previous municipal year were both member of the public, it would be advisable for the Council to nominate either an officer or a councillor to ensure accountability.		Appts Not Due Con - Cllr Ryan Brent
Single Member	Portsmouth Plastic Free Coastlines Steering Group	Annual	2022	1 Councillor		Councillor Kimberly Barrett 22/06/2021			Colette Hill (Assistant Director, Property and Housing)	LD - Cllr Kimberly Barrett Lab - Cllr Charlotte Gerada
Single Member	Portsmouth Royal Dockyard Historical Trust	Annual	2022	1 can be a non Councillor		Councillor Rob Wood 22/06/2021	possibly a director and trustee	It is understood that the Council has the right to make one nominee, who need not be a councillor. It would be advisable for the Council to nominate either an officer or a councillor to ensure accountability		LD - Cllr Mark Jeffery Con - Cllr Lee Mason
Multiple Member	Project Integra Strategic Board	Annual	2022	1 + deputy	Ideally PH with responsibility for waste & recycling. 3 virtual meetings, in person board meeting in October	Councillor Dave Ashmore 1 x Deputy Vacancy 22/06/2021		The board is a joint committee constituted under section 101(5) and 102(1) of the Local Government Act 1972 - meetings are subject to the provision of the Local Government Act 1972 in terms of access to information and meetings being held in public. The appointee must be a cabinet member.	Colette Hill (Assistant Director, Property and Housing)	LD - Cllr Kimberly Barret & Cllr Dave Ashmore (Deputy)
Multiple Member	PFSH Overview & Scrutiny Committee	Annual	2022	1 + deputy	Scrutiny Chairman. 5 scheduled meetings pa, meets 10.30am at Fareham BC	Councillor Judith Smyth Councillor Ryan Brent (Deputy) 22/06/2021		It is understood that this body provides scrutiny function to the joint committee. Nominee should be a councillor and not a member of the executive.		No nominations received for member Con - Cllr Ryan Brent (Deputy position)
Multiple Member	SIGOMA (Special Interest Group of Municipal Authorities admin by the LGA)	Annual	2022	1 + deputy	The annual meeting takes place at the LGA annual conference, otherwise meets quarterly.	Councillor Lee Mason 22/06/2021		It is understood that the Council subscribes to this organisation. There is no legal comment.		LD - Cllr Mark Jeffery Con Cllr Lee Mason
Single Member	Solent Forum	Annual	2022	1	The Solent Forum was established in December 1992, in order to develop a greater understanding among the authorities and agencies involved in planning and management in the Solent area and to assist and influence them in carrying out their functions. The forum considers and provides advice on strategic issues - that is, issues which have implications for a wide area. The forum does not have any executive powers and its members have no voting rights. As far as possible the forum is to operate on an 'equal partners' basis.	Councillor Hugh Mason 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		No nominations received
Single Member	Solent Sea Rescue Organisation	Annual	2022	1	The SSRO was set up by the county council in 1977 in partnership with maritime local authorities around the Solent as the umbrella organisation supporting beach and sea rescue units on the solent. It became a registered charity in 1979.	Councillor Lee Hunt 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Lee Hunt

Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
Single Member	Solent Transport Joint Committee (formerly known as Transport for S Hants - Joint Cttee)	Annual	2022	1	Normally Cabinet Member for T&T.	Councillor Lynne Stagg 22/06/2021		The Board is a joint committee constituted under section 101(5) and 102(1) of the Local Government Act 1972 - meetings are subject to the provisions of the Local Government Act 1972 in terms of access to information and meetings being held in public. Appointees (including deputies) must be a cabinet member and specifically the Portfolio Holder with responsibility for transport matters.	Felicity Tidbury - Assistant Director	LD - Cllr Lynne Stagg
Multiple Member	South East Employers	Annual	2022	3 + 1 deputy	1 AGM in July and 1 Executive Committee in December if nominated to the Executive Committee.	Councillor Matthew Atkins 2 x Vacancies 1 x Deputy Vacancy 22/06/2021	No	It is understood that the Council subscribes to this organisation. There is no legal comment.		LD - Cllr Steve Pitt Con - Cllr Matthew Atkins
Single Member	Southern Inshore Fisheries & Conservation Authority (formerly Southern Sea Fisheries Cttee)	Annual	2022	1	A body established under Part 6 of the Marine and Coastal Access Act 2009. made up of representatives from the constituent local authorities, members appointed by the Marine Management Organisation (MMO) and standing representatives from our partner organisations the MMO, Environment Agency and Natural England. "Inshore Fisheries and Conservation Authorities will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.	Councillor Jeanette Smith 05/10/2021				LD - Cllr Matthew Winnington Lab - Cllr Judith Smyth Con - Cllr Daniel Wemyss
Single Member	Southern Regional Flood & Coastal Committee	Annual	2022	1 (can nominate a deputy in addition)	A body established under the Flood & Water Management Act 2010 to bring together members appointed by Lead Local Flood Authorities and independent members with relevant experience for 3 purposes;a) to ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines b) to encourage efficient, targeted and risk-based investment in flood and coastal erosion risk management that represents value for money and benefits local communities c) to provide a link between the Environment Agency, LLFAs, other risk management authorities, and other relevant bodies to build understanding of flood and coastal erosion risks in its area. To attend four main meetings per year in January, April, July and October. A member must not miss two consecutive meetings in a six-month period.	Councillor Hugh Mason Councillor Dave Ashmore (Deputy) 22/06/2021				LD - Cllr Mark Jeffery Lab - Cllr Judith Smyth
Single Member	St Thomas's Cathedral Council	Annual	2022	1		Councillor Chris Attwell 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Chris Attwell
Single Member	Stacey Community Centre Management Committee	Annual	2022	1		Councillor Darren Sanders 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Darren Sanders

Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
Single Member	Stamshaw & Tipner Community Centre Association (GMC)	Annual	2022	1		Councillor Lee Hunt 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Lee Hunt
Multiple Member	Standing Advisory Council for Religious Education	4 years	2023	*2 places up for renewal when term ends, which under SACRE constitution should be a Cllr)	Group D - One councillor or non councillor to replace Maria Cole and two councillors. Taki Jaffer has indicated that he is happy to continue, therefore this appointment will either need to be reconfirmed or a Councillor/non councillor appointed to this position. Three meetings per year usually at 4pm.	Taki Jaffer, Councillor Ryan Brent 05/10/2021 Councillor Tom Coles 11/06/2019		Under s390 of the Education Act 1996, the Council is responsible for appointing representative members to advise the council on religious matters. The Council has an obligation to report annually on the functions and actions of the group in the preceding year.		LD - Cllr Abdul Kadir Taki Jaffer Con - Cllr Benedict Swann Lab - Cllr Asghar Shah
Single Member	Southern Coastal Group & Standing Conference on Problems Associated with the Coastline (SCOPAC)	Annual	2022	1	Ideally attend one formal meeting (~3hours) and a field visit (half day) plus two or three webinars (1-2hours) a year. [from their website] - As a technical group principally comprising coastal managers, planners and others with a knowledge of shoreline management, who operate in a strategic framework, our primary objectives are: To be a source of expertise on the coast and to advise and influence the Regional Flood and Coastal Committees (RFCC) and other stakeholders on matters relating to the 648km coast from Portland Bill in Dorset to Selsey Bill in West Sussex, including the whole of the coastline of the Isle of Wight. To contribute to the Environment Agency's preparation and implementation of an investment strategy for the management of flood and coastal erosion risks including both long-term plans and delivery of annual programmes of works and maintenance.	Councillor Hugh Mason 22/06/2021			Guy Mason, Highways & Coastal Team Leader	LD - Cllr Mark Jeffery
Multiple Member	The Guildhall Trust (Formerly Portsmouth Cultural Trust)	Every 4 years	2022	1	Need not be elected members. Act as trustees to the Board. Meet at 5pm, usually the last week of April/July/October/January. One appointment required for 2022 (Ben French)	Peter Gunn (Not an Elected Member) (01/01/2020) Ben French (Not an Elected Member) (19/6/18)	Directors	It is understood that the Council owns the building and has a right to appoint nominees as a result of a lease to the trust of the building. Despite this, there is no legal obligation on the Council to appoint.	Mark Woolnough, Built Environment & Recreation Manager	LD - TBC PIP - Cllr George Madgwick Lab - Cllr George Fielding
Multiple Member	Tourism South East (Registered Company)	Annual	2022	2		Councillor Scott Payter-Harris Councillor Ben Dowling 22/06/2021			Jane Singh, Visitor Services & Development Manager	Con - Cllr Linda Symes One additional appointment required
Single Member	Trading Standards South East Limited (known as TSSE)	Indefinite	2022	1 member or officer		Councillor Stuart Brown 22/06/2021		The company is a company established by a number of local authority trading standards authorities. PCC is a member of the company and may nominate a director. For operational purposes, this director is Edward Skinner, PCC Regulatory Service Lead. The representative nominee (for the purpose of attending any AGM) must be the relevant portfolio holder for Trading Standards.	Richard Lee, Assistant Director	LD - Cllr Stuart Brown
Multiple Member	Transport Liaison Group	Annual	2022	3 ex officio (Cabinet Member + group spokespersons)		Councillors Graham Heaney Councillor Lynne Staggs Councillor Simon Boshier 22/06/2021		This is not an 'outside body' but an information/advisory group for stakeholders.	Felicity Tidbury - Assistant Director	LD - Cllr Lynne Staggs Con - Cllr Scott Payter-Harris Lab - Cllr Graham Heaney

Membership Details	Name of Body	Period of service	Appointment Due	Number of Appointees required	Notes	Current Representative(s)	Director or Trustee?	City Solicitor Commentary	Officer contact (if applicable)	Nominees
	Violence Against Women & Girls Task Group	Annual	2022	1		Councillor Lucy Mellor 05/10/2021		A task force established by the Police and Crime Commissioner. No legal comment		Lab - Cllr Kirsty Mellor
Single Member	West Paulsgrove Scout & Community Association	3 years	2024	1 Not necessarily an elected member.	Meeting every two months, the next meeting is agreed at each meeting, starting at 7.30.	Councillor George Madgwick 22/06/2021		There appears to be no legal obligation on the Council to appoint to this body.		Appt Not Due
Multiple Member	Elizabeth Mary Claypitt Charity	Not stated	2022	2	Need not be elected members.	Churchwarden and the vicar of St Mary's Church		There appears to be no legal obligation on the Council to appoint to this body.		LD - Cllr Dave Ashmore & Reverend Bob Mason

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Champion	Current Appointment	Nomination(s)
Heritage Champion	Lee Hunt	Lee Hunt / Linda Symes
LGBTQ+ & Young People Champion	Claire Udy	George Fielding / Lewis Gosling
Armed Forces Liaison Champion	Gerald Vernon-Jackson	Gerald Vernon-Jackson / Tom Coles (or as deputy) / Scott Payter-Harris
Third Sector & City of Service Champion	Stuart Brown	Stuart Brown / Asghar Shah / Lee Mason
Nature	Kimberly Barrett	Kimberly Barrett / Daniel Wemyss
Women, Children and Domestic Violence	Kirsty Mellor	Kirsty Mellor / Gemma New
Proposal for new role: Active Travel Champion	N/A	Charlotte Gerada

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Appointments to Outside Bodies and organisations, Charities etc -

Political Proportionality Protocol

In making appointments to any outside body or organisation, the Executive collectively or an individual Executive member, should act in accordance with the following rules to ensure that, so far as possible, the political proportionality of the council is maintained.

1. The council's political proportionality shall be as may be determined at the annual council meeting.
2. Forthcoming vacancies/appointments will be notified to all members of the council through the member information service (MIS); any member wishing to be considered for an appointment should notify the democratic services manager by a specific date, and the nomination should be supported by their group secretary.
3. If there are more nominations than appointments to be made, the relevant Executive member may meet informally with each nominee to ascertain any additional information in support of the nomination.
4. In respect of community centres, community associations and similar local neighbourhood organisations, wherever practical local ward councillors will be appointed.
5. Where an appointment involves the proposed appointment of an executive member, the appointment should be made by the Executive collectively.
6. Where there is only one representative to be appointed, there shall be a general presumption that the vacancy will be filled by a member of the party forming the administration.
7. Where there are two or more representatives to be appointed the political proportionality rules should apply with due regard being had to the overall level of minority party representation generally on outside bodies. However, the Executive (or individual executive member) and the respective opposition group secretaries (or their nominees) may agree to an alternative arrangement applying in the circumstances of a particular case. Such circumstances, for example, could be insufficient nominations being received; the specialist nature of the body; or a wish to provide continuity of membership of a particular individual on a body.
8. Proposed appointments will be considered at formal meetings of the Executive or at individual executive member decision making meetings.
9. All councillors will be advised of the appointments made through the MIS

This protocol was adopted by the city council on 26 March 2002, under minute 31/02

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GUIDANCE NOTES FOR MEMBERS AND OFFICERS REPRESENTING THE CITY COUNCIL ON OUTSIDE BODIES

1. Introduction

- 1.1. Portsmouth City Council's (PCC) policy is to support and encourage participation by Councillors and Officers in the activities of outside organisations ("**Outside Bodies**") which further PCC's policies and priorities.
- 1.2. Appointments to Outside Bodies do not need to be ratified formally by the full city council. Councillors and Officers are expected to exercise their own judgements in deciding how important it is to offer their services to the organisation concerned.
- 1.3. Appointments to Outside Bodies must for;
 - 1.3.1. Councillors - comply with Part 4E of the Constitution (Appointments to Outside Bodies - Political Proportionality Protocol);
 - 1.3.2. Officers - be endorsed by the relevant strategic director/head of service or the Chief Executive.
- 1.4. It is important that the criteria for what is considered by PCC to be an Outside Body is clear and that Councillors and Officers are clear as to their responsibilities and liabilities in relation to their appointments to Outside Bodies. These differ depending on the type of appointment made.
- 1.5. Councillors and Officers should familiarise themselves with this guidance and seek further support from Legal Services should further support be needed.

2. What is an Outside Body?

- 2.1. An Outside Body must;
 - 2.1.1. Be a legally separate organisation to PCC;
 - 2.1.2. Be required to or wish to appoint a Councillor or Officer to their organisation;
 - 2.1.3. Meet at least one of the following criteria for an Outside Body;
 - 2.1.3.1. There is a statutory or legal requirement that PCC appoints to the body; and/or
 - 2.1.3.2. There is a clear link between the aims of the body and the priorities of PCC at a strategic or ward/area level; and/or
 - 2.1.3.3. The relevant Portfolio Holder¹ or Director/Chief Executive has agreed that there are exceptional circumstances for an appointment to be made.
 - 2.1.4. Have been approved for inclusion on the Register of Outside Bodies by the Local Democracy Manager in consultation with the Monitoring Officer.
- 2.2. The Register of Outside Bodies and the administration of the appointments / nominations process will be managed by PCC's Democratic Services Team. Any uncertainty as to whether or not an entity is to be an Outside Body is to be made

¹ i.e. a Councillor who is a member of the cabinet with responsibility for a specific PCC service area.

by the Democratic Services Manager having taken advice from the Monitoring Officer.

What is not an Outside Body?

- 2.3. An Outside Body is not:
- 2.3.1. a committee of PCC or a Joint Committee between PCC and another organisation;
 - 2.3.2. A school (either maintained or non-maintained) where the appointment is as a school governor.

3. Types of Outside Body

- 3.1. Outside Bodies can include organisations such as;
- 3.1.1. Companies (including those owned by PCC);
 - 3.1.2. Charities;
 - 3.1.3. Management Committees;
 - 3.1.4. Unincorporated Associations;
 - 3.1.5. Steering Groups, (non-PCC) committees and Partnership boards
- 3.2. Appointees can take a range of roles on Outside Bodies including;
- 3.2.1. Director;
 - 3.2.2. Trustee;
 - 3.2.3. Committee Member;
 - 3.2.4. Observer / advisor

Guidance for Councillors and Officers on Outside Bodies

4. General Issues

- 4.1. As a representative on an Outside Body, Councillors and Officers are under a duty to act in the best interest of that organisation. This can potentially result in a conflict of interest between the interests of the organisation and those of PCC. Not to act in the best interest of the organisation can lead to a personal liability for any losses which result. If there is a conflict between the Councillors or Officers duty to an organisation and that owed to PCC, the Councillor or Officer must ensure that their prime duty is to the organisation when acting on its behalf.
- 4.2. In certain circumstances, where the conflict is extreme or cannot be resolved, the Councillor or Officer should consider resigning from the organisation. See paragraph 12 of this guidance for more on Conflict of Interests. Councillors should also note the contents of paragraph 5.
- 4.3. Councillors and Officers cannot be told by PCC how to vote. Councillors should not simply vote on political lines. It is possible to take account of PCC's wishes, but not to vote simply in accordance with them.
- 4.4. Councillors and Officers should ensure that they find out whether the organisation is offering insurance or will indemnify them for their actions on behalf of the organisation.

5. Councillors on Outside Bodies

- 5.1. All Councillors are subject to PCC's Councillor Code of Conduct. When Councillors act as PCC's representative on any sort of Outside Body, they must comply with PCC's Code of Conduct unless it conflicts with the lawful obligations of the other body.
- 5.2. Councillors will have a **Personal Interest** in any business of PCC that relates to or is likely to affect the Outside Body.
- 5.3. This means that if a Councillor is present at a meeting where an item of business arises which relates to or affects an Outside Body to which that Councillor has been appointed, that Councillor must declare that Personal Interest and the nature of that Personal Interest before the matter is discussed or as soon as it becomes apparent to that Councillor.
- 5.4. Where a Councillor has a **Personal Interest** then they will also have a **Prejudicial Interest** in PCC business when the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice that Councillor's judgement of the public interest.
- 5.5. If the Councillor has a Prejudicial Interest in a matter under discussion then they must declare it. They must then leave the meeting room, unless members of the public are allowed to make representations, answer questions or give evidence about the matter. If that is the case, the Councillor can make their representations etc., but must leave the room immediately after doing so. The Code of Conduct supports Councillor's role as a community advocate and enables Councillors, even with a Prejudicial Interest, to represent their community and speak on issues that are important to them and to the Councillor.

Bias and Predetermination

- 5.6. If a Councillor believes that they have no Prejudicial Interest, then that Councillor's duties as a director or trustee or member of a management committee may well be regarded, on an objective appraisal, as giving rise to a legitimate fear of lack of impartiality, especially having regard to the desirability of maintaining public confidence. Participation in the decision making at a PCC committee meeting by a Councillor who is biased or has predetermined the decision potentially invalidates the decision.
- 5.7. Where membership of the Outside Body is on an advisory or consultative basis, bias will not be assumed from mere membership. However once the Outside Body has a line which is being advocated by that Councillor, this could potentially be viewed as bias, and PCC's decision on the issue could be vulnerable to challenge if that Councillor participate in those circumstances. It will depend on the facts and in such circumstances advice should be sought from the City Solicitor.
- 5.8. Councillors who are directors of companies to which they have been nominated by PCC are under the following obligations²:-
 - 5.8.1. That the remuneration they receive from the company should not exceed that received from the local authority, and should be declared.

² Local Authorities (Companies) Order 1995 (SI 1995/849).

- 5.8.2. To give information to other councillors about their activities as required by the local authority (save for confidential information).
- 5.8.3. To cease to be a director immediately upon disqualification as a councillor
- 5.9. Councillors may wish to seek training from PCC before accepting a role with an Outside Body.
- 6. Officers on Outside Bodies**
- 6.1. Officers must comply with PCC's *Employees' Code of Conduct*. In particular;
 - 6.1.1. Officers must declare to their head of service any financial or personal/social interest that could conflict with PCC's interest or cause their conduct to be questioned.
 - 6.1.2. Officers must safeguard PCC confidential information
 - 6.1.3. Officers have a duty of fidelity to PCC where they should not breach confidence or participate in competing activities.
 - 6.1.4. Any additional work (paid or unpaid, which would include participating on an Outside Body) must not conflict with PCC's interest or weaken public confidence in PCC. Officers must therefore have written consent (to be retained on their personal file) from their head of service in advance when they wish to work outside PCC.
- 6.2. Officers may wish to seek training from PCC before accepting a role with an Outside Body.

Roles with Outside Bodies

7. Directors of Companies

- 7.1. Directors are appointed by the company or its shareholders. Duties are imposed by the Companies Act 2006 (as amended) and Directors maybe held personally liable if they fail those duties. The General Duties under the Companies Act are set out at Appendix 1.
- 7.2. Directors are under a duty to exercise independent judgment - they must act on their own judgment and not as directed by any other (including PCC).
- 7.3. Directors have other duties such as ensuring compliance with the requirements to keep accounts and make relevant returns to the registrar of companies (Companies House).
- 7.4. The consequences of breach of the General Duties are that the company may seek an injunction, damages or compensation from its directors. Failure to disclose an interest in an existing transaction or arrangement with the company carries the risk of a criminal fine
- 7.5. If a director has acted in a way which breaches the General Duty then;
 - 7.5.1. It maybe possible for the breach to be ratified by a resolution of the companies' shareholders;
 - 7.5.2. It maybe possible for the court to grant relief if the director acted honestly and reasonably;
 - 7.5.3. The company may have arranged insurance for the benefit of its directors

which would cover some or all of the liability of the director.

- 7.5.4. The company may indemnify the director against costs incurred in successfully defending a claim for breach of duties owed to the company.
- 7.6. Insurance/Indemnity. The company may indemnify directors in respect of certain proceedings brought against a director by third parties. The indemnity may cover both the cost of the claim itself and the costs involved in defending it.
- 7.7. The company may also take out directors' and officers' ("D&O") insurance on behalf of directors. Such policies typically cover directors' liabilities arising from claims of negligence, breach of duty or other default and usual exclude liability for fraud, dishonesty and criminal behaviour. Councillors / Officers should ensure they understand the limitations of cover and ensure policies are reviewed regularly.
- 7.8. Insolvency of a company. If the company is in financial difficulties then as directors should seek independent advice as soon as possible to ensure that they avoid personal liability under insolvency legislation.
- 7.9. Duties as a director will change where a company is (or is on the verge of being) insolvent so that rather than having a general duty to promote the success of the company (2, above), directors must act instead in the best interest of the company's creditors.
- 7.10. "*wrongful trading*" can also occur when a company is (or is on the verge of being) insolvent and in such circumstances a director can be ordered to contribute towards the general pool of assets which are available to a company's creditors where the director;
- 7.10.1. knew or ought to have concluded that there was no reasonable prospect of the company avoiding insolvent liquidation or administration;
- 7.10.2. continues to allow the company to trade after he or she knew or ought to have so concluded
- 7.10.3. does not take every step he or she ought to from that time to minimise the potential loss to creditors.
- 7.11. More detailed guidance on being a company director is available from PCC legal services and can also be found on www.gov.uk.

8. Trustee of a Charity

- 8.1. A charity is an organisation that must act for a charitable purpose, namely;
- 8.1.1. The prevention or relief of poverty;
- 8.1.2. The advancement of education;
- 8.1.3. The advancement of religion;
- 8.1.4. The advancement of health or the saving of lives;
- 8.1.5. The advancement of citizenship or community development;
- 8.1.6. The advancement of the arts, culture, heritage or science;
- 8.1.7. The advancement of amateur sport;
- 8.1.8. The advancement of human rights, conflict resolution or reconciliation or

the promotion of religious or racial harmony or equality and diversity;

- 8.1.9. The advancement of environmental protection;
- 8.1.10. The relief of those in need by reason of youth, ill-health, disability, financial hardship or other disadvantage;
- 8.1.11. The advancement of animal welfare;
- 8.1.12. The promotion of the efficiency of the armed forces of the Crown or of the efficiency of the police, fire and rescue services or ambulance services;
- 8.1.13. Any other charitable purpose.

They must operate for the public benefit and have exclusively charitable purposes, an organisation for example, which operated for political purposes would not qualify for charitable status.

- 8.2. Trustees of charities are the people responsible for controlling the management and administration of the charity. As such, they have full responsibility for the conduct of the charity but are only personally liable for any debts or other liabilities if:-
 - 8.2.1. they cause loss to the charity by acting unlawfully, imprudently or outside the terms of the charities governing document; or
 - 8.2.2. commit the charity to debts which amount to more than its assets.
- 8.3. Provided the trustees act prudently, lawfully and in accordance with their governing document, any liabilities they incur as trustees will be met out of the charity's resources. Where trustees seek advice of professional officers, particularly with regard to legal and financial matters, they will be deemed to have acted prudently.
- 8.4. Trustees may not make a personal profit from the trust's assets.
- 8.5. Charitable trustees must ensure that the information relating to the trust and trustees is registered with the Charity Commissioners and that annual accounts and returns are completed and sent.
- 8.6. If charitable income exceeds £10,000, all letters, advertisements, cheques etc must bear a statement that the organisation is a registered charity.
- 8.7. Trustees are under a duty to ensure compliance with all relevant legislation.
- 8.8. An indemnity can be given from the trust fund provided the trustee has acted properly and within his/her powers. Trustees may take out insurance to protect themselves against personal liability or negligence but not for criminal acts, fraud etc. There will be no problem if the trustees themselves pay the premiums but if they are paid out of the charitable funds the trustees will need the consent of the Charity Commissioners

9. Management Committees

- 9.1. Groups which are not charitable trusts or limited companies are 'unincorporated associations and therefore have no separate legal identity from their members.
- 9.2. An unincorporated organisation may be charitable and may register as a charity. Property therefore has to be held by individuals as the organisation has no legal

existence of its own.

- 9.3. Such organisations usually have a constitution showing how they will operate.
- 9.4. Generally, the management committee members are liable for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the committee members are personally liable for the shortfall.
- 9.5. Members of the committee of management will have personal liability if they act outside the authority given to them or if they do not comply with a statute.
- 9.6. Councillors or Officers appointed to the Committee will be entitled to an indemnity from the organisation if they act in accordance with the organisations constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the committee's constitution.

Indemnities and Insurance by PCC to Councillors and Officers.

10. The Council's Indemnity to Councillors and Officers/Insurance

- 10.1. Councillors and Officers of PCC can incur personal civil and criminal liability as a result of their actions, both within PCC and as a result of their actions carried out on Outside Bodies. Councillors and Officers enjoy statutory immunity from civil liability where they act within the powers of PCC in good faith and without negligence³ but this immunity does not apply where they go beyond the powers of the Council or act in bad faith, nor does it apply where they are acting on Outside Bodies to which they may have been appointed by the Council and it does not protect them from criminal liability, for example for fraud or for corporate killing where they exercise managerial responsibility..
- 10.2. To partially address this gap, PCC provides an indemnity⁴ to Councillors and Officers subject to a number of conditions. Councillors and Officers must ensure they are familiar with the conditions which apply to the indemnity when they are considering joining an Outside Body.
- 10.3. The following is a brief summary but is not an exhaustive description of the terms of the indemnity, which can be found in full at Appendix 3. The indemnity applies to any Councillor or Officer who suffers any loss or damage suffered arising from their action or failure to act "*in his/her capacity as a member or officer of the Council*"
- 10.4. For the purpose of the indemnity, a loss or damage shall be deemed to have arisen to the member or officer "*in his/her capacity as a member or officer of the Council*" where;
 - 10.4.1. The act or failure to act occurred not in the discharge of the functions of the Councillor or Officer as a Councillor or Officer of the Council but in their capacity as a member or employee of another organisation, where the Councillor or Officer is, at the time of the action or failure to act, a member or employee of that organisation either -
 - 10.4.1.1. In consequence of his/her appointment as such member or

³ Section 265 of the Public Health Act 1875.

⁴ As approved by a meeting of the Full Council, 4th April 2006.

officer of that organisation by the Council; or

10.4.1.2. In consequence of his/her nomination for appointment as such member or officer of that organisation by the authority; or

10.4.1.3. Where the Council has specifically approved such appointment as such a member or employee of that organisation for the purpose of these indemnities.

10.5. The indemnity would not apply in circumstances which include where a criminal act is proved or where a Councillor has failed to act in accordance with PCC's Councillor Code of Conduct.

10.6. To benefit from the indemnity, Councillors should ensure that their involvement with the company is properly declared so as to ensure compliance with the Councillor Code of Conduct.

10.7. Councillors and Officers should ensure that they check with the Outside Body and with the PCC Insurance Team to ensure that they understand what insurance is in place to cover their actions as a representative of the Outside Body. Councillors and Officers should keep this under regular review as it is their own personal responsibility.

11. Statutory Indemnities

11.1. Section 265 of the Public Health Act 1875 provides limited protection to Councillors and Officers from personal liability in respect of matters done in good faith for the purpose of executing any public, general or local act. This protection from personal liability may not apply if the Councillor or Officer is negligent.

11.2. This statutory indemnity is only likely to apply where the Councillor or Officer is acting as an observer or advisor to the Outside Body. It is unlikely to apply where they are appointed as a director or a trustee of the Outside Body.

Conflict of Interest

12. Conflict of Interests

12.1. Conflict issues may arise with your role as PCC officer or councillor (1) as Company Director/Trustee of Charity/Member of a Management Committee, and (2) as an employee / councillor of PCC. The legal duty under company law and the Charities Act 2011 is to avoid conflicts of interests by avoiding a situation in which you have (or can have) a direct or indirect interest that conflicts, or possibly may conflict, with the interests of the company or charity.

12.2. The fact that you as a Company Director/Trustee of Charity/Member of a Management Committee are appointed by and may also be an officer or councillor of PCC is likely to place you in a position of potential conflict between loyalty to PCC and duties to the company/charity/management committee

12.3. Conflicts of interest can be actual, potential or perceived;

12.3.1. Actual - there is a real conflict between duties and interests

12.3.2. Potential - there could be conflict between duties and interests

12.3.3. Perceived - a third party could form the view that there is a conflict between duties and interests

- 12.4. It is impossible to define all instances of a conflict of interest, so in many cases a reasonable degree of openness and judgment is required to assess the nature and extend of conflict of interest.
- 12.5. The company/charities/management committees constitution will have been drafted to set out what is to be done in circumstances where there is a conflict of interest.
- 12.6. There maybe a register of interests which will require self-declaration and management.
- 12.7. All conflicts of interest must be disclosed to the board of Directors or Trustees (excluding the director affected). If you are unsure whether you have a conflict of interest it is always better to disclose it and consider seeking independent legal advice.
- 12.8. A failure to acknowledge and manage a conflict of interest could cause a significant reputational risk, may result in disqualification and have financial consequences for you. Moreover, some conflicts can also have criminal implications. Remember, if you think you might have a conflict of interest, always disclose it and consider seeking independent legal advice.
- 12.9. The duty to avoid conflicts of interest will continue to apply after a person ceases to be a director as regards the exploitation of any property, information or opportunity of which he became aware when he was a director.
- 12.10. Councillors' should also note their responsibility to declare their interests with the Council as set out in paragraph 5.

Conclusion

13. In Summary

- 13.1. Where Councillors and Officers serve on an Outside Body (either as appointed, recommended or endorsed by PCC), those individuals will create legal relationships between themselves and the Outside Body.
- 13.2. Councillors and Officers should understand the nature of their involvement with the Outside Body and the implications of their involvement and bear in mind that they may owe parallel duties to the Outside Body and to PCC which may not result in conflicts of interest.
- 13.3. In practice, the safest course of action is for Councillors and Officers to ensure that the Outside Body has taken out insurance covering their potential liability.
- 13.4. It is possible to avoid most difficulties by appointing PCC representatives to Outside Bodies on the basis of observer status only. However such a role is very limited and would it not be possible for the Councillor or Officer to have voting rights. Such a role may prove to be unsatisfactory to both the Councillor or Officer and the Outside Body concerned.
- 13.5. Limited professional advice from PCC Officers is available to both Councillors and Officers but such advice will be limited to Councillor and Officer functions related to PCC. Advice cannot be given in relation to Councillor and Officer functions as representatives of the Outside Body. In such circumstances, Councillors and Officers should seek advice from the relevant Outside Body, their professional

advisors or instruct independent advisors themselves.

Appendix 1 - General duties as a director of a company under the Companies Act 2006

1. Act within your powers	You must act in accordance with the company's constitution. This includes its Articles of Association and resolutions and agreements of a constitutional nature (such as shareholder or joint venture agreements)
2. Promote the success of the company	You must act in the way you consider, in good faith, would be most likely to promote the success of the company for the benefit of its members as a whole. In doing so you must have regard to (not exhaustive); <ul style="list-style-type: none"> • the likely consequences of any decision in the long term • the interests of the company's employees • the need to foster the company's business relationships with suppliers, customers and others • the impact of the company's operations on the community and the environment • the desirability of the company maintaining a reputation for high standards of business conduct • the need to act fairly as between members of the company
3. Exercise independent judgment	You must exercise independent judgment and make your own decisions. This does not prevent you acting in accordance with the company's constitution or agreements which the company had entered into.
4. Exercise reasonable care, skill and diligence	You must exercise the same care, skill and diligence that would be exercised by a reasonably diligent person with; <ul style="list-style-type: none"> • (objective) the general knowledge, skill and experience that may reasonably be expected of a person carrying out the same functions as you in relation to the company • (subjective) the general knowledge, skill and experience that you actually possess.
5. Avoid conflicts of interest	You must avoid a situation in which you have, or could have, an interest that conflicts, or may conflict, with the interests of the company. The duty would not be infringed if; <ul style="list-style-type: none"> • The situation cannot reasonably be regarded as likely to give rise to a conflict of interest i.e. will there actually be a conflict or potential for conflict with the interests of the company; • The situation has been pre-authorised. Authorisation may be given in the Articles of Association, by specific shareholder resolutions or sometimes by other directors. If you think you maybe conflicted; <ul style="list-style-type: none"> • Get Pre-authority where you have a common conflict situation. • Check what the Articles of Association say.
6. Not accept benefits from third parties	You must not accept a benefit from a third party given because you are a director or because you do (or do not do) anything as a director. You would not breach this duty if your acceptance cannot reasonably be regarded as likely to give rise to a conflict of interest.
7. Declare interests in proposed or existing transactions or arrangements with the company	If you are in any way directly or indirectly interested in a transaction or arrangement with the company, you must declare the nature and extent of that interest to the other directors. You would not be in breach of this if your interest in the transaction cannot be reasonably regarded as likely to give rise to a conflict of interest or an interest has not been declared because you are unaware that you have an interest or the other directors are (or ought reasonably be) aware of it.

Appendix 2 - Checklist for Councillors and Officers on an Outside Body

[Non-exhaustive checklist]

Does PCC recognise the Outside Body? <ul style="list-style-type: none"> ▪ Be a legally separate organisation to PCC; ▪ Be required to or wish to appoint a Councillor or Officer to their organisation; ▪ Meet at least one of the following criteria for an Outside Body; <ul style="list-style-type: none"> ▪ There is a statutory or legal requirement that PCC appoints to the body; and/or ▪ There is a clear link between the aims of the body and the priorities of PCC at a strategic or ward/area level; and/or ▪ The relevant Portfolio Holder or Director has agreed that there are exceptional circumstances for an appointment to be made. ▪ Have been approved for inclusion on the Register of Outside Bodies. 	
Councillors only	
Have you been appointed in accordance with Part 4E of PCC Constitution?	
Have you registered your appointment with Democratic Services?	
Have you declared your interest to the PCC Monitoring Officer?	
Officers only	
Have you obtained the written permission of your director/head of Service to be appointed to the Outside Body?	
Has that interest been registered on your personnel file?	
Have you registered your appointment with Democratic Services?	
Matters to check	
Do you understand the aims and objectives of the Outside Body?	
Have you read and understood how decisions are made at the Outside Body (with reference to any constitutional documents)?	
Do you understand the commitment required of you (such as frequency of meetings)?	
Have you been issued with a written Letter of Appointment?	
Are you satisfied that the Outside Body has appropriate insurance (where you are a trustee or director)?	

Appendix 3 - Terms of the Indemnity given by PCC - April 2006.

Reproduced from the text of the report to the Standards Committee by the Deputy Monitoring Officer dated 27th February 2006.

1. The Council will, subject to the exceptions set out below, indemnify each of its members and employees against any loss or damage suffered by the member or officer arising from his/her action or failure to act in his/her capacity as a member or officer of the Council.
This indemnity will not extend to loss or damage directly or indirectly caused by or arising from;
 - 1.1 any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the member or officer;
 - 1.2 any act or failure to act by the member or employee otherwise than in his/her capacity as a member or officer of the Council, or
 - 1.3 failure by the member to comply with the Council's Code of Conduct for Members
2. The Council will, subject to the exceptions set out below, indemnify each of its members and officers against the reasonable costs which he/she may incur in securing appropriate legal advice and representation in respect of any civil or criminal proceedings or Part 3 proceedings to which he/she is subject.
 - 2.1 "*Criminal proceedings*" includes any interview or investigation by the Police, and any proceedings before a criminal court, in the United Kingdom
 - 2.2 "*Part 3 proceedings*" means any investigation or hearing in respect of an alleged failure to comply with the Council's Code of Conduct for Members under Part 3 of the Local Government Act 2000
 - 2.3 This indemnity will not extend to Part 3 proceedings where the allegation has been referred to the Monitoring Officer for local investigation and/or determination by the Standards Committee
 - 2.4 This indemnity shall not extend to any advice or representation in respect of any claim or threatened claim in defamation by or against the member or officer
 - 2.5 Where any member or officer avails him/herself of this indemnity in respect of defending him/herself against any criminal proceedings or Part 3 proceedings, the indemnity is subject to a condition that if, in respect of the matter in relation to which the member or officer has made use of this indemnity
 - 2.5.1 the member or officer is convicted of a criminal offence in consequence of such proceedings, or
 - 2.5.2 a Case Tribunal or Standards Committee determine that the member has failed to comply with the Code of Conduct for Members and the conviction or determination is not overturned on appeal, the member shall reimburse the authority for any sums expended by the Council pursuant to the indemnity.
 - 2.6 Where the Council arranges insurance to cover its liability under this indemnity, the requirement to reimburse in Paragraph 2.5 shall apply as if references to the authority were references to the insurer
3. For the purpose of these indemnities, a loss or damage shall be deemed to have arisen to the member or officer "in his/her capacity as a member or officer of the Council" where:
 - 3.1 The act or failure to act was outside the powers of the Council, or outside the powers of the member or officer, but the member or officer reasonably believed that the act or failure to act was within the powers of the Council or within the powers of the member or officer (as appropriate) at the time that he/she acted or failed to act, as the case may be;

- 3.2 The act or failure to act occurred not in the discharge of the functions of the member or officer as a member or officer of the Council but in their capacity as a member or employee of another organisation, where the member or officer is, at the time of the action or failure to act, a member or employee of that organisation either -
 - 3.2.1 in consequence of his/her appointment as such member or officer of that organisation by the Council; or
 - 3.2.2 in consequence of his/her nomination for appointment as such member or officer of that organisation by the authority; or
 - 3.2.3 where the Council has specifically approved such appointment as such a member or employee of that organisation for the purpose of these indemnities.
4. The Council undertakes not to sue (or join in action as co-defendant) an officer of the Council in respect of any negligent act or failure to act by the officer in his/her capacity as an officer of the Council, subject to the following exceptions:
 - 4.1 Any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the officer; or
 - 4.2 Any act or failure to act by the officer otherwise than in his/her capacity as a member or officer of the Council.
5. These indemnities and undertaking will not apply if a member or officer, without the express permission of the Council or of the appropriate officer of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of the resolution
6. These indemnities and undertaking are without prejudice to the rights of the Council to take disciplinary action against an officer in respect of any act or failure to act
7. These indemnities and undertaking shall apply retrospectively to any act or failure to act which may have occurred before this date and shall continue to apply after the member or officer has ceased to be a member or officer of the authority as well as during his/her membership of or employment by the Council.

Member Champions' Protocol

1. Appointment of Champions

The Cabinet is responsible for appointing member champions. At any one time there will be a maximum number of 7 member champions. All group leaders will be consulted before any appointments are confirmed by the Cabinet. Any member of the Council may be a member champion, including the Leader of the Council.

2. Term of Office

Councillors who are designated as Champions shall hold office from the date of the Cabinet Meeting at which their appointment is confirmed until:

(a) they resign from office:

(b) they are no longer Councillors; or

(c) until the start of the Cabinet meeting which considers the annual appointment of member champions. This would usually be the first Cabinet meeting of the municipal year.

A Member Champion may be removed from office at any time by the Cabinet by written notice to the Chief Executive, the member champion being removed and all group leaders.

Any member champion may resign from office by giving written notice to the Chief Executive and the Leader of the Council.

3. Role and Functions

To act as an advocate or spokesperson for particular themes or areas of the Council's business activities. The main responsibility of each champion is to encourage communication and positive action over the issue they represent.

A topic for which a Member Champion is appointed should:

- Be an agreed sustainable and corporate priority;
- Be an issue that can be defined in terms of its remit, ie not open-ended; and
- Not cover a matter which is a remit that primarily sits within the portfolio of a Cabinet member or could reasonably be seen a ward member responsibility.

4. Key Tasks

(a) To make contact with local organisations concerned with the designated section of the community or range of activities and to establish effective and regular consultation arrangements with those organisations.

(b) To represent the views of such organisations to officers, the Council, the Cabinet, Overview and Scrutiny Panels and other committees, on all relevant aspects of the Council's activities.

(c) To act as an advocate on behalf of the relevant section of the community or range of activities within the council as an organisation and its wider community.

(d) To become familiar with the needs and priorities of the relevant section of the community, or range of activities concerned, and to weigh up interests expressed in order to provide sound advice on the implications of alternative courses of action.

(e) To feedback decisions of the Council and to explain the Council's position on specific issues of concern to relevant organisations and to individuals involved.

(f) To provide a short annual information report to Cabinet on work undertaken in the role. This report to be submitted to the March Cabinet meeting.

5. Conduct

Member Champions should act reasonably in their role and are encouraged to work effectively within the political management and working arrangements adopted by the Council. Member Champions should inform the relevant Cabinet Member when engaging with the media and should be mindful not to make statements which contradict adopted Council policy

This protocol was agreed by the Cabinet Member for Communities & Central Services on 5 January 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:

Corporate Services

Service, function:

Democratic Services

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

Appointments to Outside Organisations & Member Champion Positions

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 ensure that the Council is appropriately represented on outside bodies and that Member Champions are appointed to champion agreed themed topics both within the council and externally.

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?

All political groups on the council have been consulted in respect of putting nominations to the various positions forward.

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 role of Member Champion for Women, Children and Domestic Violence has the potential to positively contribute to awareness and the safety of those who have or might be affected by these crimes.

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

Member Champions are required to provide an annual report back to Cabinet on their work and achievements during the year.

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?

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?

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?

The role of Member Champion for LGBTQ+ & Young People has the potential to make a positive impact in furthering inclusion for these protected characteristics.

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

Member Champions are required to provide an annual report back to Cabinet on their work and achievements during the year.

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?

The role of Member Champion for Nature has the potential to make a positive impact.

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

Member Champions are required to provide an annual report back to Cabinet on their work and achievements during the year.

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?

The role of Member Champion for Nature has the potential to make a positive impact.

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

Member Champions are required to provide an annual report back to Cabinet on their work and achievements during the year.

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?

The Member Champion for Heritage has the potential to make a positive impact in this area.

How are you going to measure/check the impact of your proposal?
Member Champions are required to provide an annual report back to Cabinet on their work and achievements during the year.

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?

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?

James Harris, Senior Local Democracy Officer

This IIA has been approved by: Natasha Edmunds

Contact number:

Date:

07 June 2022



Title of meeting:	Cabinet
Date of meeting:	21 st June 2022
Subject:	Modern Slavery and Human Trafficking Statement
Report by:	Corporate Strategy - Lisa Wills
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

The purpose of this report is to provide context to the council's Modern Slavery Transparency Statement, progress against the improvement plan, and to seek approval to publish the statement on the council's website (appendix 1).

2. Recommendations

That Cabinet approves

- i) **The Modern Slavery and Human Trafficking Statement for the signature of the Leader and publication on the council's website (see appendix 1) and**
- ii) **The programme of work set out in item 10 of this report.**
- iii) **Full Council is asked to note the decision of the cabinet to approve and publish the statement.**

3. Background

3.1 The Modern Slavery Act 2015 (MSA 2015) applies to England and Wales and includes the offences of human trafficking and slavery, servitude and forced or compulsory labour. The Act consolidated and simplified existing offences and establishes a legal duty under Section 52 for specified public authorities to notify the Home Office where there is reasonable grounds to believe a person may be a victim of modern slavery.

3.2 Section 54 of the MSA 2015 requires commercial organisations carrying out business in the UK, with a turnover of at least £36 million, to prepare and publish a slavery and human trafficking statement for each and every financial year.

3.3 A review of the legislation published in May 2019 recommended that Government should extend section 54 requirements to the public sector and strengthen its public procurement processes. The council published first statement in advance of this recommendation in March 2019.

3.4 A new Modern Slavery Bill was announced in the Queen's speech.

4. Alignment with the City Vision

The City Vision sets out where Portsmouth wants to be by 2040. The Modern Slavery and Human Trafficking Statement underpins two key ambitions - to be a healthy happy city and a city with a thriving economy. The programme of work set out below will help the council move towards these ambitions.

5. Social Value and Procurement

5.1 There are clear links between preventing modern slavery and the Council's Social Value Strategy. The new strategy and policy will help to identify modern slavery in local government supply chains, as well as improving opportunities for small businesses, and improved employment options for ex-offenders and care leavers, value for money, and social enterprise.

5.2 Plans to pilot the integration of social value in procurement and commissioning processes include making sure any risks associated with modern slavery are identified and mitigated.

5.3 The first supply chain audit was carried out with the support of housing repairs contractors. The audit found a reasonable level of assurance meaning risks were identified but overall, the activities do not pose significant risk to the authority. The second audit is planned for 2023.

6. Portsmouth International Port (PIP)

6.1 The multi-agency Solent Portal Maritime Security Group includes representatives from the Portsmouth International Port, Border Force, MOD, ferry operators, DFT and police. The group meets regularly to discuss security incidents, issues, and threat levels, including human trafficking. Modern Slavery is now a standing agenda item and links with the Boarder force are being developed with Adult Social Care.

6.2 Portico (previously MMD) publish a separate statement on their website.

7. Hampshire and Isle of Wight Modern Slavery Partnership

7.1 Portsmouth is an active member of the Hampshire and Isle of Wight Modern Slavery Partnership. Senior managers responsible for adult and children's safeguarding are represented on the core group and other Council staff play an active role in supporting the relevant sub-groups and have been involved in the development of the most recent strategic plan (2020-23) available here:

[https://www.modernslaverypartnership.org.uk/files/2115/9169/7447/Hamp MSP Strategy.pdf](https://www.modernslaverypartnership.org.uk/files/2115/9169/7447/Hamp_MSP_Strategy.pdf)

7.2 The staff restructure of the Office of the Police and Crime Commissioner in July this year is likely to result in reduced focus and support to local groups.

7.3 Referral Pathway for victims - this is available on both children and adult safeguarding websites and as a link on the PCC website in the statement itself. Discussions with the Emergency Planning team have not progressed this year in relation to police operations. The existing protocol remains in place.

7.4 The partnership has also developed a one-minute guide to modern slavery (appendix 2).

7.5 Data analysis - the Hampshire and IOW partnership co-ordinator provides some helpful police data; reports to the national referral mechanism have reduced slightly over the past 12 months with 52 referrals between Jan-March 2022 (compared with 61 in the previous year). National statistics are set out in the Modern Slavery Helpline's Annual Assessment in appendix 3. Calls to the helpline have quickly returned to pre-pandemic levels and continue to increase.

8. Enforcement

8.1 A 'Problem Profile' for Portsmouth has been produced by police colleagues. To help build a more detailed picture of local issues, council services and other partners will provide further intelligence and information will be added.

8.2 Modern Slavery is under-reported but despite low numbers of reports in the city multi-agency enforcement activity based on an augmented problem profile is planned for 2023.

9. Training

9.1 In the past 12 months¹ 540 staff attended children's safeguarding courses that include modern slavery and exploitation, and 592 attended adult safeguarding courses. In addition to social care staff these totals include 451 staff from other areas of the council: housing officers, finance staff and building maintenance staff.

9.2 A video-based e-learning package on Modern Slavery, and a Skills Booster course are available to PCC staff and councillors. In the past 12 months, 168 staff took these courses 103 of whom were not social care employees.

9.3 Training uptake is monitored by the Governance and Audit Committee and will include the number of members undertaking the specially adapted e-learning course.

10. Programme of continuous improvement

10.1 Portsmouth's Modern Slavery Steering group, chaired by the Director of Corporate Services, will take forward the improvement programme set out in the statement (item 10). This will be reviewed six monthly alongside the annual review of the statement to ensure appropriate levels of awareness, response and enforcement across the relevant council directorates.

¹ April 2021-March 2022

The programme of work, under the following headings will be implemented during 2022/23:

- I. **Strategic Leadership** - Quarterly reporting on agreed measures to the Governance and Audit Committee as part of corporate health monitoring process. Regularly Modern Slavery working group meetings, chaired by the Director of Corporate Services to monitor improvement plan.
- II. **Working with partners** - continue to work in active partnership with the Hampshire and Isle of Wight Modern Slavery Partnership to support a consistent approach across the county. Support work to improve local data analysis and emergency planning procedures.
- III. **Raising awareness** - continue to raise awareness of modern slavery by supporting Hampshire-wide communication campaign to compliment annual national Anti-Slavery activity in October and expanding training across the organization.
- IV. **Develop and expand training** - develop universal awareness raising by explaining the signs and impact of early childhood trauma and exploitation of children, homeless people and vulnerable adults. Continue to increase the number of non-social care staff and elected councillors accessing e-learning and/or face to face training on modern slavery.
- V. **Procurement and supply chains** - strengthen wording of pre-qualifying questionnaire asking for copies of statements from all new suppliers and consider retrospective application to existing high risk areas identified by the [Labour Exploitation - Industry profiles - sectors at risk - GLAA](#). Continue to undertake a minimum of two supply chain audits per year and develop a longer-term audit framework for high-risk contracts. Continue to develop a procurement strategy linked with longer term work on social value.
- VI. **Policies and processes** - review all HR policies associated with identifying and combatting modern slavery,
- VII. **Enforcement and disruption** - continue to deliver community safety responses and disruption activities, improve local data gathering, working alongside partner agencies such as the police, fire and health services to plan multi-agency operations.

9. Reasons for recommendations

9.1 This *Modern Slavery and Human Trafficking Statement* sets out the Council's current position and future plans to understand all potential modern slavery risks related to its business and puts in place steps to ensure there is no slavery or human trafficking in its own business and/or in its supply chains, and also to protect and support victims.

9.2 It is important to make and sustain collaborative links with delivering the City Vision and the Social Value Strategy.

9.3 PCC Directors reviewed and approved the statement and programme of work on 9th May 2022. The Director of Corporate Services is the executive lead for the city.

9.4 The statement sets out an improvement plan to be completed by the end of March 2023. For the avoidance of doubt, the statement also applies to Portsmouth International Port. Portico (previously known as MMD) will prepare a separate statement.

10. Integrated impact assessment (IIA)

An IIA has been completed and is attached at appendix 4.

11. Legal implications

11.1 The report sets out the basis upon which a public sector organisation is required to prepare and publish an annual statement relevant to the statutory requirements of the Modern Slavery Act 2015.

11.2 The Queen's speech announced the government's intention to produce a new Modern Slavery Bill this year². No further details are available regarding the legislative timetable. A new modern slavery strategy is also expected in the coming months.

12. Director of Finance's comments

There are no financial implications arising from the recommendations and many helpful synergies. If there are actions arising from the programme of work that require additional resource, a further report will be brought to members.

.....
Signed by:
Paddy May
Corporate Strategy Manager

Appendices:

Appendix 1 Portsmouth City Council Draft Modern Slavery and Human Trafficking Statement 2022/23

Appendix 2 One Minute Guide to Modern Slavery

Appendix 3 Data Infographic - Modern Slavery and Exploitation Helpline

Appendix 4 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:

² <https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report/independent-review-of-the-modern-slavery-act-final-report-accessible-version>

Title of document	Location
Local Government Association - Tackling Modern Slavery - A council guide	LGA website https://www.local.gov.uk/modern-slavery-council-guide
Councillor Guide to Tackling Modern Slavery	LGA website https://www.local.gov.uk/councillor-guide-tackling-modern-slavery
The Local Government Association guidance re preparing transparency statements.	https://www.local.gov.uk/topics/community-safety/modern-slavery/transparency-statements .

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

.....
 Signed by:

Contents:

Modern Slavery and Human Trafficking Statement

ID	
Last Review Date	April 2022
Next Review Date	April 2023
Approval	Cabinet and Full Council
Policy Owner	Executive
Policy Author	Lisa Wills
Advice & Guidance	Strategy Unit
Location	Policyhub
Related Documents	https://www.modernslaverypartnership.org.uk/partnership/
Applicability	This policy applies to all employees in the City Council, (except those in schools), including elected members and the International Port.

1. Introduction

1.1 The Council acknowledges the provisions set out in the Modern Slavery Act (2015) and this statement is made pursuant to section 54(1) and the recommendations arising from an independent review published in May 2019.

1.2 Portsmouth City Council is committed to preventing slavery and human trafficking in its corporate activities and to ensuring that the services it commissions (and where applicable, supply chains) are free from slavery and human trafficking.

1.3 This *Modern Slavery and Human Trafficking Statement* sets out the Council's current position and future plans to understand all potential modern slavery risks related to its business and to put in place steps to ensure there is no slavery or human trafficking in its own business operations and/or in its supply chains. For the avoidance of doubt, this statement also applies to Portsmouth International Port.

1.4 A statement will be issued annually, setting out relevant information in respect of the previous financial year and published on the council's website here: <https://www.portsmouth.gov.uk/ext/your-council/policies-and-strategies/modern-slavery-and-human-trafficking-statement>. This statement relates to activities undertaken during the financial year April 2021 to March 2022.

2. Context and reporting concerns

2.1 The council's role in relation to modern slavery is broader than other commercial organisations that are required to publish a transparency statement, and can be set out in four areas:

- identification and referral of victims - to report concerns please see paragraph 2.5 below
- supporting victims – this can be through safeguarding children and adults with care and support needs and through housing/homelessness services
- community safety services, enforcement and disruption activities both independently and with partners
- making sure procurement processes and supply chains are free from modern slavery

2.2 The Council acknowledges its role in working across the city and with the Police and Crime Commissioner's office to raise awareness of the signs of modern slavery, identifying those vulnerable to it and responding with partners to reports and incidents. This work involves a variety of council services and partners including the Port, UK Border Force, Police, Civil Contingencies, Environmental Health and Trading Standards, Housing, Neighborhoods and Building Services, Licensing, Children's Social Care and Adults Social Care.

2.3 Security meetings are held three times per year between port colleagues, MOD, Police, Border Force and other partners to share intelligence.

2.4 The Modern Slavery Steering Group meets when regularly to monitor the program of continuous improvement set out in item 10.

2.5 Work to protect children and vulnerable adults who are trafficked and/or exploited is overseen by our local safeguarding boards including referral processes to the national Independent Child Trafficking Advocacy Service and multi-agency specialist groups (Missing Exploited and Trafficked Group - MET). See links below for further information and **how to report concerns about children or adults:**

2.5.1 Portsmouth Safeguarding Children Partnership
(<https://www.portsmouthscb.org.uk/professionals/trafficking/>) and

2.5.2 Portsmouth Safeguarding Adults Board
(<http://www.portsmouthsab.uk/abuse/missing-exploited-trafficked/>)

3. Legislative framework

3.1 The Government's approach to tackling modern slavery has been shaped by a number of international laws, conventions and protocols which the UK has opted in to, ratified, or is already bound by, including the: 1950 European Convention on Human Rights (ECHR), Children Act 1989, Care Act 2014, Immigration Act 2016 and the Modern Slavery Act 2015.

4. Organisational structure (UPDATE)

Portsmouth City Council (PCC) is a unitary authority situated in Portsmouth within the geographical county of Hampshire. PCC provides a wide range of statutory and discretionary services, delivered both directly by the Council and through external contractors.

4.1 The Council's senior management structure can be found here <https://www.portsmouth.gov.uk/wp-content/uploads/2020/08/Councils-senior-management-structure.pdf> **(TO BE UPDATED AND UPLOADED TO WEBSITE)**

4.2 The Council's constitution can be found here:

<https://www.portsmouth.gov.uk/ext/the-council/policies-and-strategies/constitution>

5. Procurement and supply chains and due diligence

5.1 PCC requires all suppliers of goods or services to have their own policy relating to working practices for modern slavery, or for evidence to be available to ensure their standards are in accordance with the City Council's expectations. We request that our suppliers ensure the same of their own supply chains. Our Supplier Selection Questionnaire includes a requirement to comply with the Modern Slavery Act 2015.

5.2 Further, we would expect and request assurance that the practices of companies and organisations operating within the EU adhere to Article 4 of the

European Convention on Human Rights concerning the prohibition of slavery and forced labour.¹

5.3 The majority of contracts let and managed by the council are low risk for labour exploitation. The programme of continuous improvement includes a plan to develop a new procurement strategy that will identify the highest risk existing contracts and map the associated supply chains. Procurement governance arrangements will be revised to monitor new contract activity that will trigger the application of additional due diligence in respect of high value, high risk contracts in industries identified by the [Labour Exploitation - Industry profiles - sectors at risk - GLAA](#).

5.4 Strategic contracts will be audited on a rolling basis for compliance. The first supply chain audit was carried out with support from the Housing, Neighbourhoods and Building Services in May 2022.

5.5 Survivors of Modern Slavery are included as beneficiaries of the local social value procurement policy approved by the Council in March 2021 (available on request).

6. Hampshire and Isle of Wight Modern Slavery Partnership

6.1 PCC is an active member of the Hampshire and Isle of Wight Modern Slavery Partnership (<http://www.modernslaverypartnership.org.uk/>) and supports the delivery of the overarching strategy 2020-2023. https://www.modernslaverypartnership.org.uk/files/2115/9169/7447/Hamp_MSP_Strategy.pdf

7. Relevant organisational policies, procedures and strategies

7.1 PCC has the following policies that describe its current approach to the identification of modern slavery risks and the steps it takes to prevent slavery and human trafficking in its operations. All policies are available to staff on Policy Hub and are also available by contacting the Council direct (please email Lisa.Wills@portsmouthcc.gov.uk)

7.1.2 Whistle blowing policy - through our whistle blowing policy the council encourages all its employees, councillors, contractors, their agents and/or subcontractors, consultants, suppliers and service providers to report concerns about any aspect of service provision, conduct of officers and others acting on behalf of the Council, or the supply chain. The policy is designed to make it easy to make disclosures without fear of discrimination and victimisation. The policy was reviewed in January 2022.

7.1.3 Employee Code of Conduct - the council's employee code of conduct (Council Constitution, Part 4C) makes clear to employees the actions and behaviour expected of them when representing the council. The council strives to

¹ The government remains committed to the European Convention on Human Rights - <https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights/human-rights-act-reform-a-modern-bill-of-rights-consultation>

maintain the highest standards of employee conduct and ethical behaviour when managing the supply chain.

<https://www.portsmouth.gov.uk/services/council-and-democracy/policies-and-strategies/constitution/>

7.1.4 Recruitment policy - the council adheres to robust continuing employment checks/standards, this includes ensuring identities and qualifications, UK address, right to work in the UK, (i.e. people brought into the country illegally will not have a National Insurance number), suitable references and payroll information. The organisation uses only specified, reputable employment agencies to source labour and always verifies the practices of any new agency it is using before accepting workers from that agency. The recruitment policy is due to be updated in 2022.

7.1.5 Fraud and Anti-corruption policy - this requires staff to perform business activities with due diligence in a transparent and ethical manner and to encourage the reporting of suspected wrongdoing.

8. Safeguarding policies and procedures - children and adults

8.1 The children and adults safeguarding partnerships provide city wide governance in relation to identification, referral and support of vulnerable children and adults who may be subject to exploitation. Please refer to the links previously provided for details.

9. Training

9.1 Modern slavery and human trafficking is included within the council's safeguarding training for staff working in children and adult services. This training is mandatory for the social care workforce and is consistent with that of other local authorities across the county. In the past 12 months² 540 staff attended children's safeguarding courses that include modern slavery and exploitation and 592 attended adult safeguarding courses. In addition to social care staff these totals include 451 staff from other areas of the council; housing officers, finance staff, building maintenance staff.

A video-based e-learning package on Modern Slavery, and a Skills Booster course are available to PCC staff and councillors. In the past 12 months 168 staff took these courses - 103 of whom were not social care employees. Training uptake is monitored by the Governance and Audit Committee.

9.2 Council Directors agreed to extend training to a wider group of staff, following an internal audit, to increase opportunities for identifying and responding to incidents and reports. A Modern Slavery update is included in regular community safety briefings to directorate management teams.

9.3 Elected Council members have their own directory of training and will be able to access the new Modern Slavery e-learning as well as safeguarding workshops and the Skills Booster course. In addition to this the Local

² April 2021-March 2022

Government Association have a Councillor guide to tackling modern slavery that is available on their website [Councillor guide to tackling modern slavery \(local.gov.uk\)](#).

10. Auditing and evidence

10.1 The Council is committed to a programme of scrutiny and continuous improvement and completed a detailed compliance audit during 2019/20. A second follow up audit is planned for 2022/23. The improvement programme is based on risks identified during the 2019/20 audit as well as discussion at regular working group meetings, chaired by the Director of Corporate Services. The programme for 2022/23 includes:

10.1.1 **Strategic Leadership** - Quarterly reporting on agreed measures to the Governance and Audit Committee as part of corporate health monitoring process. Regularly Modern Slavery working group meetings to monitor improvement plan.

10.1.2 **Working with partners** - continue to work in active partnership with the Hampshire and Isle of Wight Modern Slavery Partnership to support a consistent approach across the county. Support work to improve local data analysis and emergency planning procedures.

10.1.3 **Raising awareness** - continue to raise awareness of modern slavery by supporting Hampshire-wide communication campaign to compliment annual national Anti-Slavery activity in October and expanding training across the organization.

10.1.4 **Develop and expand training** - develop universal awareness raising by explaining the signs and impact of early childhood trauma and exploitation of children, homeless people and vulnerable adults. Increase the number of non-social care staff and elected councillors accessing e-learning and/or face to face training on modern slavery.

10.1.5 **Procurement and supply chains** - strengthen wording of pre-qualifying questionnaire asking for copies of statements from all new suppliers and consider retrospective application to existing high risk areas identified by the [Labour Exploitation - Industry profiles - sectors at risk - GLAA](#). Continue to undertake a minimum of two supply chain audits per year and develop a longer-term audit framework for high-risk contracts. Continue to develop a procurement strategy linked with longer term work on social value.

10.1.6 **Policies and processes** - review all HR policies associated with identifying and combatting modern slavery.

10.1.7 **Enforcement and disruption** - continue to deliver community safety responses and disruption activities, improve local data gathering, working alongside partner agencies such as the police, fire and health services.

Portsmouth City Council

(add signature)

Signature:
Leader

Date (date of signature)

DRAFT

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One Minute Guide to Modern Slavery

What is Modern Slavery? Modern Slavery covers Trafficking, Slavery, Servitude and Forced or Compulsory Labour. This can take place via many forms of control such as coercion, threats and violence all for a benefit to the exploiter such as through sexual services, begging or domestic servitude.

What is Trafficking? Trafficking additionally involves a movement element whether across borders or within a country and again can take many forms of exploitation such as sexual, criminal and financial. For child trafficking you do not need to prove how this is happening or the control element. So movement for exploitation = child trafficking.

What legislation covers this? The Modern Slavery Act of 2015 (MSA) The MSA brought into force the maximum custodial sentence for the most serious offences as life. Modern Slavery is listed as a category of abuse within the Care Act – 2014, child victims are safeguarded under s.47 of the Children’s Act 1989.

How do I spot Modern Slavery?

Indicators of modern slavery and human trafficking are often not obvious and can be varied according to the exploitation type, some are given below:

Illegal entrant	No passport or ID	Limited social contact	Bonded by debt
Restriction on movement	Lack of access to medical care	Poor accommodation	Money deducted from salary for food or accommodation
Unexplained injuries	Dependent on others	Working in location likely to be involved in exploitation	Poor language skills/learning difficulties
Vulnerable person e.g. homeless, substance dependent	Being controlled by others	Threats of being handed over to the authorities	Unable or reluctant to give details to the authorities

Examples of some of the work locations/sites that victims are encountered have included nail bars, car washes, brothels, private dwellings, factories and building sites.

- The [Hampshire, IOW, Portsmouth and Southampton Modern Slavery Victim Pathway](#) will guide you through the initial process should a victim be identified or suspected.
- The legislation places a duty on specified public authorities including local authorities and Police to report potential victims to the National Crime Agency.
- **The National Referral Mechanism (NRM)** is a framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. The NRM process should be explained by a First Responder (FR) who has received specific training and only FR’s can complete the NRM form, a list of FR’s can be found [here](#)

For Minors:

- Consent is NOT required to complete the NRM.
- Complete the NRM online <https://www.modernslavery.gov.uk/start>. Ensure a record is kept.
- Section 48 of the Modern Slavery Act requires a referral to the Independent Child Trafficking Guardian Service on 0800 043 4303 for child victims.

For Adults:

- Consent is required to complete the NRM. Consent discussion should include: what the NRM is, support available, possible outcomes & information sharing
- Complete the NRM online at <https://www.modernslavery.gov.uk/start>. Ensure a record is kept.
- The Salvation Army has the Government Victim Care Contract to provide adult victims accommodation and support, requested via mst@salvationarmy.org.uk or 0300 303 8151
- Consider Pre-NRM Accommodation. Adult victims can be accommodated under Adults at Risk section 42 Care Act 2015. Until the Salvation Army accepts referral immediate safeguarding responsibility remains with the Local Authority
- The Duty to Notify form should be completed if consent for the NRM is not given, this is also found online at <https://www.modernslavery.gov.uk/start>

- Practitioners should be alert to a potential perpetrator also being a victim such as within some county lines cases or cannabis cultivation. There is a **statutory defence** for victims under s.45 MSA who committed criminal offences as direct result of a trafficking situation. Adults – need to be compelled to commit offence. There are a number of offences exempt listed [here](#).
- Where the **age of a potential victim is uncertain** and there are reasons to believe that the person is a child, they should be presumed to be a child and receive immediate access to protection, support, accommodation and advice, as per section 51(2) of the MSA 2015. If the potential victim looks older than the age they claim to be, a request should be made to a suitably trained social worker for an age assessment.
- Ensure effective communication – including use of interpreters.

If you believe someone is in immediate danger you should call 999 for the police

If you suspect an individual is a victim of modern slavery, you have a responsibility to report this either to you line manager or directly to the local authority by contacting them on:

	Southampton	Isle of Wight	Hampshire	Portsmouth
Adults	02380 833 003 Adultsocialcareconnect@southampton.gov.uk	01983 814980 safeguardingconcerns@iow.gov.uk	0300 555 1386 adult.services@hants.gov.uk	023 9268 0810 PortsmouthAdultMASH@portsmouthcc.gov.uk
Children	023 8083 3336 MASH@southampton.gov.uk	0300 300 0901	01329 225379	023 9283 9111 email MASH@secure.portsmouthcc.gov.uk
Independent Child Trafficking Guardian Service 0800 043 4303 or trafficking.referrals@bypmk.cjsm.net				
Out of hours	02380 233 344	0300 555 1373 safeguardingconcerns@iow.gov.uk	0300 555 1373	Children: 0300 555 1373 Adults: PortsmouthAdultMASH@portsmouthcc.gov.uk

Where can I gain further information?

The [Multi-Agency Safeguarding Adults Policy and Guidance \(2020\)](#) has been recently launched by the four Local Safeguarding Adults Boards and includes a section on Modern Slavery

<https://www.gov.uk/government/collections/modern-slavery>

<https://www.gov.uk/government/publications/modern-slavery-training-resource-page/modern-slavery-training-resource-page>



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:

Executive

Service, function:

Strategy

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

Modern Slavery and Trafficking Statement

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 Modern Slavery Act 2015 (MSA 2015) applies to England and Wales and includes the offences of human trafficking and slavery, servitude and forced or compulsory labour. The Act establishes a legal duty under Section 52 for specified public authorities to notify the Home Office where there is reasonable grounds to believe a person may be a victim of modern slavery. Section 54 of the MSA

2015 requires commercial organisations carrying out business in the UK, with a turnover of at least £36 million, to prepare and publish a slavery and human trafficking statement for each and every financial year. The City Council is therefore required to produce an annual statement and improvement plan.

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 has been carried out

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 aim of this statement is to demonstrate the council's commitment to identifying, and eliminating modern slavery, human trafficking and forced labour in all its operations and supply chains and to set out a programme of improvement.

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

A steering group, chaired by the Director of Corporate Services has been established to monitor implementation of the improvement plan and review the statement annually. Portsmouth is an active member of the Hampshire and IOW Modern Slavery Partnership and is supporting the development of measures to monitor the extent of modern slavery in the city and the council's response.

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?

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?

It is hoped that identifying victims of modern slavery and providing appropriate support will improve their mental and physical health, and quality of life.

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

As in A1 above - and via Portsmouth Adult and Children's safeguarding boards as well as working with colleagues to identify multi-agency enforcement activity

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?

Most victims of modern slavery and trafficking are likely to be vulnerable for example, young people used to run drugs, immigrant workers, people with complex needs (often mental health and substance misuse) or rough sleepers. Providing support to escape exploitative relationships should allow them to get other legitimate work, improving their income.

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

As above in A1 and via safeguarding boards

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?

Anticipate a positive impact in the long term. Often victims of modern slavery and trafficking are from minority ethnic backgrounds - although the majority - as far as we know - are from the UK. The Modern Slavery and Exploitation helpline's Annual Assessment for 2019 identifies the top 10 nationalities of potential victims - in order - from 1-10 - Romania, China, England, Albania, Thailand, Poland, Hungary, Ukraine, Brazil and Vietnam.

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

Work with police and council colleagues to improve information about local prevalence and victim characteristics.

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?

it is important for residents to know that Portsmouth City Council and it's multi-agency safeguarding boards are fully engaged in tackling modern slavery and trafficking wherever it is identified in the city. This will improve the reputation of the city and make it a place people want to move to and live in.

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

Biennial Community Safety Survey - results for the 2020 survey will be published soon on the Safer Portsmouth Partnership website.

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?

Although the prevalence of this hidden crime is not known, there is an economic benefit to each individual supported out of slavery. Moving victims into legitimate employment will advance their skills and personal development. This could also provide an overall economic benefit to the city and help to prevent others from being removed from the labour market and into slavery.

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

TBC

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?

Portsmouth City Council will work with businesses to tackling modern slavery and trafficking wherever it is identified in the city. This will improve the reputation of the city and make it a place business want to invest.

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

TBC

Q8 - Who was involved in the Integrated impact assessment?

Lisa Wills, Paddy May, Tristan Thorn

This IIA has been approved by: Paddy May, Corporate Strategy Manager

Contact number: 023 92 83 4020

Date: 10 June 2022

Agenda Item 12



Title of meeting: Cabinet

Date of meeting: 21st June 2022

Subject: King George V Playing Fields Development

Report by: Stephen Baily, Director of Culture, Leisure and Regulatory Services

Wards affected: Cosham

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 To update the Cabinet on progress with development of the proposed new all-weather pitches and pavilion at King George V Playing Fields (the "Scheme"); and to seek necessary delegations to enable the Scheme to continue moving forward in a timely fashion.

2. Recommendations

2.1 Cabinet is recommended to:

- i. **Note progress with the King George V Playing Fields Scheme and plans for continued development of the Scheme;**
- ii. **Delegate authority to the Director of Finance and Resources to authorise the entering into a grant agreement for the Scheme that includes a clawback period (in the event that the facilities are no longer be used for the activities the grant was awarded for) once the final terms and conditions of funding are known; and**
- iii. **Authorise the formal advertising of disposal of open space, which will be the result of granting a lease to an operator.**

3. Background

- 3.1 The Football Hubs programme was set up by the Football Foundation to help address the issue of poor pitch quality in grassroots football by increasing the

number of 3G artificial pitches, facilities and participation programmes available across the country. The Playing Pitch Strategy for Portsmouth, developed in 2018 in partnership with Sport England and national governing bodies for various sports, identified that there is a shortfall in these facilities in Portsmouth. The need for a new facility in Portsmouth was identified in the Local Football Facilities Plan.

- 3.2 Local football facility plans are detailed reports that map out the football facilities needed across every local authority area in England. Portsmouth worked with the Football Association, Football Foundation and clubs and stakeholders locally to pull together a local plan for Portsmouth, which forms part of a national roadmap for the development of grassroots sport. The Football Foundation, Premier League, The FA and Government have all committed funds to deliver these plans. Portsmouth's plan was completed in 2020, and identifies the need for at least 5 more AGPs in Portsmouth, alongside grass pitches and changing facilities.
- 3.3 The plan for Portsmouth highlights five main objectives for the local area, which include:
- Sustaining male youth and adult football
 - Increasing the number of women's and girls' teams
 - Supporting the growth of pan-disability options.
- 3.4 The plan identifies King George V Playing Fields as a key opportunity site for game development locally. The playing fields site occupies approximately 118,000m² (11.8 hectares) and is located in the Cosham area of Portsmouth, just north of Portsea Island. It's bounded on the north side by the Portsmouth to Southampton railway line and to the east by the A397 Northern Road. On the southern boundary is Lynx House (currently occupied by HMRC) and the A27 that links Cosham and Paulsgrove. The site comprises for the main part extensive grass playing fields used for football, and for large public events throughout the year. Mature trees enclose the park on all boundaries. Located in the south east corner there is a car park, with a driveway linking to a sports pavilion. At the entrance to the park on the eastern side is a set of steps, put in place when the fields were designated as a memorial to King George V in 1955. The existing pavilion, added after 1952 to the eastern side of the site, is located at the bottom of the memorial steps and houses changing facilities and WCs, that do not meet minimum standards and are beyond economic repair. In 2018 the pavilion was the target of an arson attack and since then a significant part of the building has been out of use.
- 3.5 A proposal has been developed for a new FA Football Hub, on King George V Playing Fields (KGV) in Cosham, to replace the existing two storey building, and provide 2 artificial grass pitches (AGPs). The new building will provide new changing facilities for the existing grass pitches and the two new artificial grass pitches together with a cafe and toilets that are open to the public.



3.6 This development supports the vision for Portsmouth's future to create:

- A healthy and happy city
- A green city
- Lifelong learning
- Easy travel
- A thriving economy
- Culture and creativity.

4. Scheme progress

4.1 Planning consent was given for the scheme in February 2022, subject to conditions. Approval was also granted by Fields in Trust, the body which nationally oversees and protects parks and green spaces in the UK (including the 506 King George V Playing Fields), to ensure that they are protected for the purpose for which they were dedicated.

4.2 Capital funding of £2.8m has been allocated in the Council's approved capital programme alongside a £4.2m grant from the Football Foundation towards the scheme, based on an original funding envelope of £7m following initial engagement with cost consultants.

4.3 The Football Foundation have indicated that they will provide 60% of grant funding towards any scheme.

4.4 Due to the current issues with the economy the majority of capital projects have affordability challenges, and this project is no exception, and the expectation is that when tenders are received back the costs will be higher than the initial estimates.

4.5 The project team are aware of this and work is ongoing to explore if the Football Foundation would provide additional grant and alongside this a value engineering process may need to be undertaken. The invitation to tender is clear that the project will only proceed subject to affordability.

4.6 We are now in the process of

- (a) securing (via a public procurement process) an expert operator for the site, who will be a key partner throughout the development process;
- (b) securing a provider of the AGP works (through the Football Foundation Framework); and
- (c) issuing a tender for development of the pavilion and associated works. All procurement processes are being undertaken in line with PCC processes



4.7 An application to the Football Foundation for funding was submitted in April 2022, in line with requirements for their funding windows. We are now working with the Foundation to take the scheme through approval processes and expect that an offer of grant funding will be made in the Summer. Approval and acceptance of the grant will trigger the award of a contract for construction of the pavilion and associated works subject to affordability (i.e. the current procurement process is being conducted conditional upon funding). If we are unsuccessful in securing Football Foundation grant, or if costs received back from the market are higher than the available envelope, then consideration will need to be given about how to proceed.

5. Grant conditions

5.1 As set out, it is expected that a large proportion of the funding for the scheme will be obtained in the form of a grant from the Football Foundation. No award has yet been made, but standard Foundation funding terms and conditions are likely to apply. Officers will have the authority to enter into most of the agreement under the delegations they have for managing the financial affairs of the authority (Director of Finance and Resources and s151 officer) and for managing leisure and recreation facilities (Director of Culture, Leisure and Regulatory Services).

5.2 However, it is likely that as part of the grant, there will be a 21-year clawback period and the potential for a charge/restrictions to be placed on the land - this is to ensure that the scheme is developed as agreed and that the land and facilities are used appropriately throughout the relevant period in order to protect the Football Foundation's investment. This means that failure to meet the terms and conditions could result in part or all of the grant being clawed back by the Football Foundation during the relevant period. Under the current scheme of delegation, there is a delegation to the Leader to enter into agreements on the "land and property assets of the city council"; and a delegation to the Cabinet Member for Culture, Leisure and Economic Development to enter into agreements for "indoor and outdoor recreation, including sports."

5.3 Where a decision impacts more than one portfolio holder then the decision should be made by Cabinet. It is therefore recommended that to enable timely response to any award of funding that authority is delegated to the Director of Finance and Resources to enter into the necessary agreement upon consultation with PCC Legal Services once the final terms and conditions of funding are known.

5.4 In addition to the above, a small (provided that the grass pitches are not included in the lease to the operator) part of the land to be leased to the preferred operator is currently classed as open space land. The leasing of such land is treated in the eyes of the law as being a "disposal" and hence the Council has a statutory obligation to formally advertise such "disposal" in a local newspaper and conduct



a consultation exercise. The Council's Constitution governs that the power of management over all land owned by the Council (including disposal of land) is an executive function. Hence, Cabinet is recommended to authorise the carrying out of such advertisement and consultation process. Cabinet will be further updated on the outcome of the consultation exercise / objections raised.

6. Reasons for recommendations

- 6.1 The King George V Playing Fields scheme is a priority for the organisation, reflected in the Plan for Recovery and Renewal, and responds to priorities identified in the Playing Pitch Strategy previously agreed by the organisation. It is therefore important that the Cabinet is aware of the progress and steps being taken to develop the scheme.
- 6.2 It is also important the authority is in a position to move swiftly when any offer of funding is made, understand the risks involved and therefore the recommendations seek to ensure that there is absolute clarity about decision-making to enable the most timely response possible.

7. Integrated impact assessment

- 7.1 There are no additional impacts as a result of these recommendations that have not already been considered as part of the wider scheme development.

8. Legal implications

8.1 Disposal of Open Space Land:

Section 123 of the Local Government Act 1972 states:

"123 Disposal of land by principal councils

(1) Subject to the following provisions of this section...a principal council may dispose of land held by them in any manner they wish.

(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them. (emphasis added).

- 8.2 PCC Legal colleagues have advised from perusing previous Council decisions and deeds of declaration that it is clear (and the proper conclusion) that part of



the land proposed to be leased to an operator is for recreation under the Open Spaces Act 1906 (i.e. open space land).

8.3 Cabinet should be further updated on the outcome of the consultation exercise, including the consideration of any objections.

8.4 Football Foundation Grant:

Although the Council is not yet privy to the Football Foundation's final terms and conditions of funding, it has had sight of their standard grant agreement. This includes restrictions as to how the Council treats the facility land during a 21-year clawback period (such clawback period commences on acceptance of the grant). This means that failure to meet the terms and conditions could result in part or all of the grant being clawed back by the Football Foundation during the relevant period.

8.5 For example, the conditions contain restrictions on not transferring or selling the facility during the clawback period. Additionally, arrangements for management and community use of the facilities must not be changed during the clawback period without the prior written consent of the Football Foundation. The Football Foundation may require a charge/restriction over the land/property to protect their interest and investment.

8.6 If/when the final terms and conditions of funding are known, PCC Legal will review and provide their advice to appropriate officers (including the Director of Finance and Resources) in order to understand the risks. If the Council is successful in its application for Football Foundation funding, it is highly likely that it will need to either accept the Football Foundation's conditions of funding or decline the grant offer.

8.7 Officers must ensure that the Football Foundation terms and conditions of funding are compliant with any applicable grant terms from the Department for Levelling Up, Housing and Communities in respect of the Levelling Up Fund (where relevant).

9. Director of Finance's comments

9.1 At present there are £2.8m of Council resources allocated in the approved capital programme for this scheme. The release of the majority of this funding will be subject to a revised full financial appraisal of the scheme to ensure that the scheme can proceed on affordability grounds both in terms of capital and revenue funding.

9.2 When the tenders are returned the existing financial appraisal will be updated and should the tendered costs exceed the current budget allocation the project team will be required to explore a range of actions to bring the scheme back

into the affordability envelope. These actions will include exploring further grant funding from the Football Foundation and any other potential sources as well as value engineering of the scheme design.

- 9.3 All tenderers have been made aware that the Council will only proceed with the project if it is affordable.
- 9.4 Alongside this work the Director of Finance and Resources will review the financial implications of the grant agreement once received to understand any risks before it is formally signed.

.....
Signed by: Stephen Baily, Director of Culture, Leisure and Regulatory Services

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:

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Title of meeting:	Cabinet Meeting
Date of meeting:	21 June 2022
Subject:	TECS Scrutiny panel - accessibility of transport network report and response
Report Author:	Felicity Tidbury, Interim Assistant Director of Transport
Report by:	Tristan Samuels - Director of Regeneration
Wards affected:	All Wards
Key decision:	No
Full Council decision:	No

1. Purpose of report

The purpose of this report is to set out the response of officers to the Traffic, Environment and Community Safety (TECS) Scrutiny Panel's recommendations arising from a review into the accessibility of Portsmouth's transport network.

2. Recommendations

It is recommended that the Cabinet:

2.1 Thank the panel for its work in undertaking the review;

2.2. Note and support the 40 recommendations of the review, which are listed in section 4 and appendix B of the report;

2.3. Note and support the recommendations listed in 4.2.1 to 4.2.30 which are in progress and the responses from of officers detailing how these are being met;

2.4 Note and support recommendations listed in 4.3.1 to 4.3.10 and the officers comments that these be accepted and actioned only once funding and resources are identified.

3. Background

- 3.1 The Traffic, Environment and Community Safety (TECS) Panel reviewed the consultation results into the Accessibility of the Transport Network in Portsmouth.
- 3.2 This consultation gave residents, visitors and those working in Portsmouth the opportunity to provide their views on the accessibility of travel within the city, to enable the Council to take the necessary steps to ensure that the transport network is accessible to all. In particular the focus was on:
- Public Transport – bus service, rail network
 - Private hire vehicles and hackney carriages
 - Highway network – walking and cycling networks
 - Road works
- 3.3 A survey was launched on 1st December 2021 and was open until 3rd January 2022. Given that anyone is able to travel around Portsmouth, the survey was open to everyone – residents, visitors and workers.
- 3.4 The survey attracted 1,356 respondents and the results were reported to the TECS Scrutiny panel on 22 March 2022 ([Agenda for Traffic, Environment & Community Safety Scrutiny Panel on Tuesday, 22nd March, 2022, 4.00 pm Portsmouth City Council](#)).

This is a robust sample to conduct analysis amongst and draw out comparisons between different audience groups throughout the survey

- 3.5 The scrutiny panel's full report can be viewed in Appendix A.

4. Scrutiny Panel's Recommendations and Officer Response

- 4.1. The scrutiny panel made 40 recommendations, which are set out in appendix B of this report.

- 4.2 Several of the scrutiny panels recommendations are already in progress and these are set out below:

- 4.2.1 Recommendation 1 - Expand the Solent Go platform so that it is simpler to board services across multiple operators and modes, in time including rail.

Response - Work is currently progressing through the Solent Future Transport Zone grant and the National Bus Strategy Enhanced Partnership scheme and Plan this includes proposals for new bus ticket machines to help deliver this.

- 4.2.2 Recommendation 2 - Investigate opportunities for the Mobility as a Service (MaaS) digital platform, being developed by Solent Transport, of which Portsmouth City Council is a member, with integration across modes that caps fares for daily and weekly journeys, as is seen in London and elsewhere.

Response - Work is currently progressing through the Solent Future Transport Zone grant and the National Bus Strategy Enhanced Partnership scheme and Plan as one means of delivering this.

- 4.2.3 Recommendation 3 - Develop an integrated ticketing platform to offer mobility credits to those not using their cars as an incentive to try alternative modes.

Response - Work is currently progressing through the Solent Future Transport Zone grant and the National Bus Strategy Enhanced Partnership scheme and Plan for Portsmouth.

- 4.2.4 Recommendation 4 - Work with commercial bus operators through our forthcoming Enhanced Partnership to develop a simplified fare structure with operators, to make short trips across the city cheaper by public transport, as well as focusing on affordability for younger people and families and appropriate concessionary pass provision.

Response - This is included in proposals in the National Bus Strategy Enhanced Partnership scheme and Plan for Portsmouth.

- 4.2.5 Recommendation 5 - Consider the provision of further lighting, Real Time Information, timetabling and wayfinding information at bus stops, where required. The new Bus Service Improvement Plan could provide a mechanism to deliver such improvements.

Response - This is included in proposals in the National Bus Strategy Enhanced Partnership scheme and Plan for Portsmouth.

- 4.2.6 Recommendation 6 - Ensure non-digital versions of all tickets are available, wherever possible, to ensure all residents can access best value tickets regardless of their level of digital literacy or ownership.

Response - Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan.

- 4.2.7 Recommendation 7 - Work closer with the planning department to obtain contributions from developers towards transport infrastructure in new developments.

Response - All new developments that result in additional movement would also generate CIL funding which can be applied to transport infrastructure. In cases where specific transport infrastructure is needed this is also secured by planning obligation.

- 4.2.8 Recommendation 8 - Conduct an audit of bus routes, combined with a consultation survey, to review the bus route provision and demand. This could

be used to inform forward planning of bus routes, recognising that most routes are provided commercially.

Response - Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan. As part of the proposed plan, access to and from bus stops 'first and last mile' will be investigated.

A further consultation survey is proposed and targeted focus groups for bus users and non-bus users to explore the difficulties in detail.

- 4.2.9 Recommendation 9 - The locations of bus stops can be reviewed where concerns have been raised over their location.

Response - Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan. As part of the PCC proposal, it is proposed to undertake an audit of all PCC bus stops to review their location and the infrastructure.

- 4.2.10 Recommendation 10 - Work with operators to also look to improve services and infrastructure where possible, with a particular focus on improving journey time, frequency and capacity to ensure public transport is a viable and attractive option. The new Bus Service Improvement Plan could provide a mechanism to deliver such improvements.

Response - Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan

- 4.2.11 Recommendation 11 - Work with bus operators to ensure that drivers are reminded of the importance of stopping at the raised access kerbs.

Response - Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan which will also look at access to the stops for passengers and buses.

This work will continue through the Portsmouth Enhanced Partnership, which is a joint Board with the Managing Directors of each of the bus companies that operate in Portsmouth, as well as the Cabinet Member for Traffic & Transportation

- 4.2.12 Recommendation 12 - The council uses its influence to encourage and robustly support the local bus companies in their switch to modern payment methods that provide the lowest fare is automatically available when passengers use the smart payment system.

Response - This is included in proposals in the National Bus Strategy Enhanced Partnership scheme and Plan for Portsmouth. This work will continue through the Portsmouth Enhanced Partnership, which is a joint Board with the Managing

Directors of each of the bus companies that operate in Portsmouth, as well as the Cabinet Member for Traffic & Transportation.

- 4.2.13 Recommendation 13 - The planning department investigates where policy can be used to require large scale developers to consider adapting road schemes to allow bus route with travel through their developments.

Response - This is within the existing policy framework through the adopted Local Plan and Portsmouth Transport Strategy (LTP4) and work is progressing through the National Bus Strategy Enhanced Partnership scheme and Plan.

- 4.2.14 Recommendation 14 - Hilsea and Fratton train stations to be more accessible

Response - PCC will continue to work with South Western Railway and National Rail to explore and investigate this further.

Improvements are contained within the existing National Rail policy framework through the Solent Continuous Modular Strategic Plan (CMSP) and supported by Portsmouth's Transport Strategy.

Investigate the Department for Transport's Access for All programme. Funding would need to be identified to implement these measures.

- 4.2.15 Recommendation 15 - Further work with train companies to identify accessibility improvements for passengers at stations, including for passengers with particular needs.

Response - Improvements are contained within the existing National Rail policy framework through the Solent Continuous Modular Strategic Plan (CMSP) and support by Portsmouth's Transport Strategy.

Investigate the Department for Transport's Access for All programme. Funding would need to be identified to implement any measures.

- 4.2.16 Recommendation 16 - Inform Network Rail and South Western Railway of the results of this survey and the accessibility problems experiences at these stations and urge them to take urgent action to address these issues.

Response - Improvements are contained within the existing National Rail policy framework through the Solent Continuous Modular Strategic Plan (CMSP) and supported by Portsmouth's Transport Strategy.

Further to this, a letter will be developed to outline the results of this survey and urge action to be taken.

- 4.2.17 Recommendation 17 - Further development of the Continuous Modular Strategic Plans (CMSP) that has been developed for the Solent and West Coastway rail

routes. These studies by Solent Transport and Network Rail include proposals for infrastructure and service improvements that are supported by the council.

Response - Improvements are contained within the existing National Rail policy framework through the Solent Continuous Modular Strategic Plan (CMSP) and supported by Portsmouth's Transport Strategy.

- 4.2.18 Recommendation 18 - The emerging Public Transport Strategy will also inform this work which will look to improve journey time and frequency to key destinations.

Response - This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and in particular the strategic objective of Transforming Public Transport. This is further supported by the Transforming Cities Funding and Bus Service Improvement Plan funding received.

- 4.2.19 Recommendation 19 - Work processes to be examined closely to see how ordering and booking taxis could potentially be improved in both the medium and long term.

Response - PCC will continue to work with the Hackney Carriage and Private Hire trade to encourage quicker response times having regard to the statement of licensing policy.

- 4.2.20 Recommendation 22 - Numbers of WAVs to be maintained throughout the lifetime of the vehicles. WAVs cannot be replaced by standard vehicles.

Response - This is already a policy requirement in respect of Hackney Carriage Vehicles where specified licences have been issued and will continue to be issued for WAVs only.

- 4.2.21 Recommendation 23 - Any new proposed improvements for walking and cycling will look to address defects that may be present. Where LTP schemes have been identified, opportunities to integrate improvements to the surrounding infrastructure will be addressed e.g., East-West corridor.

Response - This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and the recently approved Local Cycling and Walking Infrastructure Plan (LCWIP).

Continued close working between Highways PFI, Transport and Infrastructure will support this going forward.

- 4.2.22 Recommendation 26 - Complaints from residents to be taken more seriously with a clear timetable for resolution.

Response - Complaints, comments and issues raised by residents are answered within contractual timescales. Generally, they are dealt with promptly. However,

there are inevitably questions that may sit outside the remit of Colas or require more substantial consideration / time to resolve. For instance, parking on the footway, or in some cases, the issue may be that it's not a Highways PFI asset or is not out of the Highways PFI contract specification.

We are working with Colas to review and improve where necessary their communications with the public.

- 4.2.23 Recommendation 30 - Work with the University of Portsmouth to provide information about public transport infrastructure around the city to students especially those looking for accommodation.

Response - Supported. PCC will continue to work with University of Portsmouth and improve access to information.

The National Bus Strategy, Bus Service Improvement Plan will support the development of co-ordinated, accessible public transport information. It is proposed that this is shared with all stakeholders and businesses across the city.

- 4.2.24 Recommendation 31 - A Near-Miss reporting feature is to be developed for pedestrians, similar to the one available for cycling.

Response - The Near-Miss reporting tool for pedestrians is in the final stages of development and will be launched this summer.

- 4.2.25 Recommendation 32 - Ensure that cycle parking facilities take disabled users into account, with consideration on such issues as wider spacing, disabled access to and from cycle parking.

Response - This is within our existing policy framework and a consideration when installing infrastructure.

- 4.2.26 Recommendation 33 - Note that all cycling and walking routes must be designed to standard, as indicated by LTN 1/20. This includes provision for wider cycle lanes, but also crossing points and a wide range of other elements.

Response - This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and the recently approved Local Cycling and Walking Infrastructure Plan (LCWIP). It is our intent that wherever possible schemes will be designed to this standard.

- 4.2.27 Recommendation 34 - At the planning stage, cycle routes be included in new developments both residential and non-residential.

Response - This is within the existing policy framework through the adopted Local Plan and Portsmouth Transport Strategy (LTP4) and the recently approved Local Cycling and Walking Infrastructure Plan (LCWIP).

- 4.2.28 Recommendation 36 - Greater level of engagement before, during and after the development of schemes and projects, to include specific engagement with disability groups.

Response - This is in progress with the recruitment of engagement officers that engage the local community in the schemes from concept through to delivery, whilst also managing stakeholder engagement throughout. Further funding would need to be identified for wider and greater levels of engagement.

- 4.2.29 Recommendation 37 - Further provision of audio and touchscreen information should be considered at interchanges such as the Hard and future transport hubs.

Response - This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and work is progressing through the National Bus Strategy Enhanced Partnership scheme and Plan. Further funding would need to be identified for measures at the transport hubs.

- 4.2.30 Recommendation 40 - Work with the police to proactively engage with cyclists regarding the use of cycle lanes and not pavements.

Response - This is supported, and work will continue with the police on engagement with cyclists and other micromobility users.

- 4.3 The following recommendations from the scrutiny panel are accepted and once funding and resources are identified, will be investigated in liaison with the Cabinet Member for Traffic & Transportation.

- 4.3.1 Recommendation 20 - Improve accessibility to taxi ranks, with consideration for features such as seating and shelter/lighting and information boards, as well as ensuring wide footways to allow vehicle ramps and wheelchair turning circles.

Response - The cost of the adoption/revocation of taxi ranks is met through the licensing budget, funded by income from licence fees. If additional enhancements to ranks such as seating/shelter/lights were to be recommendation additional budget and resources would need to be identified.

- 4.3.2 Recommendation 21 - Contact the main app-based taxi companies to encourage them to make it easier for WAV (wheelchair accessible vehicles) bookings.

Response - This is supported. This can be resourced through existing channels of communication with the hackney carriage and private hire trade.

- 4.3.3 Recommendation 24 - Some specific roads were mentioned in the survey as requiring attention. It is recommended that these are forwarded to Colas, to undertake a further assessment.

Response - This recommendation is accepted. The footways in question should be forwarded to Colas. There is a clear policy on the maintenance and specification of the highways of the Tertiary Roads. Some of the problems seen on the footways are not out of specification in terms of the HPFI contract and may be a legacy issue with respect to changing standards highways design and maintenance. i.e. LTN 1/20 and Inclusive Mobility best practice guide etc.

The Highways PFI team could do some further work (once a commercial manager is appointed) to establish how much funding would be required to bring more roads up to an improved specification (aligned with a revision/addition to the contract).

- 4.3.4 Recommendation 25 - Further consideration could be given to ways to deter pavement and cycle lane parking and other behaviours that would cause an obstruction for all those using the active travel routes.

Response - This is supported and further investigation and discussion with the Cabinet Member for Traffic and Transportation will be required on how this is taken forward.

- 4.3.5 Recommendation 27 - Explore the provision of maps to support walking and cycling.

Response - This is supported, however please note, that further revenue funding and resources would need to be identified to expand and implement additional measures.

- 4.3.6 Recommendation 28 - Further promotion required for Route4U, to encourage greater utilisation.

Response - This is supported, however please note that further revenue funding would need to be identified to expand the promotion of this application to the target audiences for this app.

- 4.3.7 Recommendation 29 - Expand the 'Access for People with Disabilities' funding, to allow a greater number of measures to be introduced.

Response - This is supported and within our existing policy framework and statutory functions to provide access for people with disabilities. Funding would need to be expanded for Access for People with disabilities as part of the LTP4 Implementation Plan.

- 4.3.8 Recommendation 35 - When Colas consider a suitable diversion for cyclists when roadworks are taking place, ensure a co-ordinated approach and discuss

with key stakeholders in order to provide advice and suggestions on the most suitable routes.

Response - Supported. The traffic management for all planned works within the city is discussed with the various technical stakeholders. More substantial works in the city should also include other relevant stakeholders. Plans of proposed diversions and traffic management are agreed before the works commence. However,, there are very clear lines of responsibility set out in the regulations defining traffic management at road works and these cannot be blurred for safety reasons.

This is an 'across the board' issue for highways works. The diversion routes for carriageways are well defined in the industry, as are pedestrian diversion. However, cycle diversions [and e-scooters] are not so well defined. The recommendation with regards to planning cyclist specific diversions is supported.

- 4.3.9 Recommendation 38 - Consideration of a scheme to improve wayfinding, not only on-street, but also on the council website, making access to information easier, i.e., walking and cycling routes.

Response - Supported. Funding and resources would need to be identified to implement measures.

- 4.3.10 Recommendation 39 - Consideration should be given to encourage multi-modal travel, looking at how buses and trains can further integrate active travel mobility hubs and cycle parking etc.

Response - This is within our existing policy framework. However, funding and resources would need to be identified to implement measures.

5. Integrated impact assessment

- 5.1 No specific changes arise from this report. However, an Integrated Impact Assessment (IIA) would be produced for each specific scheme or policy change which would arise from this work.

6. Legal implications

- 6.1 There are no legal implications arising directly from the recommendations in this report.

7. Director of Finance's comments

- 7.1 There are no direct financial implications of approving the recommendations within this report.
- 7.2 Appendix B details 40 recommendations from the Scrutiny process. A business case that assesses the financial implications of each of these initiatives including a source of funding will need to be prepared, and a report brought to an appropriate decision making meeting depending on the source of funding will need to be approved.

Signed by Tristan Samuels, Director of Regeneration

Appendices:

- Appendix A: TECS scrutiny panel's full report
- Appendix B: Recommendations and officer response

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
Accessibility of Transport survey results	Agenda for Traffic, Environment & Community Safety Scrutiny Panel on Tuesday, 22nd March, 2022, 4.00 pm Portsmouth City Council

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

.....
Signed by:

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Portsmouth

CITY COUNCIL

TRAFFIC, ENVIRONMENT & COMMUNITY SAFETY
SCRUTINY PANEL

A REVIEW INTO THE ACCESSIBILITY OF THE TRANSPORT NETWORK

Date published: 22 March 2022

Under the terms of the Council's Constitution, reports prepared by a Scrutiny Panel should be considered formally by the Cabinet or the relevant Cabinet Member within a period of eight weeks, as required by Rule 11(a) of the Policy & Review Procedure Rules.

PREFACE

This review has been long in the production and has been overseen by many councillors having originally started in 2019. Whilst the world in which we live in has changed substantially, the importance of accessibility of transport remains strong. It effects the ability to travel to work, access to medical appointments, shopping for essentials and is very important for mental wellbeing to socialise and enjoy leisure provision across the city.

During this review, I have tried to do my own research having made use of buses across the city and not least to access hospital and remote areas, to use the various ticket types, singles, returns, day and night riders and have tried the different bus companies' apps with various degrees of success. I have spent time at stops witnessing the process and equipment for wheelchair and pram access onto services.

I am very grateful to my committee for being willing to come back to meetings in person to get through the workload that has built up and especially to Jane Di Dino our democracy support officer who has joined with us and worked remarkable hard to keep to our hectic schedule and has really gone above and beyond to ensure this review was completed prior to Purdah. There have been many officers who have worked hard to support us, but I'd like to particularly thank Felicity Tidbury, Transport Manager who has supported this review from the very start and also Pam Turton, Assistant Director for Regeneration who has backed us and helped ensure the review progressed.

I'm delighted to recommend this report to Cabinet.

.....

Councillor Lee Mason

Chair, Traffic, Environment & Community Safety Scrutiny Panel.

Date: 22 March 2022

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1. Purpose.

The purpose of this report is to present the Cabinet with the recommendations of the Traffic, Environment & Community Safety Scrutiny Panel following its review into the accessibility of the transport network.

2. Background.

2.1 This review was undertaken by the Traffic, Environment & Community Safety Scrutiny Panel, which comprised:

The panel was active between October 2019 and February 2020 and from November 2021 and comprised:

October 2019

Councillor Simon Boshier (Chair)
Councillor Judith Smyth (Vice-Chair)
Councillor Chris Attwell
Councillor Jo Hooper
Councillor Hugh Mason
Councillor Robert New

Standing Deputies

Councillor Matthew Atkins
Councillor Benedict Swann
Councillor Steve Wemyss

February 2020

Councillor Simon Boshier (Chair)
Councillor Judith Smyth (Vice-Chair)
Councillor Chris Attwell
Councillor Jo Hooper
Councillor Hugh Mason
Councillor Robert New

Standing Deputies

Councillor Matthew Atkins
Councillor Graham Heaney
Councillor Leo Madden
Councillor Benedict Swann
Councillor Steve Wemyss

November 2021

Councillor Lee Mason (Chair)
Councillor Matthew Atkins
Councillor Stuart Brown
Councillor Charlotte Gerada
Councillor Jo Hooper
Councillor Leo Madden

Standing Deputies

Councillor Simon Boshier
Councillor Ryan Brent
Councillor Graham Heaney

Councillor Ian Holder
Councillor Lee Hunt
Councillor Benedict Swann
Councillor Rob Wood

Councillor Hannah Brent replaced Councillor Jo Hooper on 30 November 2021.

- 2.2 At its meeting on 4 October 2019, the Traffic, Environment & Community Safety Scrutiny Panel (henceforth referred to in this report as the panel) agreed the terms of reference for the review:

The objectives of the inquiry.

The ease with which individuals can 'get around' has a significant impact on their life chances, health and wellbeing. At an economic level, it is essential to productivity and sustainable growth.

This study will investigate the overall physical accessibility of the transport network in Portsmouth for users of reduced mobility, covering the following elements:

Public Transport

- Bus Service
- Rail Network Private Hire Vehicles and Hackney Carriages

Highway Network

- Walking Networks
- Cycling Networks

Road works

Outcomes

The review will:

- Provide an assessment of the current level of accessibility.
- Indicate areas where improvements are required.
- Make recommendations on future focus.

- 2.3 The panel met on 4 October 2019 and 12 February 2020 to take evidence and commissioned a programme of research, a survey was developed and approved, along with a series of in-depth interviews, engagement events and workshops with key stakeholders and representatives from organisations and charities in the city.
- 2.4 The first phase of the research programme, the quantitative survey was due to launch in March 2020. As a result of the Coronavirus pandemic and due to government guidance to restrict travelling and avoid using public transport where possible, it was agreed with the Chair to postpone this work. The panel did not meet between February 2020 and November 2021.
- 2.5 At a meeting on 16 November 2021, the panel considered a report by the Assistant Director, Corporate Services regarding the next steps of this review.

The committee noted its preference for the research to resume in November 2021, with a survey running for six weeks and qualitative research elements running concurrently, and analysis to be incorporated into a scrutiny panel report before the start of purdah in March 2022. The qualitative elements of the research will be postponed until the next municipal year.

- 2.6 The survey was launched on 1 November 2021 and closed on 3 January 2022. The results can be viewed here [Accessibility of the Transport Network consultation - Your City, Your Say survey research \(portsmouth.gov.uk\)](https://www.portsmouth.gov.uk/your-city-your-say)
- 2.7 A list of meetings held by the panel and details of the written evidence received can be found in *appendix one*. A glossary of terms used in this report can be found in *appendix two*. The minutes of the panel's meetings and the documentation reviewed by the panel are published on the council's website [Traffic, Environment & Community Safety Scrutiny Panel meetings](https://www.portsmouth.gov.uk/traffic-environment-community-safety-scrutiny-panel-meetings) and paper copies are available from Democratic Services upon request to democratic@portsmouthcc.gov.uk.

Evidence Received.

- 2.8 The evidence received at the meetings held on 4 October 2019 and 12 February 2020 is below:

The Importance of Transport

- 2.9 The Acting Director of Transport explained that transport is an enabler of growth and activity, and is key to building the economy, providing access to employment sites, as well as providing a network for outputs from businesses to be transported to their destinations.
- 2.10 Ensuring that the road links in/out of Portsmouth are well connected and maintained is key to the flow of goods and services in the city. Due to the waterside nature of Portsmouth and its access to the Isle of Wight, having road links that allow for goods and services to flow through its ports is essential to capitalising on Portsmouth's unique attributes and economic drivers.
- 2.11 Tourism is a huge factor in Portsmouth's economy, ensuring that tourists are able to enter and exit the city through multiple transport modes is key to maximising the economic benefits of tourism in the city.
- 2.12 Transport is not only important in connecting people to key services such as health, education and employment; but it also provides a social lifeline.

Barriers for People with Disabilities

- 2.13 In Portsmouth 16% of the population have a form of disability or long-term health condition, which limits their day-to-day activities. 50% of those people are in paid employment.
- 2.14 The social model of disability is a way of viewing the world, developed by disabled people. The model says that people are disabled by barriers in society, not by their impairment or difference. Barriers can be physical, like buildings not having accessible toilets. Or they can be caused by people's attitudes to difference, like assuming disabled people cannot do certain things.

- 2.15 The social model helps us recognise barriers that make life harder for disabled people. Removing these barriers creates equality and offers disabled people more independence, choice and control. Transport has a key role to play in this.
- 2.16 Portsmouth City Council has an adopted Equality and Diversity Strategy 2019 -2022, places accessibility as one of the key priorities. It highlights that all of Portsmouth's residents have the right to expect to be able to easily access services, advice, and information provided or funded by the council. The strategy sets out 5 key priorities: - Promoting fairness and diversity by tackling inequalities, disadvantage and discrimination - Leadership and partnerships - Employment and training - Service delivery and access - Promoting community and the voluntary sector.
- 2.17 The Department for Transport (DfT) announced in July 2019, that they are committing to an Inclusive Transport Leaders' scheme that will incorporate a disability awareness training package that sets out how transport operators can provide effective customer service and improve their services for disabled people.
- 2.18 The DfT will also develop and launch an Inclusive Transport Accreditation Scheme, to allow for the best transport operators to receive formal recognition for the positive actions they are taking to improve disabled passengers' experiences.

Buses.

- 2.19 All buses are low floor in Portsmouth and allow full access to people in wheelchairs. Any new bus must now be fully accessible.
- 2.20 The council completed a programme of raised access kerbs at bus stops with clearways at bus stops. Portsmouth City Council was one of the first authorities to complete this programme in UK.
- 2.21 Part of the Local Transport Plan implementation programme, is to provide access for people with disabilities to bus stops. This includes a review of drop kerbs, desire lines and waiting facilities.
- 2.22 Next bus announcements and free Wi-Fi is available on all Portsmouth bus fleet.
- 2.23 The council has refreshed all the real time units in Portsmouth in 2016. The council was awarded external DfT funding to implement a further 120 units across the city, which are being implemented this financial year 2018/19.
- 2.24 The Companion Pass is a discretionary enhancement to the English National Travel Concessions Scheme. Qualifying residents are entitled to a Companion Pass, which entitles the holder to have a companion travel with them free of charge when boarding the bus in Portsmouth. A trial was being undertaken following the revision of the Companion Pass entitlement.

- 2.25 The council issues concessionary fare bus passes to those residents qualifying for a bus pass allowing free travel from 9:30am. From 29 April 2019 the council has been trialling disabled people to travel free at any time.
- 2.26 The Access & Equality Advisor reported that disabled people have reported that there have been incidents reported where drivers have:
- Not stopped at the bus stop where they had been waiting.
 - Refused to put the ramp down.
 - Not been polite.
 - Not told blind people when the bus is approaching their stop.
 - Refused to allow wheelchair users on to the bus even when there are no other wheelchair users or people with buggies on the bus.
 - Put the ramp down very noisily on purpose and scared a guide dog.
- 2.27 There are more complaints about First Bus drivers than Stagecoach.
- 2.28 Drivers tell parents with buggies and pushchairs to fold them up when a wheelchair user gets on the bus.
- 2.29 The Acting Assistant Director informed the panel that she regularly meets the Managing Director of First Bus and finds the company very proactive.
- 2.30 The bus operators report all delays to the Traffic Commissioner. The buses are not allowed to leave a stop early or be 10 minutes late. For every minute after 10 minutes, they are fined.
- 2.31 The real time information on the display at stops comes from the ticket machines. Visually impaired people can use key fobs to access the audio arrivals information.

Railway Stations.

- 2.32 Portsmouth has five railway stations across the city: Cosham, Hilsea, Fratton, Portsmouth and Southsea and Portsmouth Harbour. All railway stations in Portsmouth are accessible, with the exception of Hilsea station.
- 2.33 Four years ago, Fratton station received Access for All funding to provide a footbridge with lifts to make the station fully accessible.
- 2.34 As part of the new Southwestern Railways rail franchise improvements are being made to stations in Portsmouth. This has included improved platform destinations displays which are brighter to see and give calling point journey times, new lighting column lanterns which are LED so offer a brighter safer feel to stations. Additional displays showing ferry departures have been provided at Portsmouth Harbour station.
- 2.35 Further to this, it is outlined in the rail vehicle accessibility legislation, that all rail rolling stock has to provide a number of features that make it easier to use such as handholds, passenger information displays, priority seats and provision for wheelchairs. This is to be delivered by 31st December 2019

2.36 The Access & Equality Advisor explained that wheelchair users must book journeys 24 hours in advance if they will require assistance. If their train does not have a guard and there is no staff at the destination station, they are obliged to get off at the next manned station. The train company will pay for them to take a taxi back to the station where they wanted to alight.

Cycling.

2.37 The Acting Director of Transport reported that the majority of cycle infrastructure in Portsmouth consists of advisory cycle lanes (over 16km) and shared used paths (5km). High quality infrastructure is needed to improve safety for those choosing to cycle. We are currently undertaking a review and audit of the cycle network.

2.38 Resources such as our Active Travel and Quieter Routes maps help people choose routes to cycle in the city. Bikeability training is delivered in years 5 4 and 6 in schools, and families in the city have recently received bespoke cycle training.

2.39 Cycling events in Portsmouth include our Pedal Portsmouth Glow Ride, which attracts over 1000 people a year for a night-time ride along the seafront. The council also runs joint engagements with Hampshire Constabulary to promote road safety messaging on high casualty routes.

2.40 Cycle theft remains a key barrier to cycling in Portsmouth, with British Transport Police figures showing the city's stations to be particularly high risk.

Walking

2.41 There are 8km of public rights of way routes across the city. There are 103 recorded routes, all of which are public footways and are maintained under the PFI ¹contract.

2.42 Portsmouth is part of the English Coastal Path – this is part of the Marine and Coastal Access Act 2009, this looks to formalise coastal walking routes around England. Portsmouth has two stretches: - Gosport to Portsmouth - Portsmouth to South Hayling

2.43 Both routes are currently with the Planning Inspectorate for approval, and once these have been approved they will be audited to understand what improvements are required to make them accessible. This could include wayfinding, resurfacing, widening or new paths.

Pavements.

2.44 The ambiguity works well as a traffic calming measure; drivers slow down as they are unsure of what they will encounter after the bend in the road.

2.45 The Access & Equality Advisor explained that amenities on pavements can be a hazard to people with reduced mobility and or vision as they are unsure of what they will encounter after the bend in the road.

¹ Private Finance Initiative.

Pedestrian Crossings.

- 2.46 The Acting Director of Transport reported that at pedestrian crossing, in the past the 'green men' have been installed on far sided indicators, however the DfT have now recommended that the standard is near side indicators. This is so pedestrians are looking at approaching traffic and can see when traffic has stopped, and therefore safe to cross. We are gradually upgrading infrastructure across the city.
- 2.47 There are quite a few Audible Signals Crossings (beeping) across the city where a junction is not too close to another crossing, or there is a signal pedestrian phase. This is to ensure that there is not a conflicting phase from another signal which people might hear and think it is safe to cross.
- 2.48 Crossings with tactile cones are used instead or in addition to the above. This is where a person can place their hand underneath the push button and the cone rotates when the green man shows, indicating it is safe to cross.
- 2.49 The buttons at crossing are positioned on one side to encourage people to look at oncoming traffic and see when it stops.
- 2.50 The Access & Equality Advisor reported that explained that people who have a weak side sometimes have to turn completely around in order to press the buttons at crossings because these are only located on one side. When the crossings are staggered, often the button is on a plinth and therefore out of reach for wheelchair users who have to wait for someone to arrive to press it for them. Visually impaired people use the cones under the buttons to identify when the lights change; sometimes these do not work.
- 2.51 Wheelchair users find it difficult to cross tactile paving as it is uncomfortable to cross but they recognise that this does potentially save the lives of visually impaired people. Removing kerbs can cause difficulties for people who use sticks to identify kerbs and for blind people as guide dogs are trained to stop at vertical edges.
- 2.52 The Highways PFI Commercial Manager explained that the raised bumps line up to give visually impaired people a sense of direction. Upstanding on kerbs is required to keep pooling rainwater off the pavement.
- 2.53 The Assistant Director explained that the buttons at crossing are positioned on one side to encourage people to look at oncoming traffic and see when it stops.

Private Hire Vehicles and Hackney Carriages

- 2.54 There are 234 hackney carriage vehicle licences and 962 Private Hire Vehicle (PHV) licences within Portsmouth City boundary (total of 1,196). 118 (9.9%) of this fleet consists of wheelchair accessible vehicles including:
- 86 (7.2%) Hackney Carriages
 - 32 (2.7%) Private Hire vehicles
- 2.55 As set out in the Equality & Diversity strategy the council is continuing to work with registered taxis and PHVs to:

- Run awareness campaigns regarding the unlawful act of refusing guide and assistant dogs in taxis
- Review and commission disability awareness training for taxis drivers

2.56 The Access & Equality Advisor gave an overview of the feedback she had received from disabled people with regard to taxis:

- It is very difficult for wheelchair users to get a taxi during the school run times because they are all used for the Home to School Transport Service.
- Uber does not have any wheelchair accessible taxis.
- Some seven-seater taxi drivers refuse to take wheelchair users in the evening because they would possibly miss out on fares with multiple drop offs.
- The taxi rank in Gunwharf is not accessible.

2.57 The Assistant Director explained that 86 of the 234 licensed hackney carriages are wheelchair accessible and 32 of the 962 of the licensed public hire vehicles i.e. 118 out of 1,196 vehicles.

2.58 Taxis cannot always park next to a dropped kerb that would make it easier for a disabled person to get out.

Route 4U

2.59 Portsmouth is the first city in the UK to introduce the free Route4U app. It provides route planning and turn-by-turn navigation for walkers and wheelchair users that can be customised to each person's own abilities.

2.60 The app indicates: Pavement obstacles, surface quality, kerb heights, widths, inclines and travel distances. It updates the information in 'real time', so any road works on the highway can be added and therefore the routes will be adapted accordingly for the user.

2.61 The Safer Travel Manager gave an overview of the Routes4U app that was launched in April 2019:

2.62 Users enter their starting point and destination to see the most accessible route. They can report any obstacles they encounter on the route so the council will investigate.

2.63 One option for the future to reduce the amount of traffic in the city would be to set up a freight hub outside the city and have eco bikes transports around.

2.64 Near miss reporting app for pedestrians similar to the cycling one would be developed shortly.

2.65 The Routes4U app would probably need a further publicity push. Members suggested that an advert could be displayed on the information boards at the Hard Interchange.

Highway accessibility and road works

2.66 This is the responsibility of Colas and the PFI team. Schedule 19 of the Highways Maintenance contract gives Ensign/ Colas the authority to act as

the Highway and Traffic Authority in relation to all roadworks and their Network Management team will monitor accessibility at all roadworks sites and give instruction/ issue PCNs if accessibility is not compliant with legislation.

When it is necessary to close or narrow a road temporarily for the purpose of planned or emergency works the accessibility for pedestrians and cyclists is governed by legislation – New Roads and Streetworks Act 1991 and Traffic Signs Regulations and General Directions 2016 – Chapter 8.

2.67 This legislation states that pedestrians or cyclists can be diverted during works:

- Onto an equal or better routes
- The diversion must include safe accessible crossing points suitable for all users and can use existing pedestrian and zebra crossings or use temporary ramps and barriers to construct a pedestrian route in the carriageway if there are no engineered crossing points available

The Home to School Transport

2.68 The Safer Travel Manager explained that this budget is held by the Education department which is also responsible for determining who is eligible. £1.9m is allocated but it often overspends. It is currently overspent. The Education Act 1980 requires that a degree of separation between this department and the service provider.

2.69 Approximately 654 children have a statutory entitlement to this service because of physical, emotional or mental health needs which prevent them from travelling to school without assistance. The pupils travel primarily by taxi and some by minibus.

Independent Travel

2.70 The Acting Director of Transport reported that a survey of disabled young service users indicated that most would like to be able to travel independently. The Independent Travel Training aims to give them their independence and to streamline the budget.

2.71 The Road Safety team monitors casualty rates and tries to keep them as low as possible.

2.72 The aim is to also offer this training to pupils who attend mainstream schools.

2.73 The team was talking with the Harbour School which is just outside of the island about the possibility of providing pupils from the city with Park & 2 Ride bus passes.

2.74 The bus companies provide training at schools on how to buy tickets, read a timetable etc.

2.75 It is important to involve the pupils' parents so that they can be confident their children are ready to travel independently.

2.76 If children are having a bad day there can be violent incidents between pupils, directed against their travelling companion or staff. There are approximately 86 individual taxi journeys a week and on average 3 violent incidents are reported.

2.77 Providing more taxi journeys is not compatible with the council's other agendas for example, the climate emergency and improving air quality.

2.78 10-15% of the 654 children who use the home to school transport scheme travel do not travel with other pupils. The children have increasingly complex needs. Many are ill-equipped to sit on a minibus with other pupils.

2.79 Road safety education has always been provided to primary mainstream pupils. The education provided to special school pupils is 1:1 and more intensive.

2.80 Passenger assistants are employed by the council to accompany pupils to and from school.

2.81 The Independent Travel Training was set up six months ago so post training evaluation is not yet available. Success is measured mostly anecdotally.

2.82 Cliffdale School takes pupils until the age of 11, Redwood School from 11 and the Mary Rose School from 5 to 19.

Trees

2.83 The Highways PFI Manager explained that the council has pledged to plant 80,000 trees; 50,000 of these will probably be in the new Country Park. It is important to consider the following issues before new trees are planted:

- The species in terms of bark width, the height, whether it is fruiting.
- The right location - proximity to houses, pavement width.
- The soil characteristics.

2.84 Some people requested that trees be removed simply because they wanted to install a dropped kerb.

2.85 Sometimes tree roots can lift the pavement. Root containment systems can be used to direct the roots downwards as roots underneath and along can cause problems.

Roadworks

2.86 Later this year the council will become a permit authority rather than a licensing authority following an instruction by the Secretary of State. This is a mechanism to coordinate and monitor roadworks activities on the public highway in order to minimise their impact on highway users.

2.87 Utility companies have the right of access to maintain their assets.

2.88 The council receives 3,416 applications for roadworks per year for 12,434 working days under section 65 Code of Practice guide in the new Roads and Streets Act. The code stipulates that there must be a degree of separation

between the works, traffic and pedestrians. The emphasis is on the safety of pedestrians with an alternative route with a minimum of 1m width of footway.

2.89 Colas has delegated enforcement powers and inspects 10% of each category of works (A, B & C). The number inspected is probably not adequate. Colas can issue fines for noncompliance. The fining system is a not for profit.

Colas: works with Hampshire County Council and Southampton City Council to compare inspection results, identify trends and also to carry out inspections for each other.

2.90 There are 12 statutory utility companies active in the city plus sub-contractors and sometimes their sub-contractors. They have the right of access to maintain their assets.

2.91 The council is usually given two weeks' notice for works unless it's an emergency.

2.92 The transport service informs the audio newsletter producer of any road/traffic works that are coming up.

3. Recommendations based on the survey findings.

Buses

Survey key findings

Buses are a frequently used mode of transport, regularly used by many of those who took part in the survey (with over a quarter using them at least weekly). While many aspects of buses were rated positively, respondents highlighted a number of challenges that they had encountered with bus travel. The most significant issues raised were about affordability, routes and locations of the stops, and issues with finding a suitable space on the bus. Timings were also an issue, with concerns over frequency and reliability being mentioned.

Possible solutions to support improvements to bus affordability

Explore and investigate opportunities to:

1. Expand the Solent Go platform so that it is simpler to board services across multiple operators and modes, in time including rail.
2. Investigate opportunities for the Mobility as a Service (MaaS) digital platform, being developed by Solent Transport, of which Portsmouth City Council is a member, with integration across modes that caps fares for daily and weekly journeys, as is seen in London and elsewhere.
3. Develop an integrated ticketing platform to offer mobility credits to those not using their cars as an incentive to try alternative modes.
4. Work with commercial bus operators through our forthcoming Enhanced Partnership to develop a simplified fare structure with operators, to make short trips across the city cheaper by public transport, as well as focusing on affordability for younger people and families and appropriate concessionary pass provision.
5. Consider the provision of further lighting, Real Time Information, timetabling and wayfinding information at bus stops, where required. The

new Bus Service Improvement Plan could provide a mechanism to deliver such improvements.

6. Ensure non-digital versions of all tickets are available to ensure all residents can access best value tickets regardless of their level of digital literacy.

Possible solutions to support improvements to routes, timings and location of bus stops.

Explore and investigate opportunities to:

1. Work closer with the planning department to obtain contributions from developers towards transport infrastructure in new developments.
2. Conduct an audit of bus stop routes, combined with a consultation survey, to review the bus route provision and demand. This could be used to inform forward planning of bus routes, recognising that most routes are provided commercially.
3. The locations of bus stops can be reviewed where concerns have been raised over their location.
4. Work with operators to also look to improve services and infrastructure where possible, with a particular focus on improving journey time, frequency and capacity to ensure public transport is a viable and attractive option. The new Bus Service Improvement Plan could provide a mechanism to deliver such improvements.
5. Work with bus operators to ensure that drivers are aware of the importance of stopping at the raised access kerbs.
6. The council uses its influence to encourage and robustly support the local bus companies in their switch to modern payment methods that provide the lowest fare is automatically available when passengers use the smart payment system.
7. The planning department investigates where policy can be used to require large scale developers to consider adapting road scheme low bus route with travel through their developments.

Trains

Survey key findings

15% of our sample travel by train at least monthly. A number of aspects of trains and stations were rated positively, however some expressed difficulties with train travel in Portsmouth. The most dominant issues were around accessibility/ease of movement, suitability of seats and reliability. Overall, there were mixed views about the overall accessibility of train stations in Portsmouth with over half of those who felt Portsmouth stations were inaccessible, with Hilsea being seen as the most inaccessible station, closely followed by Fratton.

Possible solutions to getting around the station and accessibility of trains

Explore and investigate opportunities for:

1. Hilsea and Fratton train stations to be more accessible.
2. Further work with train companies to identify accessibility improvements for passengers at stations, including for passengers with particular needs.
3. Inform Network Rail and South West Trains of the results of this survey and the accessibility problems experiences at these stations and urge them to take urgent action to address these issues.

Possible solutions to improve the reliability of train timings

Explore and investigate opportunities for:

1. Further development of the Continuous Modular Strategic Plans (CMSP) that has been developed for the Solent and West Coastway rail routes. These studies by Solent Transport and Network Rail include proposals for infrastructure and service improvements that are supported by the council.
2. The emerging Public Transport Strategy will also inform this work which will look to improve journey time and frequency to key destinations.

Taxis

Survey key findings

Taxi use among our sample is frequent, with 1 in 3 using a non-wheelchair accessible taxi on a monthly basis. While aspects of non-wheelchair accessible taxis were well rated by respondents, some voiced areas for development, particularly in relation to availability when needed, accessibility and ease of ordering. Taxis are, however, seen to perform particularly well on updates around the arrival of the taxi once ordered.

Wheelchair accessible taxi (WAT) usage is similar to non-wheelchair accessible taxis, with 2 in 5 of those who have ever used a WAT travelling in this way at least once a month. Frustrations and areas for attention were much more prominent for WAT users, but the issues raised were similar, around availability and accessibility. WAT's also performed particularly poorly on their overall rating.

Experiences when travelling in a WAT were mixed, with almost 3 in 5 having had a bad experience, and just over 2 in 5 having had a positive experience. Negative experiences are influenced by poor interactions with drivers, lack of proper securing of wheelchairs, and frustrating booking experiences. Barriers to WAT usage also exist, with only half of those who require a WAT having ever used one before. 1 in 3 do not use them due to cost, and 1 in 4 have tried to use one before, but not found one available.

Possible solutions to ordering and booking taxis

Explore and investigate opportunities to:

1. Work processes to be examined closely to see how this could potentially be improved in both the medium and long term.
2. Improve accessibility to taxi ranks, with consideration for features such as seating and shelter/lighting and information boards, as well as ensuring wide footways to allow vehicle ramps and wheelchair turning circles.
3. Contact the main app-based taxi companies to encourage them to make it easier for WAT bookings.
4. Numbers of WATs to be maintained throughout the lifetime of the vehicles. WATs cannot be replaced by standard vehicles.

Pavements and Roads

Survey key findings

In general, pavements and roads were rated poorly by respondents, with an average of 44% rating aspects as poor or very poor (across aspects). Pavement surfaces and being able to travel along the pavement with ease

were the two areas causing most concern for respondents. The issues with roads and pavements were felt to be quite widespread, with a variety of roads and areas mentioned as being in need of improvement around Portsmouth.

Possible solutions to the condition of pavement surfaces

Explore and investigate opportunities:

1. Any new proposed improvements for walking and cycling will look to address defects that may be present. Where LTP schemes have been identified, opportunities to integrate improvements to the surrounding infrastructure will be addressed e.g., East-West corridor.
2. Some specific roads were mentioned in the survey as requiring attention. It is recommended that these are forwarded to Colas, to undertake a further assessment.

Possible solutions to being able to travel along the pavement with ease

Explore and investigate opportunities to:

1. Further consideration could be given to ways to deter pavement and cycle lane parking and other behaviours that would cause an obstruction for all those using the active travel routes.
2. Complaints from residents to be taken more seriously with a clear timetable for resolution.

Possible solutions to being able to cross roads and have clear lines of sight

Explore and investigate opportunities to:

1. Explore the provision of maps to support walking and cycling
2. Further promotion required for Route4U, to encourage greater utilisation.
3. Expand the 'Access for People with Disabilities' funding, to allow a greater number of measures to be introduced.
4. Work with the University of Portsmouth to provide information about public transport infrastructure around the city to students especially those looking for accommodation.

Cycling

Key survey findings

Just over 1 in 10 of survey participants cycle monthly in Portsmouth. Generally, aspects around cycling in Portsmouth were seen to be fair, however both the safety of cycle paths and the suitability of diversions when roadworks are taking place were seen as areas for much improvement. Among those who have lapsed from cycling, the main reason for this is due to their own physical health, however improvement in the safety of cycling in Portsmouth and extension of the current cycle path system were identified as ways to get people to re-engage with cycling in Portsmouth.

Possible solutions to cycle lane safety

Explore and investigate opportunities to:

1. A Near-Miss reporting feature is to be developed for pedestrians, similar to the one available for cycling.
2. Ensure that cycle parking facilities take disabled users into account, with consideration on such issues as wider spacing, disabled access to and from cycle parking

3. Note that all cycling and walking routes must be designed to standard, as indicated by LTN 1/20. This includes provision for wider cycle lanes, but also crossing points and a wide range of other elements.
4. At the planning stage, cycle routes be included in new developments both residential and non-residential.

Possible solutions to cycle diversions when roadworks taking place

Explore and investigate opportunities to:

1. When Colas consider a suitable diversion for cyclists when roadworks are taking place, ensure a co-ordinated approach and discuss with key stakeholders in order to provide advice and suggestions on the most suitable routes.

Further considerations to support improvements to accessibility of transport

1. Greater level of engagement before, during and after the development of schemes and projects, to include specific engagement with disability groups.
2. Further provision of audio and touchscreen information should be considered at interchanges such as the Hard and future transport hubs.
3. Consideration of a scheme to improve wayfinding, not only on-street, but also on the council's website, making access to information easier, i.e., walking and cycling routes.
4. Consideration should be given to encourage multi-modal travel, looking at how buses and trains can further integrate active travel mobility hubs and cycle parking etc.
5. Work with the police to proactively engage with cyclists regarding the use of cycle lanes and not pavements.

4 BUDGETARY AND POLICY IMPLICATIONS.

The following table highlights the budgetary and policy implications of the recommendations being presented by the panel:

	Recommendation	Action by	Policy Framework	Resource Implications
	<i>Possible solutions to support improvements to bus affordability.</i> Explore and investigate opportunities to:			
	1. Expand the Solent Go platform so that it is simpler to board services across multiple operators and modes, in time including rail.	Transport Planning Manager	Within the existing policy framework through the Portsmouth Transport Strategy (LTP4) and Solent Future Transport Zone award.	None
Page 211	2. Investigate opportunities for the Mobility as a Service (MaaS) digital platform, being developed by Solent Transport, of which Portsmouth City Council is a member, with integration across modes that caps fares for daily and weekly journeys, as is seen in London and elsewhere.	Transport Planning Manager	Within the existing policy framework through the Portsmouth Transport Strategy (LTP4), Solent Future Transport Zone award and Portsmouth Bus Service Improvement Plan.	None
	3. Develop an integrated ticketing platform to offer mobility credits to those not using their cars as an incentive to try alternative modes.	Transport Planning Manager	Within the existing policy framework through the Portsmouth Transport Strategy (LTP4) and Solent Future Transport Zone award.	None

	Recommendation	Action by	Policy Framework	Resource Implications
4.	Work with commercial bus operators through our forthcoming Enhanced Partnership to develop a simplified fare structure with operators, to make short trips across the city cheaper by public transport, as well as focusing on affordability for younger people and families and appropriate concessionary pass provision.	The Assistant Director of Transport, Regeneration Transport Planning Manager	Within the existing policy framework through National Bus Strategy Enhanced Partnership scheme and plan.	Currently waiting for a funding decision regarding Portsmouth's Bus Service Improvement Plan submission to DfT.
5.	Consider the provision of further lighting, Real Time Information, timetabling and wayfinding information at bus stops, where required. The new Bus Service Improvement Plan could provide a mechanism to deliver such improvements.	Transport Planning Manager	Within the existing policy framework through National Bus Strategy Enhanced Partnership scheme and plan.	None
6.	Ensure non-digital versions of all tickets are available to ensure all residents can access best value tickets regardless of their level of digital literacy.	Transport Planning Manager	Within the existing policy framework through National Bus Strategy Enhanced Partnership scheme and plan.	Currently waiting for a funding decision regarding Portsmouth's Bus Service Improvement Plan submission to DfT.

	Recommendation	Action by	Policy Framework	Resource Implications
	<p><i>Possible solutions to support improvements to routes, timings and location of bus stops.</i></p> <p>Explore and investigate opportunities to:</p>			
1.	Work closer with the planning department to obtain contributions from developers towards transport infrastructure in new developments.	<p>Transport Planning Manager</p> <p>Head of Planning Policy</p>	Within the existing policy framework	None
2.	Conduct an audit of bus stop routes, combined with a consultation survey, to review the bus route provision and demand. This could be used to inform forward planning of bus routes, recognising that most routes are provided commercially.	Transport Planning Manager	Within the existing policy framework	None
3.	The locations of bus stops can be reviewed where concerns have been raised over their location.	Transport Planning Manager	Within the existing policy framework	None
4.	Work with operators to also look to improve services and infrastructure where possible, with a particular focus on improving journey time, frequency and capacity to ensure public transport is a viable and attractive option. The new Bus Service Improvement Plan could provide a mechanism to deliver such improvements.	Transport Planning Manager	Within the existing policy framework through National Bus Strategy Enhanced Partnership scheme and plan.	Currently waiting for a funding decision regarding Portsmouth's Bus Service Improvement Plan submission to DfT.

	Recommendation	Action by	Policy Framework	Resource Implications
5.	Work with bus operators to ensure that drivers are aware of the importance of stopping at the raised access kerbs.	Transport Planning Manager	Within the existing policy framework through National Bus Strategy Enhanced Partnership scheme and plan.	None
6.	The council uses its influence to encourage and robustly support the local bus companies in their switch to modern payment methods that provide the lowest fare is automatically available when passengers use the smart payment system.	Transport Planning Manager	Within the existing policy framework through National Bus Strategy Enhanced Partnership scheme and plan.	None
7.	The planning department investigates where policy can be used to require large scale developers to consider adapting road scheme low bus route with travel through their developments.	Transport Planning Manager Head of Planning Policy	Within the existing policy framework through National Bus Strategy Enhanced Partnership scheme and plan.	None

	Recommendation	Action by	Policy Framework	Resource Implications
	<i>Possible solutions to getting around the station and accessibility of trains.</i> Explore and investigate opportunities for:			
1.	Hilsea and Fratton train stations to be more accessible	Transport Planning Manager	Work with SWR/NR to explore and investigate this further. Improvements are contained within the existing NR policy framework through the Solent Continuous Modular Strategic Plan (CMSP).	Funding would need to be identified to implement measures.
2.	Further work with train companies to identify accessibility improvements for passengers at stations, including for passengers with particular needs.	Transport Planning Manager	Within the existing policy framework through the Solent Continuous Modular Strategic Plan (CMSP).	Funding would need to be identified to implement measures.
3.	Inform Network Rail and South Western Railways of the results of this survey and the accessibility problems experiences at these stations and urge them to take urgent action to address these issues.	Transport Planning Manager	Within the existing policy framework through the Solent Continuous Modular Strategic Plan (CMSP).	None

	Recommendation	Action by	Policy Framework	Resource Implications
	Possible solutions to improve the reliability of train timings. Explore and investigate opportunities for:			
1.	Further development of the Continuous Modular Strategic Plans (CMSP) that has been developed for the Solent and West Coastway rail routes. These studies by Solent Transport and Network Rail include proposals for infrastructure and service improvements that are supported by the council.	Transport Planning Manager	Work with SWR/NR to explore and investigate this further. Within the existing policy framework through the Solent Continuous Modular Strategic Plan (CMSP).	Funding would need to be identified to implement measures.
2.	The emerging Public Transport Strategy will also inform this work which will look to improve journey time and frequency to key destinations.	Transport Planning Manager	Within the existing policy framework, Portsmouth Transport Strategy (LTP4).	None
	Possible solutions to ordering and booking taxis. Explore and investigate opportunities to:			
1.	Work processes to be examined closely to see how ordering and booking taxis could potentially be improved in both the medium and long term.	Licensing Manager	Within the existing policy framework.	None
2.	Improve accessibility to taxi ranks, with consideration for features such as seating and shelter/lighting and information boards, as well as ensuring wide footways to allow vehicle ramps and wheelchair turning circles	Transport Planning Manager	Within the existing policy framework through the LTP4 Implementation Plan.	Funding would need to be identified to implement measures.
3.	Contact the main app-based taxi companies to encourage them to make it easier for WAT bookings.	Licensing Manager	Within the existing policy framework.	None

	Recommendation	Action by	Policy Framework	Resource Implications
4.	Numbers of WATs to be maintained throughout the lifetime of the vehicles. WATs cannot be replaced by standard vehicles.	Licensing Manager	Within the existing policy framework.	None
Possible solutions to the condition of pavement surfaces.				
Explore and investigate opportunities:				
1.	Any new proposed improvements for walking and cycling will look to address defects that may be present. Where LTP schemes have been identified, opportunities to integrate improvements to the surrounding infrastructure will be addressed e.g., East-West corridor.	Safer Travel Manager	Within the existing policy framework, Portsmouth Transport Strategy (LTP4) and Local Cycling & Walking Investment Plan (LCWIP).	None
2.	Some specific roads were mentioned in the survey as requiring attention. It is recommended that these are forwarded to Colas, to undertake a further assessment.	Highways PFI Manager	Within the existing policy framework - Colas reporting process and timeframes.	None
Possible solutions to being able to travel along the pavement with ease.				
Explore and investigate opportunities to:				
1.	Further consideration could be given to ways to deter pavement and cycle lane parking and other behaviours that would cause an obstruction for all those using the active travel routes.	Parking Manager	Within the existing policy framework.	None
2.	Complaints from residents to be taken more seriously with a clear timetable for resolution.	Highways PFI Manager	Within the existing policy framework - Colas reporting process and timeframes.	None

	Recommendation	Action by	Policy Framework	Resource Implications
	<i>Possible solutions to being able to crossroads and have clear lines of sight.</i> Explore and investigate opportunities to:			
	1. Explore the provision of maps to support walking and cycling.	Safer Travel Manager	Within the existing policy framework.	Funding opportunities would need to be explored for the development/printing of further maps.
Page 218	2. Further promotion required for Route4U, to encourage greater utilisation.	Safer Travel Manager	Within the existing policy framework of the Portsmouth Transport Strategy (LTP4), and Capability Fund.	None
	3. Expand the 'Access for People with Disabilities' funding, to allow a greater number of measures to be introduced.	Transport Planning Manager	Within the existing policy framework and LTP4 Implementation Plan.	Funding would need to be expanded for Access for People with disabilities as part of the LTP4 Implementation Plan.
	4. Work with the University of Portsmouth to provide information about public transport infrastructure around the city to students especially those looking for accommodation.	Transport Planning Manager	Within the existing policy framework.	None

	Recommendation	Action by	Policy Framework	Resource Implications
	Possible solutions to cycle lane safety. Explore and investigate opportunities to:			
1.	A Near-Miss reporting feature is to be developed for pedestrians, similar to the one available for cycling.	Safer Travel Manager	Within the existing policy framework through the Capability Fund.	None
2.	Ensure that cycle parking facilities take disabled users into account, with consideration on such issues as wider spacing, disabled access to and from cycle parking.	Safer Travel Manager	Within the existing policy framework	None
3.	Note that all cycling and walking routes must be designed to standard, as indicated by LTN 1/20. This includes provision for wider cycle lanes, but also crossing points and a wide range of other elements.	Assistant Director Infrastructure, Regeneration Assistant Director Transport, Regeneration	Within the existing policy framework including Local Cycling & Walking Investment Plan.	None
4.	At the planning stage, cycle routes be included in new developments both residential and non-residential.	Network Manager Head of Planning Policy	Within the existing policy framework including Local Cycling & Walking Investment Plan.	None
	Possible solutions to cycle diversions when roadworks taking place. Explore and investigate opportunities to:			
1.	When Colas consider a suitable diversion for cyclists when roadworks are taking place, ensure a co-ordinated approach and discuss with key stakeholders in order to provide advice and suggestions on the most suitable routes.	Highways PFI Manager	Within the existing policy framework including Local Cycling & Walking Investment Plan.	None

	Recommendation	Action by	Policy Framework	Resource Implications
	<i>Further considerations to support improvements to accessibility of transport.</i>			
	1. Greater level of engagement before, during and after the development of schemes and projects, to include specific engagement with disability groups.	Assistant Director Transport, Regeneration Assistant Director Infrastructure, Regeneration	Within the existing policy framework.	None
Page 220	2. Further provision of audio and touchscreen information should be considered at interchanges such as the Hard and future transport hubs.	Transport Planning Manager	Within the existing policy framework through the Portsmouth Transport Strategy (LTP4) and Portsmouth Bus Service Improvement Plan.	Currently waiting for a funding decision regarding Portsmouth's Bus Service Improvement Plan submission to DfT.
	3. Consideration of a scheme to improve wayfinding, not only on-street, but also on the council website, making access to information easier, i.e., walking and cycling routes.	Safer Travel Manager	Within the existing policy framework. Funding and resources would need to be identified to implement measures.	Funding and resources to be identified.

	Recommendation	Action by	Policy Framework	Resource Implications
4.	Consideration should be given to encourage multi-modal travel, looking at how buses and trains can further integrate active travel mobility hubs and cycle parking etc.	Transport Planning Manager	Within the existing policy framework through National Bus Strategy Enhanced Partnership scheme and plan.	Currently waiting for a funding decision regarding Portsmouth's Bus Service Improvement Plan submission to DfT.
5.	Work with the police to proactively engage with cyclists regarding the use of cycle lanes and not pavements.	Safer Travel Manager	Within the existing policy framework.	None

APPENDIX ONE

Meeting Date	Witnesses	Documents Received.
4 October 2019	Felicity Tidbury, Assistant Director of Transport	
12 February 2020	Gina Perryman, Access & Equality Advisor Michelle Love, Safer Travel Manager	
22 March 2022	The report is signed off by the panel.	

GLOSSARY

DfT	Department for Transport
PHV	Private Hire Vehicles

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Appendix B

	Recommendation	Accepted/ rejected	Officer Response	Resource Implications
	Possible solutions to support improvements to bus affordability. Explore and investigate opportunities to:			
1.	Expand the Solent Go platform so that it is simpler to board services across multiple operators and modes, in time including rail.	Accepted	Work is currently progressing through the Solent Future Transport Zone grant and the National Bus Strategy Enhanced Partnership scheme and Plan this includes proposals for new bus ticket machines to help deliver this	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.
2.	Investigate opportunities for the Mobility as a Service (MaaS) digital platform, being developed by Solent Transport, of which Portsmouth City Council is a member, with integration across modes that caps fares for daily and weekly journeys, as is seen in London and elsewhere.	Accepted	Work is currently progressing through the Solent Future Transport Zone grant and the National Bus Strategy Enhanced Partnership scheme and Plan as one means of delivering this.	Proposed to be funded through the Future Transport Zones funding and National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.
3.	Develop an integrated ticketing platform to offer mobility credits to those not using their cars as an incentive to try alternative modes.	Accepted	Work is currently progressing through the Solent Future Transport Zone grant and the National Bus Strategy Enhanced Partnership scheme and Plan for Portsmouth.	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.

4.	Work with commercial bus operators through our forthcoming Enhanced Partnership to develop a simplified fare structure with operators, to make short trips across the city cheaper by public transport, as well as focusing on affordability for younger people and families and appropriate concessionary pass provision.	Accepted	This is included in proposals in the National Bus Strategy Enhanced Partnership scheme and Plan for Portsmouth.	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.
5.	Consider the provision of further lighting, Real Time Information, timetabling and wayfinding information at bus stops, where required. The new Bus Service Improvement Plan could provide a mechanism to deliver such improvements.	Accepted	This is included in proposals in the National Bus Strategy Enhanced Partnership scheme and Plan for Portsmouth.	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.
6.	Ensure non-digital versions of all tickets are available, wherever possible, to ensure all residents can access best value tickets regardless of their level of digital literacy or ownership.	Accepted	Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan.	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.
<i>Possible solutions to support improvements to routes, timings and location of bus stops.</i>				
Explore and investigate opportunities to:				
7.	Work closer with the planning department to obtain contributions from developers towards transport infrastructure in new developments.	Accepted	All new developments that result in additional movement would also generate CIL funding which can be applied to transport infrastructure. In cases where specific transport infrastructure is	None

			needed this is also secured by planning obligation.	
8.	Conduct an audit of bus routes, combined with a consultation survey, to review the bus route provision and demand. This could be used to inform forward planning of bus routes, recognising that most routes are provided commercially.	Accepted	<p>Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan.</p> <p>As part of the proposed plan, access to and from bus stops 'first and last mile' will be investigated.</p> <p>A further consultation survey is proposed and targeted focus groups for bus users and non-bus users to explore the difficulties in detail.</p>	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.
9.	The locations of bus stops can be reviewed where concerns have been raised over their location.	Accepted	<p>Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan.</p> <p>As part of the PCC proposal, it is proposed to undertake an audit of all PCC bus stops to review their location and the infrastructure.</p>	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.

10.	Work with operators to also look to improve services and infrastructure where possible, with a particular focus on improving journey time, frequency and capacity to ensure public transport is a viable and attractive option. The new Bus Service Improvement Plan could provide a mechanism to deliver such improvements.	Accepted	Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan.	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.
11.	Work with bus operators to ensure that drivers are reminded of the importance of stopping at the raised access kerbs.	Accepted	<p>Work is currently progressing through the National Bus Strategy Enhanced Partnership scheme and Plan which will also look at access to the stops for passengers and buses.</p> <p>This work will continue through the Portsmouth Enhanced Partnership, which is a joint Board with the Managing Directors of each of the bus companies that operate in Portsmouth, as well as the Cabinet Member for Traffic & Transportation.</p>	None
12.	The council uses its influence to encourage and robustly support the local bus companies in their switch to modern payment methods that provide the lowest fare is automatically available when passengers use the smart payment system.	Accepted	This is included in proposals in the National Bus Strategy Enhanced Partnership scheme and Plan for Portsmouth.	None

			This work will continue through the Portsmouth Enhanced Partnership, which is a joint Board with the Managing Directors of each of the bus companies that operate in Portsmouth, as well as the Cabinet Member for Traffic & Transportation.	
13.	The planning department investigates where policy can be used to require large scale developers to consider adapting road schemes to allow bus route with travel through their developments.	Accepted	This is within the existing policy framework through the adopted Local Plan and Portsmouth Transport Strategy (LTP4) and work is progressing through the National Bus Strategy Enhanced Partnership scheme and Plan.	None
<i>Possible solutions to getting around the station and accessibility of trains.</i>				
Explore and investigate opportunities for:				
14.	Hilsea and Fratton train stations to be more accessible	Accepted	PCC will continue to work with South Western Railway and National Rail to explore and investigate this further. Improvements are contained within the existing National	Funding would need to be identified to implement measures.

			<p>Rail policy framework through the Solent Continuous Modular Strategic Plan (CMSP) and supported by Portsmouth's Transport Strategy.</p> <p>Investigate the Department for Transport's Access for All programme.</p>	
15.	Further work with train companies to identify accessibility improvements for passengers at stations, including for passengers with particular needs.	Accepted	<p>Improvements are contained within the existing National Rail policy framework through the Solent Continuous Modular Strategic Plan (CMSP) and support by Portsmouth's Transport Strategy.</p> <p>Investigate the Department for Transport's Access for All programme.</p>	Funding would need to be identified to implement measures.
16.	Inform Network Rail and South Western Railway of the results of this survey and the accessibility problems experiences at these stations and urge them to take urgent action to address these issues.	Accepted	<p>A letter will be developed to outline the results of this survey and urge action to be taken.</p> <p>Improvements are contained within the existing National Rail policy framework through</p>	None

			the Solent Continuous Modular Strategic Plan (CMSP) and supported by Portsmouth's Transport Strategy.	
Possible solutions to improve the reliability of train timings.				
Explore and investigate opportunities for:				
17	Further development of the Continuous Modular Strategic Plans (CMSP) that has been developed for the Solent and West Coastway rail routes. These studies by Solent Transport and Network Rail include proposals for infrastructure and service improvements that are supported by the council.	Accepted	Improvements are contained within the existing National Rail policy framework through the Solent Continuous Modular Strategic Plan (CMSP) and supported by Portsmouth's Transport Strategy.	Funding would need to be identified to implement measures.
18.	The emerging Public Transport Strategy will also inform this work which will look to improve journey time and frequency to key destinations.	Accepted	<p>This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and in particular the strategic objective of Transforming Public Transport.</p> <p>This is further supported by the Transforming Cities Funding and Bus Service Improvement Plan funding received.</p>	<p>Further funding and resources may need to be identified dependent on how many strategies are brought forward for development and consultation.</p> <p>A prioritisation exercise will need to take place, for review by the Cabinet Member for Traffic & Transportation.</p>

Possible solutions to ordering and booking taxis.				
Explore and investigate opportunities to:				
19.	Work processes to be examined closely to see how ordering and booking taxis could potentially be improved in both the medium and long term.	Accepted	PCC will continue to work with the Hackney Carriage and Private Hire trade to encourage quicker response times having regard to the statement of licensing policy.	None
20.	Improve accessibility to taxi ranks, with consideration for features such as seating and shelter/lighting and information boards, as well as ensuring wide footways to allow vehicle ramps and wheelchair turning circles.	Accepted	This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4).	<p>The cost of the adoption/revocation of taxi ranks is met through the licensing budget, funded by income from licence fees.</p> <p>-If additional enhancements to ranks such as seating/shelter/lights were to be recommendation additional budget and resources would need to be identified.</p>
21.	Contact the main app-based taxi companies to encourage them to make it easier for WAV (wheelchair accessible vehicles) bookings.	Accepted	Supported.	This can be resourced through existing channels of communication with the hackney carriage and private hire trade.

22.	Numbers of WAVs to be maintained throughout the lifetime of the vehicles. WAVs cannot be replaced by standard vehicles.	Accepted	This is already a policy requirement in respect of Hackney Carriage Vehicles where specified licences have been issued and will continue to be issued for WAVs only.	None
Possible solutions to the condition of pavement surfaces.				
Explore and investigate opportunities:				
23.	Any new proposed improvements for walking and cycling will look to address defects that may be present. Where LTP schemes have been identified, opportunities to integrate improvements to the surrounding infrastructure will be addressed e.g., East-West corridor.	Accepted	This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and the recently approved Local Cycling and Walking Infrastructure Plan (LCWIP). Continued close working between Highways PFI, Transport and Infrastructure will support this going forward.	None
24.	Some specific roads were mentioned in the survey as requiring attention. It is recommended that these are forwarded to Colas, to undertake a further assessment.	Accepted	The footways in question should be forwarded to Colas as agreed. There is a clear policy on the maintenance and specification of the highways of the Tertiary Roads. Some of the problems seen on the footways are not	None

			<p>out of specification in terms of the HPFI contract and may be a legacy issue with respect to changing standards highways design and maintenance. i.e. LTN 1/20 and Inclusive Mobility best practice guide etc.</p> <p>The HPFI team could do some work (once a commercial manger is appointed) to establish how much funding would be required to bring more roads up to an improved specification (aligned with a revision/addition to the contract). However, funding may only come post contract handback in 2030.</p>	
<p>Possible solutions to being able to travel along the pavement with ease.</p> <p>Explore and investigate opportunities to:</p>				
25.	<p>Further consideration could be given to ways to deter pavement and cycle lane parking and other behaviours that would cause an obstruction for all those using the active travel routes.</p>	Accepted	<p>This is supported and further investigation and discussion with the Cabinet Member for Traffic and Transportation will be required on how this is taken forward.</p>	None

26.	Complaints from residents to be taken more seriously with a clear timetable for resolution.	Accepted	<p>Complaints, comments and issues raised by residents are answered within contractual timescales. Generally, they are dealt with promptly. However, there are inevitably questions that may sit outside the remit of Colas or require more substantial consideration / time to resolve. For instance, parking on the footway, or in some cases, the issue may be that it's not a HPFI asset or is not out of the HPFI contract specification.</p> <p>We are working with Colas to review and improve where necessary their communications with the public.</p>	None
<p><i>Possible solutions to being able to crossroads and have clear lines of sight.</i></p> <p>Explore and investigate opportunities to:</p>				
27.	Explore the provision of maps to support walking and cycling.	Accepted	Further revenue funding and resources would need to be identified to expand and implement additional measures.	Funding opportunities would need to be explored for the development/printing of further maps.

28.	Further promotion required for Route4U, to encourage greater utilisation.	Accepted	Further revenue funding would need to be identified to expand the promotion of this application to the target audiences for this app.	Funding would need to be obtained to further promote the Route4U application.
29.	Expand the 'Access for People with Disabilities' funding, to allow a greater number of measures to be introduced.	Accepted	<p>This is supported and within our existing policy framework and statutory functions to provide access for people with disabilities.</p> <p>Further funding and resources would need to be identified to expand and implement additional measures.</p>	Funding would need to be expanded for Access for People with disabilities as part of the LTP4 Implementation Plan.
30.	Work with the University of Portsmouth to provide information about public transport infrastructure around the city to students especially those looking for accommodation.	Accepted	<p>Supported. PCC will continue to work with University of Portsmouth and improve access to information.</p> <p>The National Bus Strategy, Bus Service Improvement Plan will support the development of co-ordinated, accessible public transport information. It is proposed that this is shared with all stakeholders and businesses across the city.</p>	Proposed to be funded through the National Bus Strategy - Bus Service Improvement Plan. Portsmouth has an indicative funding allocation; however, PCC are waiting for confirmation of the final amount.

Possible solutions to cycle lane safety.				
Explore and investigate opportunities to:				
31.	A Near-Miss reporting feature is to be developed for pedestrians, similar to the one available for cycling.	Accepted	The Near-Miss reporting tool for pedestrians is in the final stages of development and will be launched this summer.	Work has already commenced within existing establishment. Funding has been allocated through the Capability Fund.
32.	Ensure that cycle parking facilities take disabled users into account, with consideration on such issues as wider spacing, disabled access to and from cycle parking.	Accepted	This is within existing policy framework.	None
33	Note that all cycling and walking routes must be designed to standard, as indicated by LTN 1/20. This includes provision for wider cycle lanes, but also crossing points and a wide range of other elements.	Accepted	This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and the recently approved Local Cycling and Walking Infrastructure Plan (LCWIP). It is our intent that wherever possible schemes will be designed to this standard.	None
34.	At the planning stage, cycle routes be included in new developments both residential and non-residential.	Accepted	This is within the existing policy framework through the adopted Local Plan and Portsmouth Transport Strategy (LTP4) and the recently approved Local Cycling and Walking Infrastructure Plan (LCWIP).	None

Possible solutions to cycle diversions when roadworks taking place. Explore and investigate opportunities to:				
35	When Colas consider a suitable diversion for cyclists when roadworks are taking place, ensure a co-ordinated approach and discuss with key stakeholders in order to provide advice and suggestions on the most suitable routes.	Accepted	<p>The traffic management for all planned works within the city is discussed with the various technical stakeholders. More substantial works in the city should also include other relevant stakeholders. Plans of proposed diversions and traffic management are agreed before the works commence. However,, there are very clear lines of responsibility set out in the regulations defining traffic management at road works and these cannot be blurred for safety reasons.</p> <p>This is an 'across the board' issue for highways works. The diversion routes for carriageways are well defined in the industry, as are pedestrian diversion. However, cycle diversions [and e-scooters] are not so</p>	None

			well defined. The recommendation with regards to planning cyclist specific diversions is supported.	
<i>Further considerations to support improvements to accessibility of transport.</i>				
36	Greater level of engagement before, during and after the development of schemes and projects, to include specific engagement with disability groups.	Accepted	This is in progress with the recruitment of engagement officers that engage the local community in the schemes from concept through to delivery, whilst also managing stakeholder engagement throughout.	Further funding would need to be identified for wider and greater levels of engagement.
37	Further provision of audio and touchscreen information should be considered at interchanges such as the Hard and future transport hubs.	Accepted	This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and work is progressing through the National Bus Strategy Enhanced Partnership scheme and Plan.	Further funding would need to be identified for measures at the transport hubs.
38	Consideration of a scheme to improve wayfinding, not only on-street, but also on the council website, making access to information easier, i.e., walking and cycling routes.	Accepted	This is within our existing policy framework. Funding and resources would need to be identified to implement measures.	Funding and resources to be identified to implement these measures.

39	Consideration should be given to encourage multi-modal travel, looking at how buses and trains can further integrate active travel mobility hubs and cycle parking etc.	Accepted	This is within the existing policy framework through the adopted Portsmouth Transport Strategy (LTP4) and in particular the strategic objective of Transforming Public Transport. The Solent Future Transport Zone Mobility as a Service platform currently being developed will encourage and improve multi-modal travel. The development of transport hubs in the city will encourage multimodal travel.	Funding and resources to be identified to implement and develop opportunities for further transport hubs in the city, including Cosham, Southsea and the Portsmouth Transport Hub and expansion of the Park & Ride.
40	Work with the police to proactively engage with cyclists regarding the use of cycle lanes and not pavements.	Accepted	Supported.	None