



# NOTICE OF MEETING

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## **CABINET MEMBER FOR HOUSING AND PREVENTING HOMELESSNESS**

**FRIDAY, 30 SEPTEMBER 2022 AT 10.00 AM**

**COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH**

Telephone enquiries to Anna Martyn Tel 023 9283 4870  
Email: [democratic@portsmouthcc.gov.uk](mailto:democratic@portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

### **Public health guidance for staff and the public due to Winter coughs, colds and viruses, including Covid-19**

- Following the government announcement 'Living with Covid-19' made on 21 February and the end of universal free testing from 1 April, attendees are no longer required to undertake any asymptomatic/ lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health 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 any boosters they are eligible for.
- If unwell 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 still 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 protects us from coughs, colds and winter viruses, including Covid-19.
- 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.

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## **Membership**

Councillor Darren Sanders (Cabinet Member)

Councillor Cal Corkery  
Councillor George Madgwick

Councillor Daniel Wemyss

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(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](http://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.**

## **AGENDA**

**Meeting information: Risk assessment for Council Chamber**

**Apologies for absence**

**Declarations of interest**

**Special Lettings Plan - Doyle Avenue Review (Pages 7 - 18)**

Purpose

To review the implementation of the special lettings plan for allocations to the new council housing development at Doyle Avenue.

**The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022  
(Pages 19 - 26)**

Purpose

To set out the response and approach of Portsmouth City Council to meet the requirements of the 2022 amendments issued by the UK Government to the Smoke and Carbon Monoxide Alarm regulations of 2015.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other

difficulties occur, the meeting will continue without being webcast via the Council's website.

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# Coronavirus Risk Assessment for the Council Chamber, Guildhall

**Date:** 1 April 2022 (based on Living safely with respiratory infections, including COVID-19, 1 April 2022)

**Review date:** Ongoing

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

## Coronavirus Risk Assessment for the Council Chamber, Guildhall

|   |   |                              |                            |              |              |                   |  |
|---|---|------------------------------|----------------------------|--------------|--------------|-------------------|--|
| <b>Manager's Name and Job Title completing Risk Assessment:</b> | Lynda Martin<br>Corporate Health and Safety Manager | <b>Risk Assessment Dept:</b> | Corporate Services         | <b>Date:</b> | 1 April 2022 | <b>Signature:</b> |  |
|   |   | <b>Location:</b>             | Council Chamber, Guildhall |              |              |                   |  |

| Hazard   | Who could be harmed and how      | All controls required   | How controls will be checked  | Confirmed all in place or further action required |
|--|----------------------------------|---|---|---|
| Risk of exposure to Covid-19 virus - Ventilation       | Staff, contractors and attendees | <ul style="list-style-type: none"> <li>• There are no longer capacity limits for the Guildhall Chamber.</li> <li>• We encourage all attendees to wear a face covering when moving around crowded areas of the Guildhall and the council chamber.</li> <li>• The mechanical ventilation system works efficiently and the South Special Rooms Supply and Extract fans are fully operational during times when the Council Chamber is in use.</li> <li>• Pedestal fans - positioned in each of the wing areas and along the back wall behind the pillars, maximum speed and modulation setting.</li> </ul>   | Staff will ensure ventilation system and fans are operational.        | In place  |
| Risk of transmission of virus - Risk mitigation        | Staff, contractors and attendees | <p>The Guildhall has the following measures in place:</p> <ul style="list-style-type: none"> <li>• Face Coverings – as per government guidance, we encourage you to continue to wear a face covering whilst in the venue &amp; crowded places especially when walking around the building.</li> <li>• Enhanced Sanitisation &amp; Cleaning – we will carry out enhanced cleaning procedures between meetings and we encourage you to sanitise your hands on entry and regularly throughout your visit at the sanitisation points provided.</li> </ul>   | The Guildhall Trust and PCC Facilities Team to implement and monitor. | In place  |
| Risk of transmission of virus - Hygiene and Prevention |                                  | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Wash hands for 20 seconds using soap and water or hand sanitiser.</li> <li>• Maintain good hygiene particularly when entering or leaving.</li> <li>• Hand sanitiser and wipes will be located in the meeting room.</li> <li>• No refreshments will be provided. Attendees should bring their own water bottles/drinks.</li> <li>• All attendees should bring and use their own pens/stationery.</li> <li>• 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 Public Health 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. It is strongly recommended that attendees should be double vaccinated and have received a booster.</li> </ul> | The Guildhall Trust and PCC Facilities Team to implement and monitor. | In place  |
| Financial Risk   | Staff, contractors and attendees | <ul style="list-style-type: none"> <li>• The council meeting may need to be cancelled at short notice if the Covid-19 situation changes due to local outbreaks, local sustained community transmission, or a serious and imminent threat to public health.</li> <li>• Technology in place to move to virtual council meeting if required and permitted by legislation.</li> </ul>   | Financial commitments minimised wherever possible.                    | In place  |

# Agenda Item 3



Portsmouth  
CITY COUNCIL

## **THIS ITEM IS FOR INFORMATION ONLY**

**(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)**

|                          |  |
|--------------------------|--|
| <b>Title of meeting:</b> | Cabinet Member for Housing and Preventing Homelessness   |
| <b>Subject:</b>          | Special Lettings Plan - Review Doyle Avenue  |
| <b>Date of meeting:</b>  | 30 <sup>th</sup> September 2022  |
| <b>Report by:</b>        | James Hill - Director for Housing, Neighbourhood and Building Services                                   |
| <b>Report Author(s):</b> | Jo Bennett, Assistant Director Housing Needs and Supply,<br>Nicki Blackburn, Operational Support Manager |
| <b>Wards affected:</b>   | None   |

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**1. Requested by** Councillor Darren Sanders, Cabinet Member for Housing and Preventing Homelessness

## **2. Purpose**

2.1 To review the implementation of the special lettings plan for allocations to the new council housing development at Doyle Avenue.

## **3. Information Requested**

### **3.1 Background**

3.1.1 The Director of Housing, Neighbourhood and Building Services approved, on the 11<sup>th</sup> March 2022, the implementation of a special lettings plan for the allocation of general needs properties at Doyle Avenue. (Appendix 1).

3.1.2 This lettings plan was prepared to assist in the allocation and letting of properties by creating a balanced and sustainable community whilst directly responding to existing housing pressures.

3.1.3 By using the special letting plan we also wanted to understand if the new development could be used as a catalyst for movement within social housing stock supporting our existing tenants to be rehoused in accommodation suitable for their needs and to understand the impact of this action on homeless families.

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3.1.4 All moves and subsequent resolution of housing need were and are being tracked to understand the full impact of the special lettings plan.

### 3.2 Publication of Special Lettings Plan

3.2.1 The special lettings plan for Doyle Avenue was posted on the Portsmouth City Council website for a period of 3 weeks prior to the properties being allocated.

3.2.1 During the three-week period PCC received no responses relating to the arrangement.

3.2.2 Allocations commenced on the 18<sup>th</sup> April 2022.

3.2.3 Ward members and housing portfolio members were briefed on the 25<sup>th</sup> March 2022.

### 3.3 Aims of the lettings plan implemented:

3.3.1 To maximise the number of moves made possible for people with a housing need registered on the Portsmouth housing register.

3.3.2 To assist as many existing social housing tenants as possible to be rehoused into accommodation suitable for their needs.

3.3.3 To assist existing social housing tenants who are under occupying their current properties to move into the right size home, positively impacting their financial circumstances and freeing up their home for a new right size household.

3.3.4 To assist social housing tenants currently living in overcrowded households, positively impacting on their health and well-being whilst freeing up their property for another household.

3.3.5 To build a sustainable community at Doyle Avenue, enabling local residents to maintain their connections to the local area.

3.3.6 To re-dress the imbalance of number of lettings to transfer households as opposed to applicant households on the housing register.

3.3.7 All moves and subsequent resolution of housing need were tracked to understand the full impact of the special lettings plan.

### 3.4 Impact of the special lettings plan

3.4.1 Reviewing the previous housing circumstances of those allocated property and also understanding the property released and how this is utilised provides an insight into the positive impact of the special letting plan.

3.4.2 The following case studies highlight the impact of the special lettings plan.

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- 3.4.3 Family 1 (exceptional band) no longer needed their 4 bed accessible home and wanted to downsize. This move enabled another family registered for a 4 bed accessible home to be rehoused as their current home could unfortunately not be adapted to meet the accessibility and bed need.
- 3.4.4 Family 2 (low band) have lived in their overcrowded 2 bed home for over 5 years. They have tried to find alternative accommodation via an exchange during this time but have been unsuccessful. Their move then created an opportunity for a homeless family to be rehoused and leave PCC temporary accommodation.
- 3.4.5 Family 3 (low band) had been overcrowded for over 5 years in their 2 bed flat. Their move to Mycroft Terrace enabled another tenant to downsize from her 3 bed social housing property to a 2 bed.
- 3.4.6 Family 4 (low band) overcrowded for over 4 years in a 2 bed flat. They had been trying to exchange during this time across all our estate areas but had been unsuccessful. Their previous property enabled the housing of a homeless family who were able to leave PCC temporary accommodation where they have lived for several months.

### 3.5 Housing stock released

- 3.5.1 It was expected that the lettings arrangement would initially deliver 13 empty properties within PCC stock. This was reduced to 11 as a decision to reconsider the transfer only policy was made, as allowed for in the special lettings plan, due to the circumstances of two homeless families. The reversion to the standard allocation policy for these two properties then enabled one family to leave PCC supported family accommodation and another to move from PCC homeless accommodation.

### 3.6 Summary

- 3.6.1 The evidence shows that the use of a Special lettings plans for the allocation of this new development has allowed us to create a balanced and sustainable community whilst directly responding to existing housing pressures.
- 3.6.2 The lettings work and the impact of the special lettings plan will continue to be monitored as part of our post occupancy work. This work will cover a 12-month period and will include resident feedback visits which commenced in June 2022.
- 3.6.3 The purpose of the post occupancy work is to understand directly from the family's perspective how the new development meets both housing need and

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lifestyle against the property build, fixtures, fittings and services contained within the homes.

- 3.6.4 Learning from the post occupancy evaluation will continue and special lettings plans will be considered for all new developments where appropriate.

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

**Appendices:**

Appendix 1 - Special Lettings Plan

**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 |
|-------------------|----------|
|                   |          |

**Subject: Special Lettings plan request Doyle Avenue**

**Report by: Jo Bennett, Head of Business Growth, Play and Youth**

**Report to: James Hill, Director Housing Neighbourhood and Buildings**

**Ward affected: Hilsea**

**Date: 11 March 2022**

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## **1. Purpose of the report**

- 1.1 To seek approval from the Director of Housing, Neighbourhoods and Building Services for a special lettings plan to be applied to the allocating of Doyle Avenue.
- 1.2 This lettings plan has been prepared to assist in the allocation and letting of properties by creating a balanced and sustainable community whilst directly responding to existing housing pressures.

## **2 Recommendations**

- 2.1 That the Director of Housing, Neighbourhood and Building Services approves this lettings policy.

## **3 Reasons for recommendations**

- 3.1 That the Director of Housing, Neighbourhood and Building Services holds the delegated decision to authorise. Part 2 Decision Making Responsibility of functions, Housing property management point 13 "To manage the council's housing estates and the dwellings on them, including the allocation of accommodation and exercise the council's powers as a housing authority for that purpose."
- 3.2 Authority to develop a lettings plan (Section 167 of the Housing Act 1996). The Council has the power under S167(2e) of the Housing Act 1996, as amended by the Homelessness Act 2002, which allows local authorities to establish local lettings policies to enable them "to allocate particular accommodation to people of a particular description" in order to achieve a housing policy objective.
- 3.3 The Portsmouth Allocation Scheme policy section 16 specifies conditions by which a special letting arrangements may be applied.
  - Special lettings arrangements may be applied for new developments or where a large number of homes are being let in one location, for example, following a major refurbishment.
  - Any special lettings arrangements will follow the general principles of the allocations scheme, but may incorporate variations in order to create a more balanced community.

- Details of any special lettings arrangements will be published on the council website prior to the properties being allocated.
  - Special lettings arrangements will only apply to first lettings. Any subsequent vacancies will be let subject to the normal allocation scheme conditions.
  - In exceptional circumstances there may be reconsideration of the transfer only policy
- 3.4 The decision to build this development on the Doyle Avenue site was made at the Cabinet Member for Housing's meeting of the 30th July 2019. The decision to build this mix of properties was based on need as demonstrated at this time. Report attached as Appendix A.
- 3.5 The objective of this lettings plan is to enhance the benefits of this development, ensuring that local residents within our existing stock are afforded the opportunity to move to the new build properties at the site, by adopting a "transfer only" approach to the general need properties at the site, unless there are particular circumstances that warrant consideration outside of a transfer only plan.
- 3.6 The transfer only lettings plan will only apply to the first letting of the properties.
- 3.7 The accessible new build properties at the development site will be allocated via the Accessible Housing Register in the normal way.
- 3.8 The level of priority afforded under the transfer only scheme will remain as it is under the normal allocation scheme.
- 3.9 In allocating to residents transferring from existing social housing tenancies it is considered that the number of households who have their housing need resolved by a move will increase. The transferring households housing need will be met by the move into the new build home. The vacancies created by their move will become available for households on the waiting list and will be allocated in the normal way.
- 4.0 In the worst-case scenario all of the properties freed up will be allocated to applicant households on the waiting list, doubling the number of households rehoused through the transfer only approach. There may however be more moves made possible, for example one new three-bedroom property could make three property moves possible as follows:
- 4.1 Couple A have lived in their four-bedroom council house for 13 years and are now under occupying this home and need a three-bedroom property. They still have school age children and will meet the criteria to be allocated a house. They will be allocated a three-bedroom house on this development releasing their existing four-bedroom house.
- Couple B are allocated the four-bed house made available from Couple A's move. They have been living in their overcrowded two-bedroom council house with their five children, two boys 10 and 2 years of age and three girls 2, 4 and 6 years of age.

Applicant C is a single dad with custody of his 9-year-old son who are sharing a one-bedroom flat. They will be allocated the two-bed house made vacant by couple B.

This one new three-bedroom property can make three property moves possible.

## 5 Background

5.1 Portsmouth City Council's new development at Doyle Avenue is due for completion February 2022 and will provide 16 homes for families in the Hilsea area of the city.

5.2 The plan is intended only for the general needs properties within the development and excludes the accessible homes

### 5.3 Doyle Avenue dwellings

| Housing Type            | Number of properties | Housing Need  |
|-------------------------|----------------------|---------------|
| 4 Bed accessible houses | 3                    | Accessible    |
| 2 bed flats (4 person)  | 9                    | General Needs |
| 3 bed houses (6 person) | 4                    | General Needs |

### 5.4 Current waiting list performance

The current waiting list is comprised of 2128 households, 55% of whom are households wishing to transfer from their current social housing property.

|                    | Transfer | Applicant | Total |
|--------------------|----------|-----------|-------|
| <b>OverCrowded</b> | 790      | 646       | 1436  |
| <b>UnderOcc</b>    | 102      | 92        | 194   |
| <b>Neither</b>     | 286      | 212       | 498   |
| <b>Total</b>       | 1178     | 950       | 2128  |

Over the last 4 years the number of offers made to households transferring from a social housing property has been lower than are proportionally on the waiting list:

|      | Applicant | Transfer | Transfer offer as a % | Grand Total |
|------|-----------|----------|-----------------------|-------------|
| 2018 | 649       | 242      | 27%                   | 891         |
| 2019 | 733       | 288      | 28%                   | 1021        |
| 2020 | 677       | 286      | 30%                   | 963         |
| 2021 | 784       | 415      | 35%                   | 1199        |

Over the last twelve months the total number of homeless-related offers made to applicants was 596 (50% of all offers made via the waiting list).

This contrasts with the number of offers made to households with the two most prevalent types of housing need on the waiting list:

- 276 offers (23% of the 1199) were made to those who need to move to a property that better suits their physical needs or on the basis of a medical need.
- Only 47 offers (4%) were made to those who need to move based on being overcrowded. This compares to 67% of the waiting list being in such a need.

## 6 Legal considerations

Schemes that discriminate directly or indirectly against persons with characteristics protected under the Equality Act may be unlawful.

Further, whatever criteria are adopted, an authority should retain the power to dis-apply the criteria for individual applicants in exceptional circumstances.

Local authorities must also show that they have complied with the requirement to 'safeguard and promote the welfare of children' set out in Children Act 2004 when framing their qualification criteria.

- 6.1 Where a local lettings scheme allowed existing tenants on a social housing estate, and existing social housing tenants generally, the right to apply under the scheme for new-build social housing properties before anyone else, the High Court held that this was lawful. *R (on the application of C) v Islington LBC* 2017 EWHC 1288 (Admin). The aims of the policy were to build sustainable communities by enabling local residents to maintain their connections with the area, and to address overcrowding and under-occupation within the community.

Any discrimination inherent in the local lettings scheme under Article 14 (in conjunction with Article 8) of the European Convention on Human Rights (or indirect discrimination under the Equality Act 2010) was justified, in that the

scheme struck a fair and proportionate balance between the consequences to the applicant and the importance of the aim. Any discriminatory effect should be assessed in the context of the scheme as a whole.

The local lettings policy did not result in unlawful discrimination. Although the policy did result in differential treatment between those in analogous situations, that differential treatment was justified. In particular, prioritising local tenants for new accommodation did not act as a bar to those from outside of the area accessing accommodation because of the 'churn' effect, which meant that every time a local tenant moved to a new unit of social housing, an existing unit would be freed up which would be allocated in accordance with the general provisions of the scheme. And, in any event, the scheme contained a residual discretion to be used in exceptional cases to alleviate hardship.

- 6.2 In adopting a Transfer only policy consideration must be afforded to the equalities impact of the policy and the impact on children at the time the policy is formulated under s149 Equality Act 2010 and s11 Children Act 2004.
- 6.3 An Integrated Impact Assessment has been completed and is attached at Appendix B. As the adapted new build properties will be allocated in the normal way, and the resulting vacancies brought about by the transfer only policy will go to households on the waiting list as standard it is considered that any unintended detriment to any group will be re-dressed by the longer-term aim of the project.
- 6.4 It is considered that the aims of maximising the number of households moved to the right size property is a positive attempt to meet s.11 of the Children's Act 2004.

## **7 Risks**

- 7.1 Potential for greater short term temporary accommodation expenditure as some homeless households may be overlooked for an offer. However current homeless families needing this size of accommodation are primarily in settled self-contained temporary accommodation and not in bed and breakfast. In addition the plan includes the caveat where, in exceptional circumstances, the transfer only policy will not be applied.
- 7.2 Creating a period of movement within PCC stock within a transfer only policy could increase pressures for Housing staff/contractors relating to subsequent voids and associated works. This however would be considered business as usual as natural movement of stock would occur at some point for those on the transfer list.
- 7.3 Challenges from applicants on the basis of higher priorities/longer waiting times. The current waiting list reflects more transfer applicants with higher priority/waiting times than applicants, therefore the risk should be minimal. The lettings arrangement only applies to the first allocation enabling subsequent vacancies to be let subject to normal allocation scheme conditions where applicants will then be applicable for nomination.

## **8 Aims of the lettings plan**

- To maximise the number of moves made possible for people with a housing need registered on the Portsmouth housing register
- To assist as many existing social housing tenants as possible to be rehoused into accommodation suitable for their needs.
- To assist existing social housing tenants who are under occupying their current properties to move into the right size home, positively impacting to their financial circumstances and freeing up their home for an new right size household
- To assist social housing tenants currently living in overcrowded households, positively impacting on their health and well-being whilst freeing up their property for another household
- To build a sustainable community at Doyle Avenue, enabling local residents to maintain their connections to the local area
- To re-dress the imbalance of number of lettings to transfer households as opposed to applicant households on the housing waiting list.

## **9 Implementations**

- 9.1 Following the Director approval. Brief the Cabinet member for housing and preventing homeless and the housing opposition members.
- 9.2 Notify the ward members
- 9.3 Publish special lettings arrangement on Portsmouth City Council website for 3 weeks prior to properties being allocated, Appendix C. For duration period please see Legal Services email response, attached at Appendix D.
- 9.4 Create a dedicated team comprising of one Housing Officer and an Operational Support manager who will manage the allocations working alongside management teams within Housing. Subsequent voids created outside of this team will be managed by the Housing Area office teams responsible. All moves and subsequent resolution of housing need to be tracked so we can understand the full impact of the special lettings policy.

## **10 Review of the Lettings Plan**

- Intention to review after each phase
- Review the reasons for refusals, failed tenancies and exchanges at Doyle Avenue within the first 12 months
- Any ASB or tenancy issues within the local and surrounding community

## **11 Evaluation**

11.1 An evaluation of the plan will be undertaken to demonstrate the impact and effectiveness of the approach using a range of measures to show compare the impact of the local letting approach on, for example, the number of consequential lettings from the transferees.

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James Hill - Director for Housing Neighbourhood and Buildings Services

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# Agenda Item 4



Portsmouth  
CITY COUNCIL

## THIS ITEM IS FOR INFORMATION ONLY

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|                          |  |
|--------------------------|--|
| <b>Title of meeting:</b> | Cabinet for Housing and Preventing Homelessness                        |
| <b>Subject:</b>          | The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.      |
| <b>Date of meeting:</b>  | 30th September 2022  |
| <b>Report by:</b>        | James Hill - Director for Housing, Neighbourhood and Building Services |
| <b>Author:</b>           | Meredydd Hughes, Assistant Director Building Services                  |
| <b>Wards affected:</b>   | All Wards  |

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### 1. Requested by

1.1 The report was requested by Councillor Darren Sanders, Cabinet Member and Portfolio Holder for Housing and Preventing Homelessness.

### 2. Purpose of Report

2.1 The purpose of this report is to set out the response and approach of Portsmouth City Council to meet the requirements of the 2022 amendments issued by the UK Government to the Smoke and Carbon Monoxide Alarm regulations of 2015.

### 3. Recommendations

a. That the Cabinet notes the actions within the report, which are listed in Section 5, the progress made to date, and future plans for delivery.

### 4. Background

4.1 The [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#) came into force on 1 October 2015. It then became a statutory requirement for private landlords to have smoke and carbon monoxide alarms installed in their properties.

4.2 More recently, following the tragic events of Grenfell and the focus on Building Safety, the UK Government held a consultation on the proposal to extend the requirements for smoke and carbon monoxide alarms into the social housing sector

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to be in line with Scotland. This consultation took place between November 2020 and January 2021.

**4.3** In late 2021, the Government Department for Levelling Up, Housing and Communities (DLUHC) published their response to the Smoke and Carbon Monoxide consultation, which presented some key changes that will affect all social housing providers.

**4.4** The regulations have been updated to the [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022](#).

**4.5** These new requirements on smoke and carbon monoxide alarms in the social rented sector and new requirements on carbon monoxide alarms in the private rented sector, come into force on 1 October 2022.

**4.6** From that date, all relevant landlords must:

- Ensure at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation.
- Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
- Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty.

**4.7** The regulations do not stipulate the type of smoke or carbon monoxide alarms (such as mains powered ('hard-wired') or battery powered) that should be installed.

- It is however recommended that landlords choose the type of smoke alarms based on the needs of their building and their tenants, and that those alarms are compliant with British Standards BS 5839-6. Where battery powered alarms are selected, alarms with 'sealed for life' batteries rather than alarms with replaceable batteries are the better option.
- Landlords should make an informed decision and choose the type of carbon monoxide alarms based on the needs of their building and their tenants, and that those alarms are compliant with British Standards BS 50291. Where battery powered alarms are selected, alarms with 'sealed for life' batteries rather than alarms with replaceable batteries are the better option.

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### **5. Actions by Portsmouth City Council**

#### **Smoke Alarms**

- 5.1** Portsmouth City Council has been installing hard wired smoke alarms internally on each storey of its social housing stock as part of its repairs service since 2010. The latest amendment to the smoke and carbon monoxide alarm regulations confirms this good practice is already in place.
- 5.2** Building Services have in place a programme with our service providers of testing annually any existing smoke alarms installed, replacing alarms in the 10<sup>th</sup> year of their lifetime, and installing new or replacing defective alarms as part of the day-to-day repairs service.
- 5.3** Portsmouth City Council has installed smoke alarms and where applicable on more than one storey to 100% (14,239 properties) of its Housing stock.
- 5.4** All the following opportunities are used to undertake the above:
- At the request of the resident
  - Every scheduled gas servicing appointment.
  - At any scheduled appointments with service provider electricians.
  - At every void property. The regulations require checks to be made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.
  - Every new build property.

#### **Carbon Monoxide Alarms**

- 5.5** Minister Eddie Hughes confirmed in a letter dated 29th July 2022 to all Council Leaders in England that following approval by the House of Commons and the House of Lords, on 27th June 2022, that the Smoke and Carbon Monoxide Alarm (Amendment) regulations 2022 were now law and effective from the 1st of October 2022. Landlords are expected to be compliant with the regulations from that date.
- 5.6** Portsmouth City Council has recorded the installation of carbon monoxide alarms in our properties since 2019 but ahead of the legislation becoming effective, we have instigated a planned programme of installs in partnership with our three service providers. We will be installing new battery/hard wired alarms at every appropriate opportunity.
- 5.7** We are using the following opportunities to install and test carbon monoxide alarms:
- Every Scheduled gas servicing appointment and gas related repair



## **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)**

- At any scheduled appointments with service provider electricians
- At every void property
- At every new build property
- Kitchen and bathroom replacement works
- Every relevant opportunity and repair appointment
- Resident demand via the Repairs Support Team

**5.8** To date the number of carbon monoxide alarms fitted to Portsmouth City properties with a fixed combustion appliance (excluding gas cookers) is 4,379 which is 32.7% of all applicable properties (13,400)

**5.9** The autumn 2022 edition of House Talk will include an article outlining the requirement to install carbon monoxide alarms, how we are doing this, how residents can self-test the alarm, what to do if it sounds, how to report a carbon monoxide alarm repair and how to request a carbon monoxide alarm to be fitted.

**5.10** The anticipated cost of installing carbon monoxide alarms to all HRA domestic properties is estimated to be between £500,000 and £700,000.

**5.11** The funding for the budget necessary to implement the checking and installation of smoke alarms has been budgeted for within this year's HRA repair and maintenance programme.

**5.12** The funding for the installation of carbon monoxide alarms to all our properties will be an in-year budget pressure for this year's HRA repairs and maintenance budget and Officers will manage existing budgets to accommodate this spend.

**5.13** Portsmouth City Council report our progress on the installation and check of smoke and carbon monoxide alarms through our quarterly Governance and Audit Standard Committee (GASC) reporting process.

## **6. Director of Finance's Comments**

**6.1** The cost of servicing smoke alarms is already included within the Housing Revenue Account (HRA).

**6.2** The carbon monoxide alarms were not part of the approved capital programme in March 2022, and therefore the cost of this will be met from the brought forward major repairs reserve balance. It is estimated that the cost of this could be in the region of £500,000 to £700,000.

**THIS ITEM IS FOR INFORMATION ONLY**

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

**Appendices:**

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

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

| Title of document  | Location  |
|--|---|
| The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 | <a href="#">Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022.</a> |
| Letter from Minister Hughes (dated 29 <sup>th</sup> July 2022)   | Appendix A  |

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## Department for Levelling Up, Housing & Communities

To: All Council Leaders in England,  
Chief Executives,  
National Housing Federation,  
G15,  
Northern Housing Consortium,  
Chartered Institute of Housing,  
Local Government Association,  
National Residential Landlords Association  
Propertymark  
British Property Federation  
Lettings Industry Council  
Savills

**Eddie Hughes MP**  
*Parliamentary Under-Secretary for  
Rough Sleeping and Housing*

***Department for Levelling Up, Housing and  
Communities***

4th Floor, Fry Building  
2 Marsham Street  
London SW1P 4DF

Email: [Eddie.Hughes@levellingup.gov.uk](mailto:Eddie.Hughes@levellingup.gov.uk)

29 July 2022

Dear all,

### **SMOKE AND CARBON MONOXIDE ALARM (AMENDMENT) REGULATIONS 2022**

Following approval by the House of Commons and the House of Lords, as of 27 June 2022, the Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 are now law.

The regulations will come into force on 1 October 2022 and landlords must be compliant with the requirements set out in the Regulations from that date.

As explained in previous letters, these new regulations mean that:

- Registered providers of social housing must ensure at least one smoke alarm is provided on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015.
- All landlords must ensure a carbon monoxide alarm is provided in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers).
- All landlords will be legally obligated to ensure smoke alarms and carbon monoxide alarms are repaired or replaced once they are informed and the alarms are found to be faulty.

These regulations are in place to ensure private and social tenants are safe in their homes, and once again, I urge you to begin installing alarms if you haven't yet, to ensure you will be compliant with these regulations when they come into force on 1 October 2022. Any landlord found to be in breach could be fined up to £5,000 and so it is vital that your organisation prepares for these changes right away.

The Department for Levelling Up, Housing and Communities has now published guidance booklets to further support you in preparing for these changes.

These explanatory booklets are not an authoritative interpretation of the law but intended as a general guide to help landlords understand and comply with the Regulations and help local housing authorities prepare to effectively enforce them.

The guidance for landlords and tenants can be found [here](#) and the guidance for local housing authorities can be found [here](#).

Thank you for your engagement on this important matter. If you have any questions, you can contact the team of officials overseeing these regulations at [smokeandcarbonmonoxide@levellingup.gov.uk](mailto:smokeandcarbonmonoxide@levellingup.gov.uk)

Yours ever,

A handwritten signature in blue ink, appearing to read 'E. Hughes'.

**EDDIE HUGHES MP**