



NOTICE OF MEETING

CABINET

TUESDAY, 5 SEPTEMBER 2023 AT 2.00 PM

COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Anna Martyn - Tel 023 9283 4870
Email: Democratic@portsmouthcc.gov.uk

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

Membership

Councillor Steve Pitt (Chair)	
Councillor Suzy Horton (Vice-Chair)	
Councillor Dave Ashmore	Councillor Hugh Mason
Councillor Kimberly Barrett	Councillor Darren Sanders
Councillor Ian Holder	Councillor Gerald Vernon-Jackson CBE
Councillor Lee Hunt	Councillor Matthew Winnington

(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.

AGENDA

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Record of Previous Decision Meeting held on 25 July 2023 (Pages 5 - 10)**

A copy of the record of the previous decisions taken at Cabinet on 25 July 2023 is attached.
- 4 Forward Plan Omission Notice - Christmas Lights 2023 (Supporting infrastructure and Christmas lights provision) (Pages 11 - 12)**

The Christmas Lights 2023 (Supporting infrastructure and Christmas light provision) report by the Assistant Director of Planning & Economic Growth was omitted from the Forward Plan covering 17 August to 17 November 2023. The Chair of the City Council's Scrutiny Management Panel has been notified and a public notice published.

5 Christmas Lights 2023 (Supporting infrastructure and Christmas lights provision) (Pages 13 - 48)

Purpose

To address the current concerns with 2023/34 Christmas Lights budget concern and provide a definitive response.

RECOMMENDED that the Cabinet

- 1. Request Ward CIL (Community Infrastructure Levy) via the existing Neighbourhood CIL procedure, as outlined within the Draft CIL Neighbourhood Portion Spend Guidance Note to fund the repair and enhancement of Christmas lights infrastructure across the city of Portsmouth (or otherwise agreed priority sites). AND**

Request Ward CIL via the existing Neighbourhood CIL procedure, as outlined within the Draft CIL Neighbourhood Portion Spend Guidance Note to fund additional/replacement Christmas Light Motifs across the city (or otherwise agreed priority sites).

OR

Approve funding from city wide Neighbourhood CIL fund to fund the repair and enhancement of Christmas lights infrastructure and additional/replacement Christmas Light Motifs across the city (or otherwise agreed priority sites).

And, in either case

- 2. Give approval that any underspend from the allocated funding is retained as a ringfenced reserve for the future of maintaining the provision of Christmas lights in the city.**

6 Lease of open space at King George V Playing Field (Pages 49 - 54)

Purpose

To update Cabinet on the outcome of the formal advertising of the council's intention to lease land at King George V Playing Field to an operator.

RECOMMENDED that the Cabinet consider the outcome of the consultation exercise and delegate authority to the Director of Culture, Leisure and Regulatory Services to grant a lease to the preferred operator upon consultation with PCC Legal Services and Property Team, once the final terms are agreed.

7 Portsmouth City Council's strategic relationship with The HIVE Portsmouth (Pages 55 - 88)

Purpose

To support the development of a new strategic partnership which builds on the

HIVE Portsmouth's work to date.

RECOMMENDED that the Cabinet

- 1. Note with appreciation the contribution that The HIVE Portsmouth made to the city during the pandemic;**
- 2. Note the renewed focus of The HIVE Portsmouth in the post-pandemic environment and the range of activity underway; and**
- 3. Approve the Memorandum of Understanding between Portsmouth City Council and The HIVE Portsmouth as the basis for a future strategic partnership agreement.**

8 Discharge to Assess model (Pages 89 - 102)

Purpose

1. To update Cabinet on the delivery of the Discharge to Assess, (D2A) model within Portsmouth to enable residents admitted to Portsmouth Hospitals University NHS Trust (PHU) to be discharged for assessment of their long term needs outside of the acute hospital (D2A).
2. To update Cabinet of the potential financial risk to the Council of continuing 'spot' purchase arrangements for D2A.
3. To seek Cabinet endorsement of the recommendations in the report.

RECOMMENDED that the Cabinet

- 1. Approve that D2A is restricted to the fully funded beds in the Jubilee and Spinnaker units and Adult Social Care returns to assessment of need prior to discharge from hospital for any Portsmouth resident who is unable to be discharged on this pathway, when the available funding identified becomes insufficient to enable continued 'spot placements' in the external care market.**
- 2. Endorse that the Council will only be committing to deliver D2A schemes and plans that are achievable, have value to our residents and are supported by funding.**
- 3. Ask the Director of Adult Social Care to write to Hampshire & Isle of Wight Integrated Care Board, (HIOW ICB) and inform them of the above decisions, providing the opportunity for the ICB to decide whether to allocate further funds to enable D2A to continue in its current form in the 2023/24 financial year.**

9 Mandatory Licensing of Houses in Multiple Occupation (Pages 103 - 152)

Purpose

To present the outcome of the consultation agreed at the Cabinet on 25 July 2023 along with the proposed changes to the current Mandatory Houses in Multiple Occupation licensing scheme, for Cabinet to decide on whether to adopt these changes.

RECOMMENDED that the Cabinet

- 1. Notes the outcome of the non-statutory consultation which was undertaken from 26th July 2023 and closed on 16th August 2023, as summarised in section 4 of this report, the full summary of which is in**

Appendix 1.

2. In light of the consultation results change the Mandatory HMO Licensing scheme as outlined in this report. This includes agreeing to a new approach to administering licences for different terms as outlined in Appendix 2, a new Licensing fee structure as outlined in Appendix 3, and new licence conditions as outlined in Appendix 4.

3. Agrees that the changes agreed in 2.2 above will be implemented from 1st December 2023. Any licences due to expire on or after 1st December 2023, or any new licence applications received on or after 1st December 2023, will be administered through the new Mandatory Licensing criteria outlined in this report.

4. Instructs officers to conduct an annual review of the fee structure for Mandatory Licensing alongside the annual review already agreed for additional licensing fees, and present proposals for any required fee adjustments accordingly to the cabinet member for Community Safety for approval.

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

Agenda Item 3

RECORD OF DECISIONS of the meeting of the Cabinet held on Tuesday, 25 July 2023 at 2 pm at the Guildhall, Portsmouth

Present

Councillor Steve Pitt (in the Chair)
Suzy Horton
Dave Ashmore
Kimberly Barrett
Lee Hunt
Hugh Mason
Darren Sanders
Gerald Vernon-Jackson
Matthew Winnington

54. Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Ian Holder.

55. Declarations of Interests (AI 2)

Councillor Sanders declared a prejudicial interest in agenda item 9 (Mandatory Licensing of Houses in Multiple Occupation) as he lived in one. He would leave the meeting for this item.

56. Record of previous decision meeting - 27 June 2023 (AI 3)

The record of decisions from the meeting held on 27 June 2023 was approved as a correct record.

57. Appointment to outside body - Portsmouth Naval Base Property Trust (AI 4)

Councillor Pitt said he would not be involved in voting on the item nor the appointment process as he was a Trustee. He explained the post was remunerated and the Trust was carrying out a skills audit for trustees to ensure the appointee matched the role. As there would be an interview with the Chair of the Trustees and the Chief Executive of the Trust some members felt confirmation of the appointment should be deferred until after the interview in case it seemed as if the council was recommending who to appoint. Other members noted that offers of employment were often made subject to an interview or references so supporting Councillor Simpson's application was not binding.

The Cabinet agreed to support Councillor Russell Simpson in his application for the above appointment and that his name is put forward for consideration.

58. Review of the 2023 local elections (AI 5)

Ian Fitchett, Electoral Services Manager, introduced the report, noting that the Electoral Commission was working on a national report.

Members noted that the report did not include people who did not apply for a voter authority certificate nor went to the polling station. The figures did not include how many were turned away by stewards so might not be a true reflection of the numbers who could not vote. Some residents had said they

had not gone to the polling station as they thought they did not have the right ID, especially senior citizens. Some had said they would not vote as a protest against the new law.

Members felt that 99 people who could not vote because of not having ID was 99 too many. Anyone eligible to vote should be able to, otherwise it was voter suppression and preventing people exercising their democratic rights. The report was good but some parts were extremely depressing. Turnout would have to be compared over several years but as voter fraud was almost non-existent the policy was using a hammer to crack a nut. Members noted anomalies in that older people's bus passes were valid ID but not those for young people. They asked why work photo ID was not accepted, including ID for those who had been security vetted. Residents could be asked to bring the polling cards that were already sent out.

In response to questions from members, Mr Fitchett said rules were changing to restrict the number of votes to six (including their own) that one person could hand in at a polling station, though such instances were very low in Portsmouth. Online applications for postal votes, which would be valid for three years, could be made from the end of the year. Changes would be phased in from 2025 and current postal voters would need to apply by January 2026.

Stewards were paid about £170 to £180 per day, though some polling stations would have had stewards anyway, especially the busier ones. Their role depended on the particular polling station and since Covid poll clerks have been rebranded as stewards as the third clerk usually had a steward's role. They assisted the public when one building had more than one polling station but this year their main role was reminding people about ID.

Councillor Pitt agreed with members' suggestions that he should write to the Prime Minister with the concerns.

The Cabinet noted the report.

59. Bathing Water Quality (AI 6)

Steve Bell, Regulatory Services Lead, introduced the report. Councillor Pitt thanked Mr Bell and Richard Lee, Assistant Director, for their work, and requested thanks to be placed on record to Havant Borough Council for their support.

Councillor Graham Heaney made a deputation. Deputations are not minuted but can be viewed on the website at

[Agenda for Cabinet on Tuesday, 25th July, 2023, 2.00 pm Portsmouth City Council](#)

In response to points raised by Councillor Heaney, Mr Bell said it was difficult to identify one particular cause for poor water quality around South Parade Pier as it could be due to a number of factors; investigations were taking place with the Pier's management team. Southern Water have investigated the

businesses on the Pier and cracked and blistering Victorian piping has been replaced and repaired. There was no information about the peak on 19 June but it could be due to UV light or the tide; officers could investigate and report back. A groundwater leachate survey on 18 May using a fluidon (??) instrument showed elevated levels of E.coli around the Pier. Earlier surveys had showed that a disused toilet block might have discharged into a lateral drain. On 21 June Southern Water found that an internal inspection chamber in the toilets was blocked by dairy products; this has now been cleared and repaired.

The threshold for closing the beach was dictated by the Environment Agency and was based on the percentage of E.coli per 100 ml of water. If the quality was classified as poor or prohibition the council would have to notify the public but they probably could not physically prevent people going in the water. Recent results were promising though it could not be guaranteed there would not be a warning.

In response to members' questions, Mr Bell said the Environment Agency was leading on sampling and monitoring. The Pier's management team was engaging positively and inspected underneath it weekly. All remedies have been done so far.

Results from monitoring have been correlated with other factors and there seemed to be correlation with heavy rainfall. Evidence showed the coastal defence work was not a problem.

There were no specific boundaries for Southsea East and Eastney beaches as the Environment Agency took samples at a specific point and then classified the whole area.

Members felt the poor water quality was a concern as it impacted human, economic and marine life and should not have deteriorated this far. The seafront was a source of employment. They welcomed the digital information panels and thanked organisations like Stop the Sewage Southsea for putting pressure on Southern Water and the Pier for stepping up, an example of partnership working. They were disappointed that it was not until 2050 that no storm overflows would be permitted outside of unusually heavy rainfall.

Councillor Pitt noted results were taken over a multiple year average so if historic positive results had fallen away and remained satisfactory the risk of falling into the poor classification increased. There could be several causes but the situation was improving and might be resolved by a combination of solutions. Testing was part of business as usual for Regulatory Services and hugely appreciated. It put pressure on neighbours to do likewise. The council was co-operating with the Environment Agency who were leading on the process and directing Southern Water. The council wanted the public to be aware of what was happening. He thanked all those who had participated in the process to date, especially with Southsea East and the noticeboards. Everyone involved needed to agree on the information displayed so the process felt valid and not a tick box exercise.

DECISIONS

The Cabinet approved the proposals to

- 1. Locate a digital terminal/s on the seafront which would constantly display Southern Water's Beachbuoy webpage to provide details in respect to storm release activity near our designated bathing waters. Southern Water are currently trialling water quality monitoring buoys. The aspiration is, on completion of successful trials, to include this information on the terminals, but there is no fixed date for this as yet.**
- 2. Continue to work with partners to monitor and protect the quality of our seawater.**

60. Approval of the Corporate Plan (AI 7)

Kelly Nash, Corporate Performance Manager, introduced the report.

Councillor Horton thanked Ms Nash for the report and said the enormous amount of hard work that went into running the "business as usual" of valued services needed to be acknowledged. The council did many things that did not always get attention so all officers, including those who were not usually seen, should be acknowledged. Members were under no illusion about how tough the current climate was. Councillor Pitt requested that the acknowledgement be officially noted.

DECISIONS

The Cabinet

- 1. Approved the updated Council's Corporate Plan - 2023-24 (see Appendix 1)**
- 2. Noted that the plan demonstrates the Council's commitment to supporting the achievement of the Vision for Portsmouth that has previously been agreed with partners as well as demonstrating how the Council is delivering for the residents of Portsmouth in these challenging times**
- 3. Agreed that delegated authority be given to the Chief Executive to make minor changes to the draft document prior to publication.**

61. Ratification and update of the Waste Collection Policy (AI 8)

Colette Hill, Assistant Director, Neighbourhoods, introduced the report. The policy started from 1 September with door knocking and communications from late August to October.

In response to questions from members, Ms Hill confirmed that

- there would be one free educational visit to a household when a bin contained contaminated waste and then charges would apply;
- bins greater than 180 litre capacity would not be supplied to flat-fronted properties but the council could offer alternative receptacles. Bins would only be provided for flat-fronted properties if they were removed from the street. There was guidance on the council's website and those ordering a bin were reminded of correct usage.

Members welcomed the educational approach and felt the updated policy was fairer and more helpful to residents in that they would not be penalised if someone else put the wrong sort of rubbish in their bin. Bins left on the street

were a frequent concern for residents as they obstructed those with mobility or vision problems or who used buggies, pushchairs and wheelchairs. Repeated visits to households was time officers could be doing something else; there was also a cost for dealing with contaminated waste. The policy allowed for residents who could not move bins inside so it addressed concerns but was realistic. Members were impressed people wanted to recycle and rates of recycling needed to increase but there was sometimes a lack of understanding and comprehension; residents needed to take ownership. Members congratulated all those involved with the policy.

DECISIONS

The Cabinet

- 1. Approved the ratification and update of the Waste Collection Policy (Appendix 1), which includes;**
 - i. the changes related to the Environment Act 2021 and the provision of additional recycling**
 - ii. the introduction of a charge to dispose of contaminated recycling as refuse.**
 - iii. the update to the policy regarding the provision of waste receptacles to those properties with limited frontage to store waste receptacles, while accounting for reasonable adjustments to those with protected characteristics.**
 - iv. the waste presentation time change to 6am.**
- 2. That cabinet delegate further changes to the waste collection policy relating to the new Portsmouth City Council in-house waste collection service (starting on 01 April 2024) to the Director of Housing, Neighbourhoods and Buildings Services in consultation with the Cabinet Member for Environmental Services.**
- 3. Cabinet note that further updates will be required to the Waste Collection Policy, once the government / DEFRA have clarified when the EPR/DRS will be introduced.**

Councillor Sanders left the meeting at 3.20 pm.

62. Mandatory Licensing of Houses in Multiple Occupation (AI 9)

Clare Hardwick, Head of Private Sector Housing, introduced the report.

Members said it was important people had somewhere decent to live so regulatory alignment was needed between houses in multiple occupation (HMO) under the mandatory and additional licensing schemes. Licensing was an incentive to be a good landlord as that meant paying a lower licence fee.

In response to questions from members, Ms Hardwick agreed that in order for licensing to be successful the policy would need to be enforced. Housing already investigated potentially unlicensed HMOs under the mandatory scheme. The law allowed Housing to enforce the policy and offenders could be fined up to £30,000 per offence or face prosecution.

Officers agreed they could consider compliance with planning conditions and not just planning permission in order to rely less on planning policy. Members noted that Planning had to investigate properties that had never had

permission to be an HMO. More investigation into suspected unregulated HMOs would protect people who lived in them and who were often the least able to know their rights.

DECISIONS

The Cabinet agreed to

- 1. Change the Mandatory HMO Licensing scheme, to alter the Mandatory HMO Licensing model, fee structure and Licence conditions to create consistency between Mandatory and Additional Licensing of HMOs.**
- 2. Instruct officers to carry out a non-statutory consultation with existing Mandatory HMO Licence holders to be conducted from 26 July to 16 August 2023 on the proposal to create consistency between the Mandatory HMO licensing scheme and Additional Licensing scheme, as outlined in this report, including a new approach to administering licences for different terms as outlined in Appendix 1, a new Licensing fee structure as outlined in Appendix 2, and new licence conditions as outlined in Appendix 3. Officers should then return to Cabinet on 5 September 2023 with the outcome of this consultation, in a report to present the final proposals for Cabinet's approval.**

The meeting concluded at 3.30 pm.

Councillor Steve Pitt
Leader of the Council

Agenda Item 4

PORTSMOUTH CITY COUNCIL - PUBLIC NOTICE

OMISSION FROM FORWARD PLAN FOR THE PERIOD COVERING 17 August to 17 November 2023

NOTICE IS HEREBY GIVEN that at a meeting on Tuesday 5 September 2023, the Cabinet will make a decision on the following item:

A report by the Assistant Director of Planning & Economic Growth

Christmas Lights 2023 (Supporting infrastructure and Christmas light provision)

The report seeks a decision on immediate spend of CIL (Community Infrastructure Levy) to support the cross city upgrade on lighting infrastructure and replacement lights to ensure a cross-city provision - particularly noting the poor repair state and reliability of Cosham, Commercial Road and Southsea as our lights switch on areas.

Any questions about the proposed decision should be addressed to:

Jane Lamer, Head of Economic Development & Skills
Tel 07766 497459; jane.lamer@portsmouthcc.gov.uk

This decision is a Key Decision for the purposes of the Forward Plan as defined in Article 13 of the Constitution but was not included in the Forward Plan covering the period 17 August to 17 November 2023 and is therefore an omission from the Forward Plan. The Chair of the City Council's Scrutiny Management Panel has been notified of and agreed to the decision being made, in accordance with the City Council's Constitution (General Exceptions, Section 15).

The reason why urgent action has to be taken in connection with this proposal reflects the timeline for procurement (potentially waivers) and work to be carried out, in order to allow normal Christmas lights work from October /November 2023.

The decision will be taken at:

- The Cabinet meeting held on Tuesday 5 September 2023 at 2 pm.

24 August 2024

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Agenda Item 5



Title of meeting: Cabinet

Date of meeting: 5 September 2023

Subject: Christmas Lights 2023
Supporting Infrastructure & Christmas Lights provision

Report by: Ian Maguire
Assistant Director for Planning and Economic Development

Authored by: Jane Lamer
Head of Economic Development and Skills

Wards affected: All

Key decision: Yes

Full Council decision: No

1. Purpose of report

- 1.1 To address the current concerns with 2023/34 Christmas Lights budget concern and provide a definitive response.
- 1.2 This is extremely time sensitive, with procurement and action needing to be in place for September to enable procurement and repairs for early November 2023 when lights are installed for the season.

2. Recommendations

- 2.1 To request Ward CIL (Community Infrastructure Levy) via the existing Neighbourhood CIL procedure, as outlined within the Draft CIL Neighbourhood Portion Spend Guidance Note to fund the repair and enhancement of Christmas lights infrastructure across the city of Portsmouth (or otherwise agreed priority sites). **AND**

To request Ward CIL via the existing Neighbourhood CIL procedure, as outlined within the Draft CIL Neighbourhood Portion Spend Guidance Note to fund additional/replacement Christmas Light Motifs across the city (or otherwise agreed priority sites).

OR

For Cabinet to Approve funding from city wide Neighbourhood CIL fund to fund the repair and enhancement of Christmas lights infrastructure and additional/replacement Christmas Light Motifs across the city (or otherwise agreed priority sites).

And, in either case

- 2.2 For Cabinet to give approval that any underspend from the allocated funding is retained as a ringfenced reserve for the future of maintaining the provision of Christmas lights in the City.

3. Background Infrastructure

- 3.1 Christmas lights provision (including infrastructure) have had limited investment previously and acknowledged by the electrical contractor in 2022/23 as near end of life.

- 3.2 In 2023 we commissioned a report to establish the seriousness of the current infrastructure and lighting problems for Christmas 2023/24. Across the city:

- 139 infrastructure points were deemed as requiring immediate replacement or attention
- 40 infrastructure points were deemed passable condition (unable to confirm either condemned or good status - we anticipate some or all of these units to require replacement for reliable light provision)
- 105 were deemed good condition (requiring no action for 2023/24)

- 3.3 Replacement is estimated at £500 per connection point (please note this could be reduced to £395 for some points but we do not know ahead of commissioning how many, if any would be costed at the lower price) putting costs in the region of a maximum estimate of £89,500.

- 3.4 Details of the location of each of the infrastructure point requiring immediate replacement of attention to maintain previous levels of Christmas Lights coverage (Option A below) are contained in the table in Appendix 1.

4 Background Christmas light provision

- 4.1 Christmas lights have had limited investment previously and acknowledged by the electrical contractor in 2022/23 as near end of life (with many working beyond reasonable expectations). This reflects feedback from contractors in previous years.

- 4.2 All lights are currently allocated specifically to wards and linked to specific infrastructure (although many could be used in other locations or smaller patterns in wards).

- 4.3 Some lights and infrastructure has been funded from Neighbourhood CIL, or are linked to particular infrastructure which limit where items can be used or prevent them being used in different Wards.
- 4.4 Items (particularly motifs) were removed as unsafe following breakages on site in 2023/24 as one style was deemed unsafe reducing lights in different areas across the city. At the time we extended (using an alternative lamppost provision) or removed lights to maintain maximum provision for each ward.
- 4.5 Significant additional costs were incurred in 2022/23 due to electrical faults. Some of this reflected deliberate vandalism which was a significant problem, but some reflected the age of the infrastructure and the condition of the lights.
- 4.6 Previous Neighbourhood CIL funding against Christmas lights means these areas should be considered for priority funding to maintain this investment - noting that any Christmas lights would be considered to have a life of 3-5 years (please note that means that Milton ward, for example, is beyond reasonable life expectancy). These recent NCIL grants are detailed in the table below:

Scheme	NCIL Funds awarded	Ward	Year	MIS item
Electrical infrastructure and Christmas lights including all installation, storage and switch on and maintenance costs for 5 years at Eastney Road, Milton.	£32,190	Milton	2017	13.10.17
Purchase of 32 Christmas lights motifs located from the southern end of Fratton Road to the ward boundary with Nelson ward.	£7,782	Fratton	2020	30.10.20
Purchase of 20 Christmas lights located along the southern end of the shopping area of North End.	£4,864	Nelson	2020	13.11.20

- 4.7 Estimates for new motifs are in the range of £200-£300 per unit. And work has been undertaken to identify locations where lights have had to be removed as unsafe and require additional provision if the past coverage for Christmas lights is to be maintained.
- 4.8 All the units (over 60) are identified as being required to support Copnor, Fawcett and Winter Roads requiring a further investment and all other centres have needs for some new lights or repairs to existing lights. Some rebalancing of resources across areas, as the same motifs are used in different areas, could reduce ward costs and balance the provision across the city.

- 4.9 Commercial Road and Cosham all currently have cross street lighting which is close to the point of failure and it is recommend that repair or replacement is necessary for some of these features. As estimate of £600 per unit for replacement and £400 for repair has been used for these lights
- 4.10 Further investment is required to maintain lights beyond 2023/24 across all areas as motifs move beyond lifespan and on installation there may be reduction in all areas to allow reasonable light display.
- 4.11 Other Ward upgrades to lights not yet identified may be sought separately, if communities or ward councillors wish to pursue this through the normal Neighbourhood CIL regime, as it is anticipated that this may gain public interest/attention over time as without a significant response to replacement of failing, we face a situation of aging lights and therefore a reduction in provision in all areas.
- 4.12 Details of the identified areas where in new motifs are required to maintain previous Christmas Light coverage (Option A below) is detailed in the table in Appendix 1 where information is available. Please note that further investigation will be required on some installations at the time of fitting to ensure provision.

5. Options

- 5.1 No provision has currently been made within the capital programme for the maintenance or replacement of Christmas Lights. The options available to the Council therefore are either to seek significant funding, either on a ward by ward basis or from 'City Wide Neighbourhood CIL', for repairs and replacement in line with the recommendations at 2. Above; to seek limited funding from the Neighbourhood CIL funding stream, either on a ward by ward basis or from 'City Wide Neighbourhood CIL', to maintain and replace infrastructure and lights in a small number of 'priority areas' for lights (to be identified); or to seek no funding and provide no Christmas lights for Christmas 2023.
- Option A
Provide full infrastructure repairs in 2023 to build capacity for lights and purchase additional lights to provide coverage reflecting 2022/23 provision
 - Option B
Select priority areas for a limited display across the city, officers' initial recommendation would be to focus on the high streets of Commercial Road, Southsea and Cosham to recognise the comparative hierarchy of centres in the city and achieve a geographical spread in the area.
This would need to be costed against priority areas.
 - Option C
Decide to provide no Christmas lights for 2023 - please note that this will impact on Christmas Tree expenditure already in place.

- 5.2 If funding is to be sought from ward based neighbourhood CIL on a case by case basis, this would require a number of separate applications to be completed by Officers, approved by Ward Members and publicised through the MIS process in accordance with the adopted CIL Neighbourhood Portion Spend Guidance. Details of the available Ward Based Neighbourhood CIL funding are provided in the table at Appendix 1 along with the estimated costs for each centre which currently has lights. Some centres straddle ward boundaries and therefore ward based funding would be proportionately sought from more than one ward. Different amounts of CIL funding are available in different wards, different investment needs are identified in each centre and Members are likely to have different priorities between wards. This approach, while keeping local communities at the heart of the decision and funding of Christmas lights, is likely therefore to lead to perceived disparity across the city.
- 5.3 If funding is sought from the 'City Wide Neighbourhood CIL', which currently has an uncommitted balance of £235,140, the decision lies with the Cabinet to distribute this reserve. The Draft CIL Neighbourhood Portion Spend Guidance advises the Cabinet that this spending should be used for the benefit of the whole city, and must of course follow the normal spending restrictions associated with money gathered under the Levy.
- 5.4 The financial requirements for both lighting infrastructure (estimated to be a maximum of £89,500) and for 2023 Christmas light motifs (estimated to be £32,500), are a significant call upon the available Neighbourhood CIL funding from which ever 'pot' it is sought. However, noting the precautionary way this budget requirement has been calculated it is anticipated that there will be some underspend against this total amount. It is therefore further proposed that any underspend is retained as a ringfenced reserve for future Christmas lights replacement and works to maintain provision in order that such unanticipated spending can be better managed.
- 6. Reasons for recommendations**
- 6.1 Recommendations for continued Christmas Lights provision reflects the need to support local businesses with the attracted footfall derived from Christmas lights with associated switch on events that supports and brings communities together with the emphasise on encouraging the promoting community cohesion (events are only held in Commercial Road, Cosham and Southsea and are reliant on sponsorship. Please note that no sponsorship has been secured for 2023/24 to date.
- 6.2 The report also acknowledges the positive impact for residents and visitors who benefit from the Christmas light provision at a time when the cost of living crisis may lead to individual householders reducing celebrations at Christmas due to expense.

7. Integrated impact assessment

See Appendix 3

8. Legal implications

In areas where there are no parish councils, the charging authority (PCC) retains the neighbourhood proportion of the Community Infrastructure Levy receipts.

Under Regulation 59F Community Infrastructure Levy Regulations 2010 the charging authority (PCC) may spend the neighbourhood portion of CIL on:

- (a) The provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area.

This allows local communities and the charging authority greater freedom over what to spend the neighbourhood funding element of CIL on.

9. Director of Finance's comments

No provision has currently been made within the capital programme for the maintenance or replacement of Christmas Lights.

The cost of replacing the 139 condemned infrastructure points and up to 40 which were 'passable', but not 'good' is estimated to be £89,500. This is a worst-case estimate assuming all are replaced at a cost of £500 rather than repaired at a lower cost of £375.

The cost to replace motifs is estimated to be in the range of £200-£300 per unit. Replacing and repairing the recommended 130 units will cost up to £32,500, bringing the total call on CIL funds to £122,000.

Appendix 1 shows the split of costs by Ward and the available Neighbourhood CIL funds for each Ward. The City Wide Neighbourhood CIL currently has an uncommitted balance of £235,140.

In the event that the City Wide NCIL is used and should expenditure fall below the total call on CIL funds, it may be considered prudent to hold the balance for future Christmas light replacement and repair works.

The annual cost of setting up, turning on, powering and putting away the Christmas lights are covered in the Cash Limited Budget based on the current complement of lights.



.....
Signed by:

Appendices:

Appendix 1
Costs and NCIL availability by location and ward

Appendix 2
Portsmouth health check 2023 - electrical infrastructure report produced by SparkX Ltd as the current contractor

Appendix 3
Integrated Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972
Draft CIL Neighbourhood Portion Spend Guidance

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

by on

.....
Signed by:

Appendix 1

Christmas Light Location	Ward	Infrastructure points requiring investment	Cost for Infrastructure points	New Christmas Light Motifs needed	Cost of new Christmas Light Motifs	NCIL funds Available
Commercial Road CITY CENTRE	Charles Dickens	6 require immediate replacement; 3 passable condition	£4,500	22 Cross Street motifs need repairs	£8,800	£89,027
Cosham High Street / Wayte Street COSHAM	Cosham	8 require immediate replacement; 6 passable condition	£7,000	14 Motifs and new 'icicle zig zag'	£2,800 + £600	£210,612
Osbourne Road /Palmerston Road / Marmion Road SOUTHSEA	St Jude	36 require immediate replacement; 4 passable condition	£20,000	6 motifs	£1,200	£48,046
Fratton Road FRATTON	Charles Dickens and Fratton Wards (location of units on Ward boundary)	5 requires immediate replacement; 8 passable condition	£6,500	0	£0	Charles Dickens: £89,027 Fratton: £6,423
Stubbington Ave to Clydebank Road NORTHEND	Nelson	22 require immediate replacement	£11,000	0	£0	£149,676
Clydebank Road to Washington Road NORTHEND	Nelson and Fratton (location of units on Ward boundary)	6 require immediate replacement	£3,000	0	£0	Nelson: £149,676 Fratton: £6,423
Washington Road to Hampshire Street NORTHEND	Charles Dickens and Fratton (location of units on Ward boundary)	16 require immediate replacement	£8,000	0	£0	Charles Dickens: £89,027 Fratton: £6,423
Albert Road Victoria Road South to Lawrence Road SOUTHSEA	St Jude	18 require immediate replacement	£9,000	8 Motifs (including LED tube ropes)	£2,400	£48,046

Albert Road Lawrence Road to Festing Road SOUTHSEA	Eastney and Craneswater and Central Southsea Wards (location of units on Ward boundary)	13 require immediate replacement; 2 passable condition	£7,500	8 Motifs (including LED tube ropes)	£2,400	E & C Ward: £18,300 Central Southsea Ward: £1,090
Tangier Road BAFFINS	Baffins	2 require immediate replacement	£1,000	3 Motifs	£600	£49,250
Fawcett Road SOUTHSEA	Central Southsea	3 require immediate replacement 1 passable condition	£2,000	34 Motifs (all)	£6,800	£1,090
Winter Road (NB Southsea Ward links) MILTON	Milton	1 requires immediate replacement 1 passable condition	£1,000	8 Motifs (all)	£1,600	£60,546
Castle Road SOUTHSEA	St Thomas	3 require immediate replacement	£1,500	0	£0	£25,828
Eastney Road MILTON	Milton	15 passable condition	£7,500			£60,546
Copnor Road COPNOR	Copnor	0	£0	19 Motifs (all)	£3,800	£4,456
Havant Road DRAYTON	Drayton and Farlington	0	£0	3 Motifs	£600	£268,607
Allaway Avenue PAULSGROVE	Paulsgrove	0	£0	4 Motifs	£800	£33,844

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Portsmouth – Infrastructure Health Check

An electrical infrastructure Inspection for Portsmouth City Council
Conducted at: Portsmouth, England. UK.

Carried out by:

SparkX Ltd
Wellhead Farm
Hale Road
Wendover
Bucks
HP22 6NJ
01494 956392



1.0 Methodology

1.1 Documents used for testing

- **18th Edition Wiring Regulations, BS 7671**
- **PLG06** – Guidance on installation and maintenance of seasonal decorations and lighting column attachments – *Institute of Lighting Professionals*
- **TR22** – Managing a vital asset, lighting supports – *Institute of Lighting Professionals*
- **GP03** – Code of practice for electrical safety in highway electrical operations – *Institute of Lighting Professionals*
- **Code of Practice for installation, maintenance and removal of seasonal decorations** – *Institute of Lighting Professionals*

1.2 Test Equipment used for test procedure

- Fluke T100 voltage tester
- Fluke 1654B Multifunction fester

Date of test April 2023

Test Engineers

Levka Yusain



1.3 Procedure

The electrical and mechanical integrity of the infrastructure in accordance to the aforementioned regulations and code of practices in conjunction with SparkX electrical best practices was inspected.

1.4 Grading of infrastructure health

Following the inspection, the festive lighting electrical supply connection point was subsequently graded on a red, amber and green scale. The translation of the 3 colours assigned is detailed below.

Red	Serious installation issues, non compliant to BS7671
Amber	Low immediate risk or power supply could not be verified
Green	No foreseen issues, installation fully compliant

2.0 Results

2.1 Location of tests

The number of supply points at the following areas were inspected;

Total units tested / inspected 295

2.1 Categorised results

Of the 284 supply points inspected the overall results are;

Requires immediate replacement/attention	139
Passable condition	40
Healthy condition	105

2.2 Plotted results

Below the inspected supply points graded by the health condition are displayed.

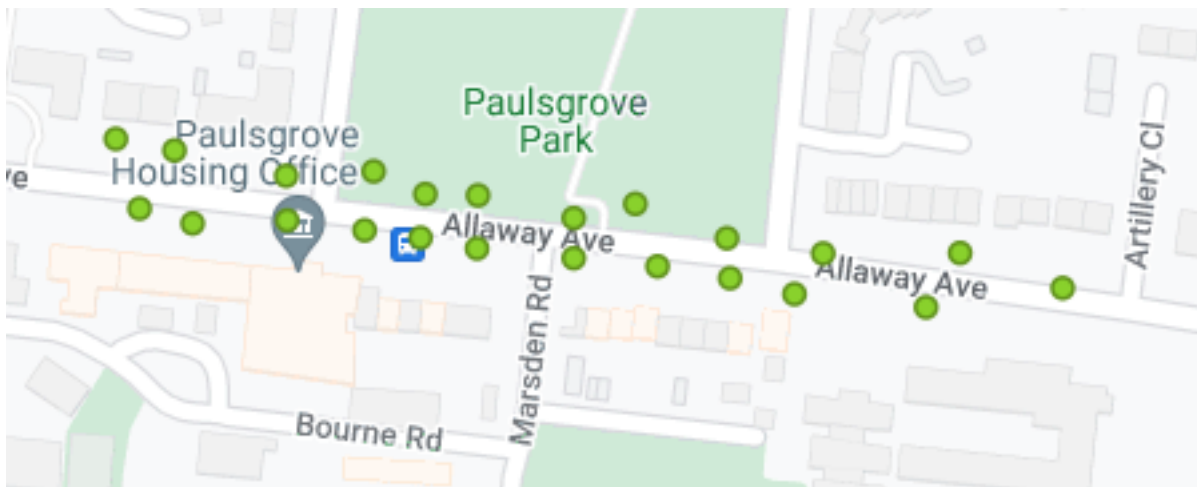


2.3 Inaccessible columns

None reported

2.4 Results

Paulsgrove

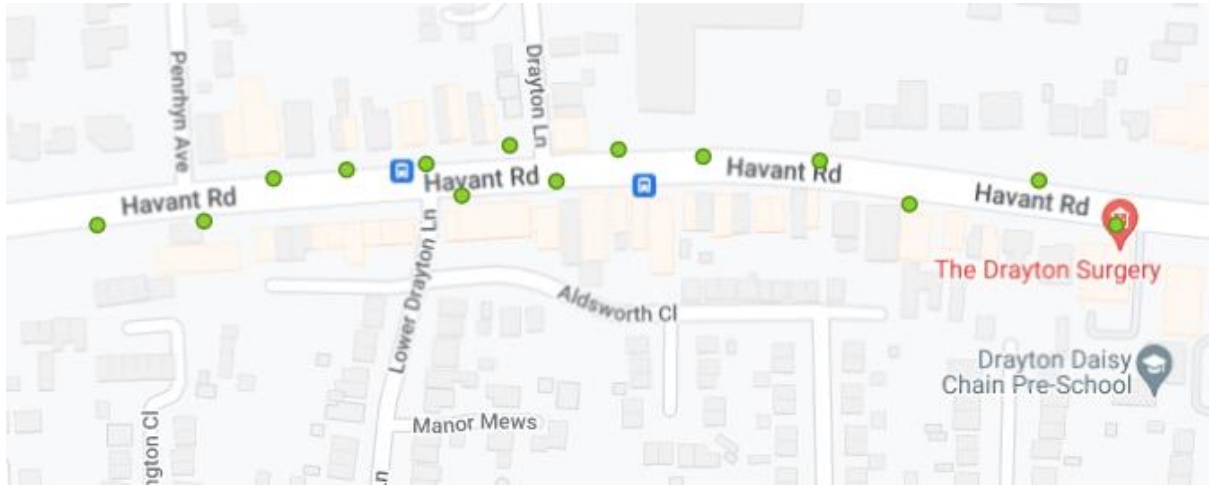


23 units tested

23 units - no issues found, suitable for continued service



Drayton

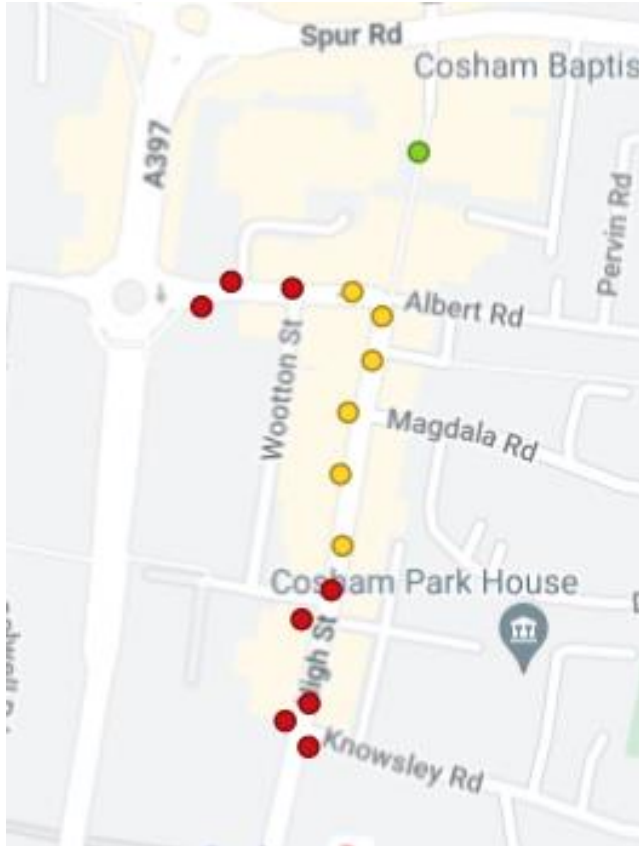


14 units tested

14 units - no issues found, suitable for continued service



Cosham

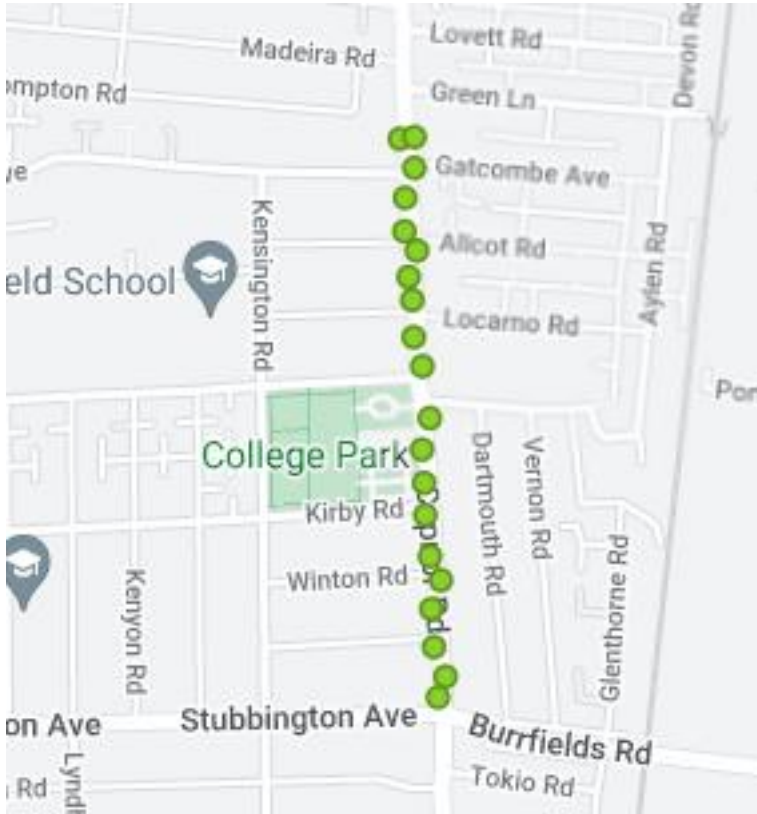


15 units tested
1 unit no issues
6 units improvements recommended
8 units in unsatisfactory condition

Issues include
Broken sockets
Missing RCD protection
Missing overcurrent protection
No overcurrent protection provided for street light



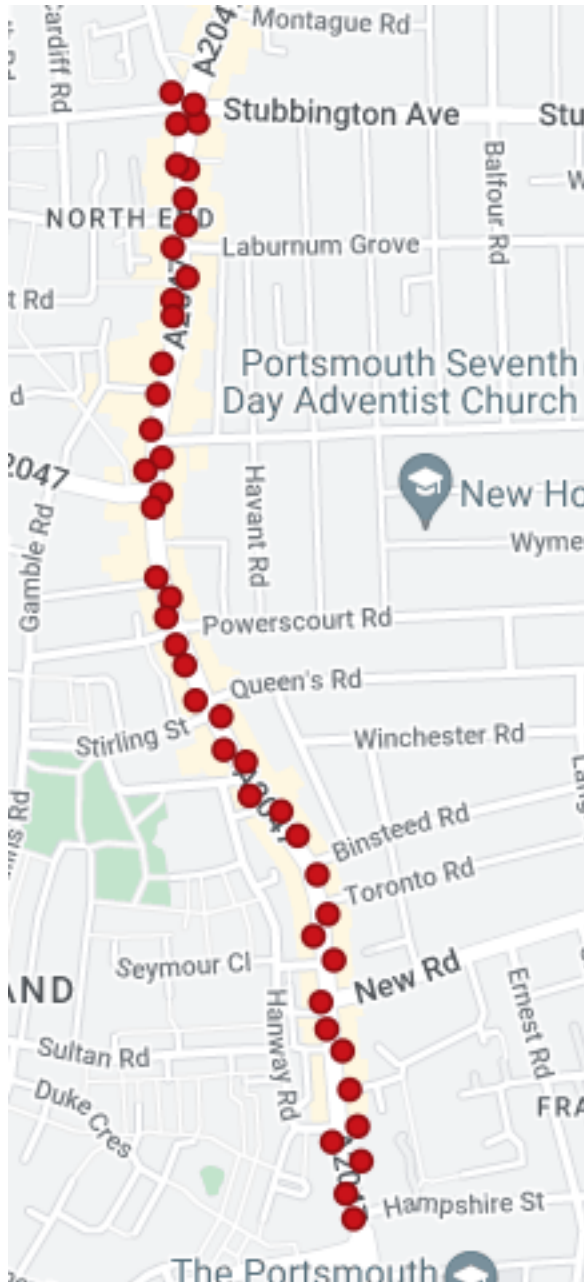
Copnor



19 units tested
No issues found, suitable for continued service



North End

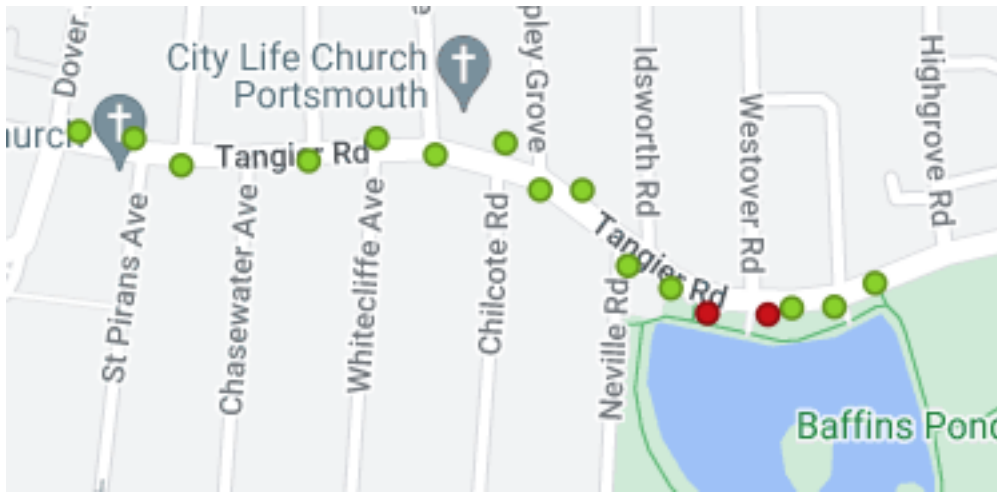


64 units tested
64 units unsuitable for continued service

Issues include
Broken sockets
Missing RCD protection
Missing overcurrent protection
No overcurrent protection provided for street light



Tangier Road

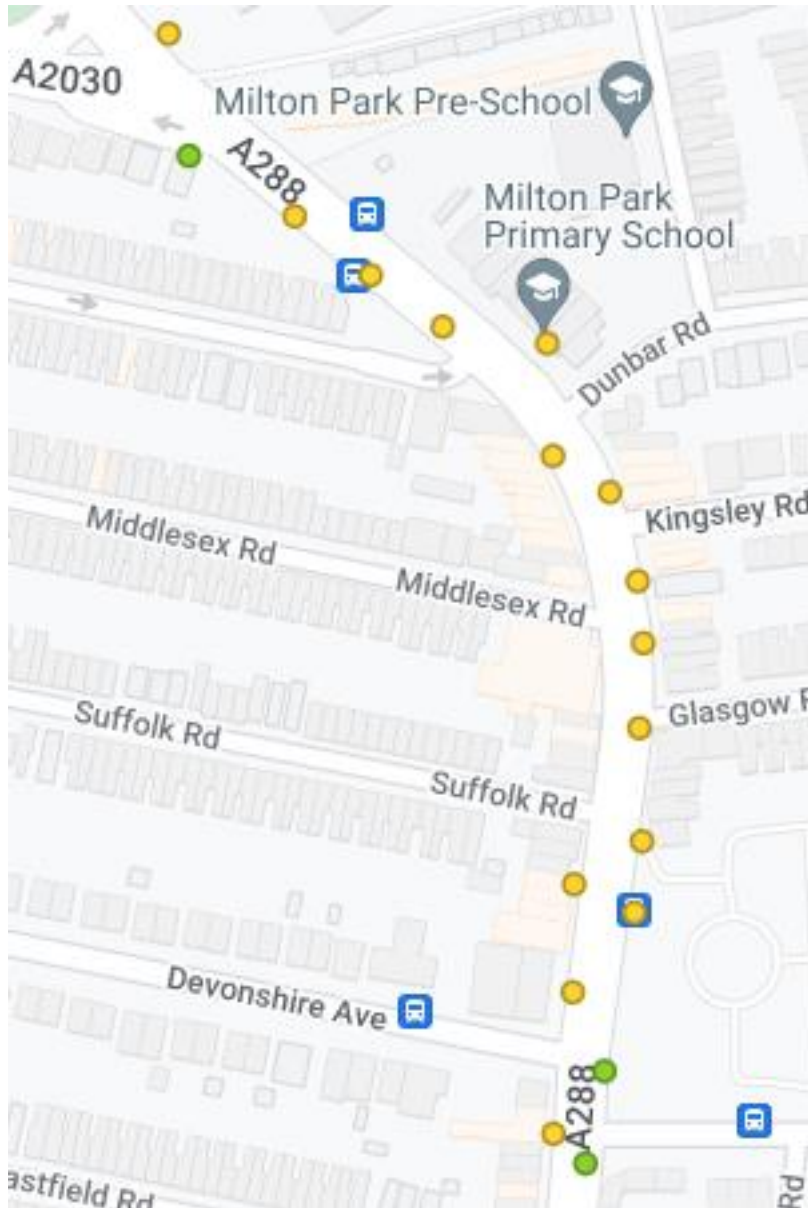


16 units tested

2 units – infrastructure has been removed by a 3rd party.

14 units no issues found

Milton



18 units tested

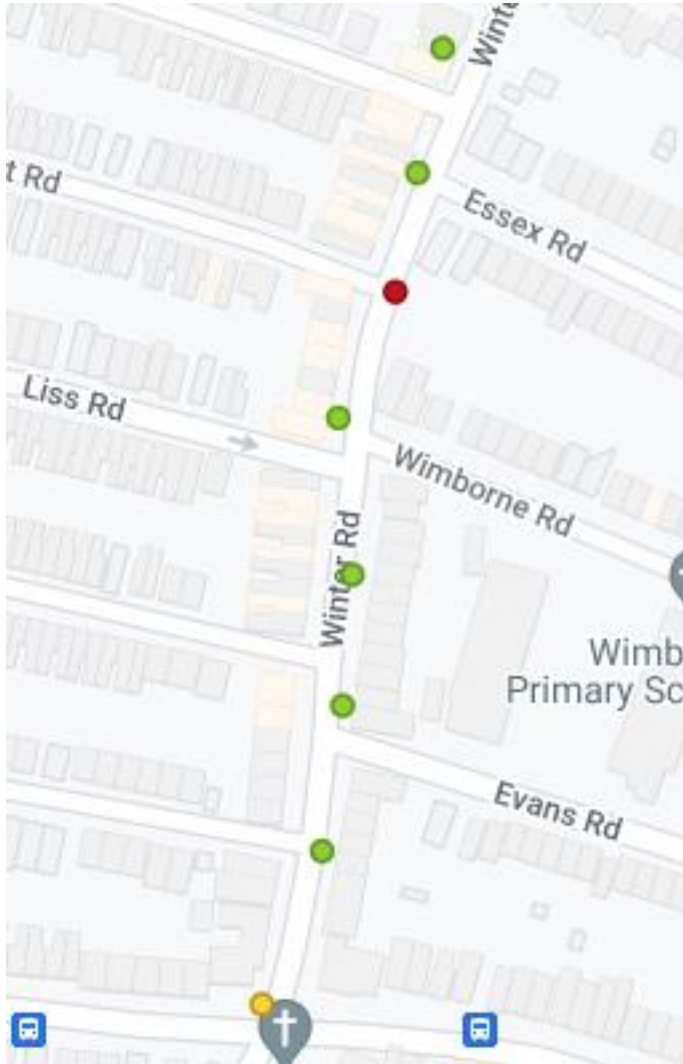
3 units – no issues, suitable for continued service

15 units – improvements recommended.

These units are all suitable for continued service for the Christmas lighting, but require the street lighting lantern to be wired correctly into the isolator.



Winter Road



8 units tested

1 unit – isolator is loose and requires refixing.

1 unit- timer is missing

6 units – suitable for continued service.



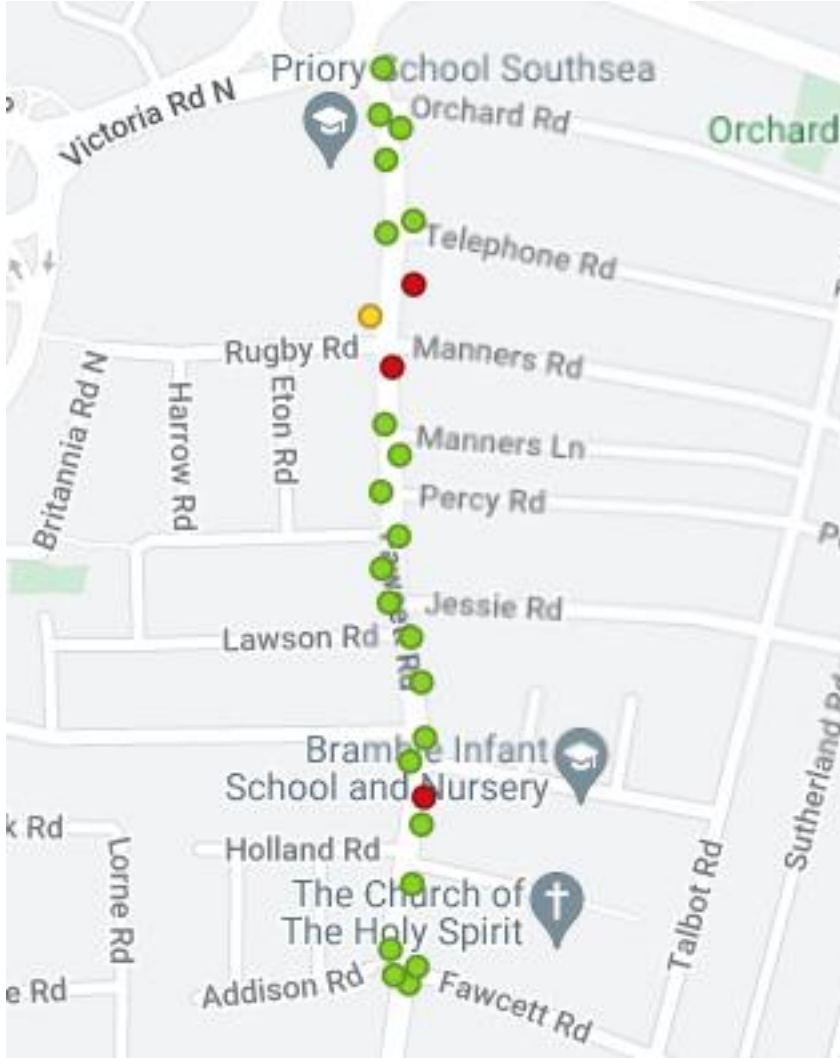
Fratton Road



- 13 units tested
- 5 units – unsuitable for continued service
- 8 units – improvements recommended



Fawcett Road



34 units tested

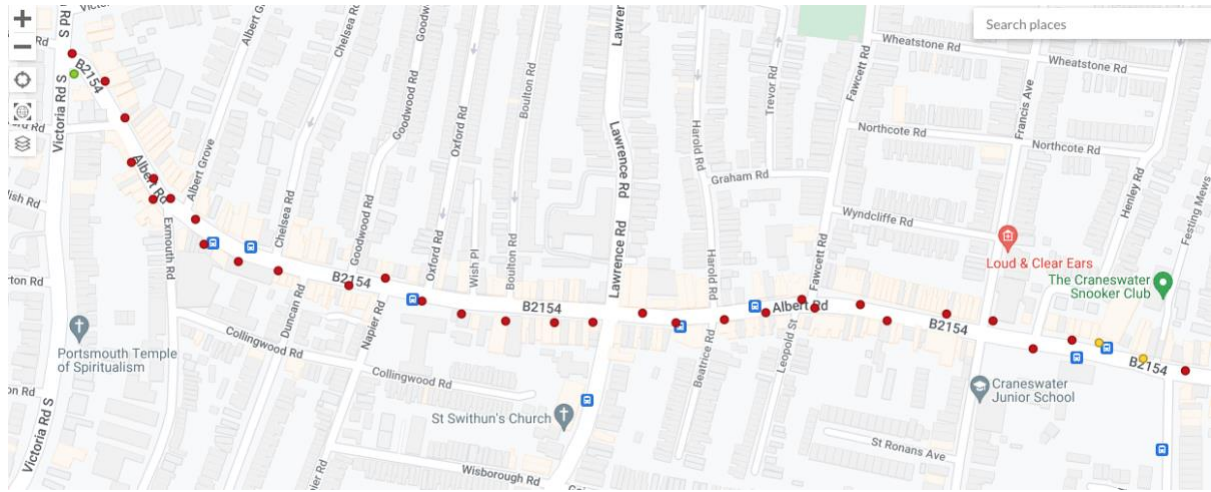
3 units – faulty RCBOs (require replacement)

1 unit – backboard loose

30 units – suitable for continued service



Albert Road



34 units tested

- 1 units suitable for continued service
- 2 units – improvement recommended
- 31 units – unsuitable for continued service



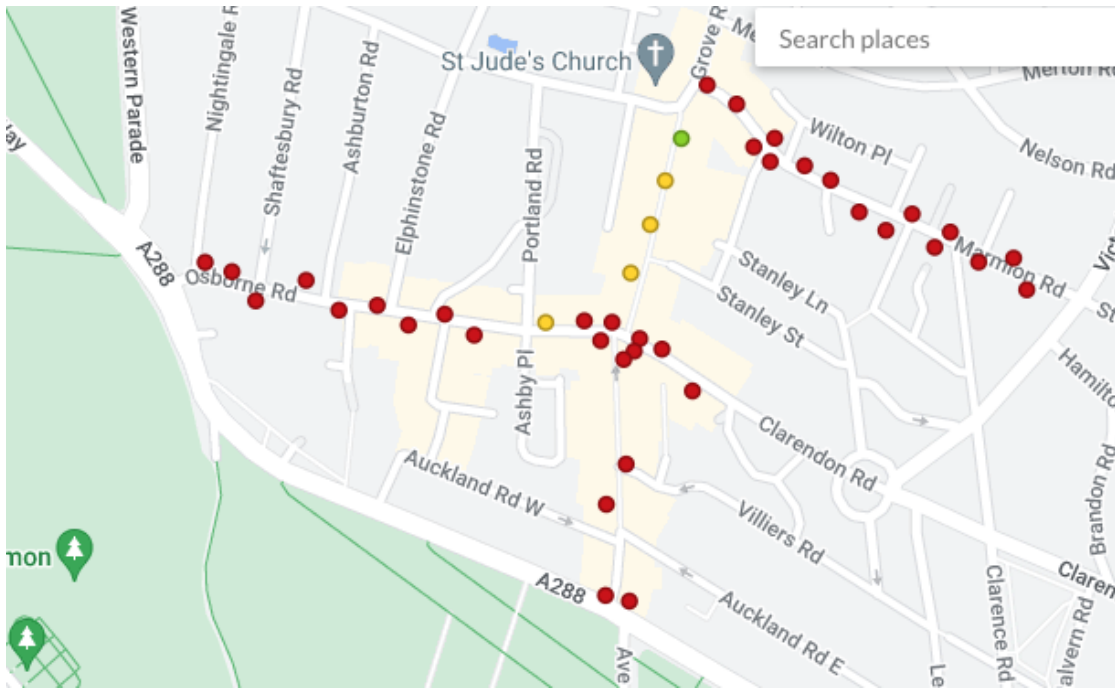
Castle Road



3 units tested
3 units unsuitable for continued service



Southsea



41 units inspected

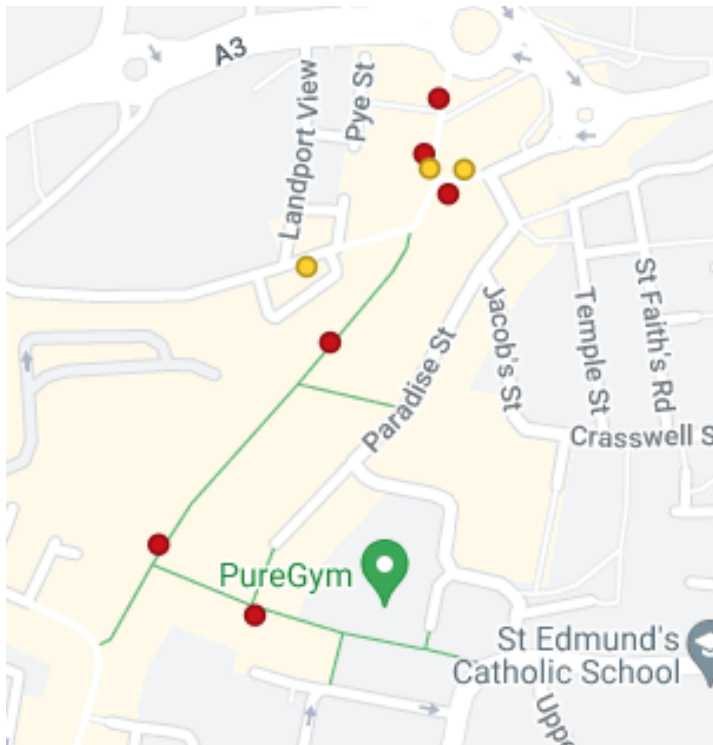
36 units unsuitable for continued service

4 units improvements recommended

1 unit suitable for continued service



Commercial Road



9 units tested

6 units – unsuitable for continued service

3 units – improvements recommended.

3.0 Recommendations

Following the data gathered during the inspection of the infrastructure for this report, it is of the recommendation that all red highlighted reports are immediately addressed.

Budget Costs

Replacement Infrastructure

Replacement festive lighting isolators with new sockets and replacement wiring are £350 - £495 each subject to quantity purchased.

Commercial Road

We would allow between £10 - £15k to install new power supplies throughout commercial road, subject to specification ect.



Disclaimer:

In order to reach its recommendations for compliance with health and safety legislation, SparkX Ltd has applied its experience, backed by innovative technology and published guidance notes. However, it is for our client, as the final arbiter, to decide upon what action (if any) is to be taken concerning these recommendations.

Wellhead Farm
Hale Road
Wendover
Buckinghamshire
HP22 6NJ

sparkx@sparkx.co.uk
www.sparkx.co.uk
01494 956392
Company Number: 5536931
VAT Number: 984134894



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Form name	Integrated Impact Assessment
Reference	IA541218193
Date	22/08/2023



Policy details

Request date	22/08/2023 15:31
Directorate	PCC Regeneration
Service	Economic Development
Title of policy, service, function	Christmas Lights 2023 (Supporting Infrastructure & Christmas Light Provision)
Type of policy, service, function	Existing
What is the aim of your policy, service, function, project or strategy?	Project will carry out essential repairs and upgrades to allow for 2023/24 Christmas Lights provision
Has any consultation been undertaken for this proposal?	no

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

With the above in mind and following data analysis, who is the policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?	the service will equally impact all residents and businesses, positively contributing to the culture and experience of residents, businesses and visitors
--	---

<p>Will any of those groups be affected in a different way to others because of your policy, project, service, function, or strategy?</p>	<p>It is not our belief this disadvantages any groups</p>
<p>If you are directly or indirectly discriminating, how are you going to mitigate the negative impact?</p>	<p>It is not our belief there is direct or indirect discrimination in the provision of lighting</p>
<p>Who have you consulted with or are planning to consult with and what was/will be your consultation methodology?</p>	<p>Existing provision, with emergency repair and upgrade to allow continuation. No formal consultation with members of the public</p>
<p>How are you going to review the policy, service, project or strategy, how often and who will be responsible?</p>	<p>Service remains led by the councillors dependent on funding</p>

Crime - Will it make our city safer?

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>positive environment contribution which we do not believe negatively impacts on any group</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>Service delivery across the city</p>

Housing - will it provide good quality homes?

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>Positive environments across the city, including areas with more social housing, areas of recognised deprivation</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>service delivery across the city</p>

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

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>promote equality and positive mental health delivering general Christmas lights during a period when some households may struggle to provide their own</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>service delivery across the city</p>

Income deprivation and poverty - will it consider income deprivation and reduce poverty?

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>positive environment and contribution towards good mental health delivering general Christmas lights during a period when some households may struggle to provide their own</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>delivery across the city</p>

Carbon emissions - will it reduce carbon emissions?

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?	new lighting will be LED (improved lighting quality) but recognises the use of additional lighting for limited periods (only on during early evening to late evening not over night, turned off during days)
How are you going to measure/check the impact of your proposal?	NA

Energy use - will it reduce energy use?

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?	new lighting will be LED (improved lighting quality) but recognises the use of additional lighting for limited periods (only on during early evening to late evening not over night, turned off during days)
How are you going to measure/check the impact of your proposal?	NA

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

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?	new lighting will be LED (improved lighting quality) but recognises the use of additional lighting for limited periods (only on during early evening to late evening not over night, turned off during days). Minimised for cost saving whilst ensuring residents benefit from shared lighting where individual lighting may be inaccessible
How are you going to measure/check the impact of your proposal?	NA

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

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>LED lighting improves on existing infrastructure but acknowledges that we are unable to move to more sustainability without significant investment</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>NA</p>

Air quality - will it improve air quality?

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>Increased opportunity for residents within the city and local area</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>NA</p>

Transport - will it make transport more sustainable and safer for the whole community?

<p>This section is not applicable to my policy</p>	<p><input checked="" type="checkbox"/></p>
---	--

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

This section is not applicable to my policy	<input checked="" type="checkbox"/>
---	-------------------------------------

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

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?	Improved provision across the city providing local lights and seasonal celebration to support city pride
How are you going to measure/check the impact of your proposal?	NA

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

This section is not applicable to my policy	<input checked="" type="checkbox"/>
---	-------------------------------------

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

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?	Supports local businesses - particularly small businesses encourages footfall in our main city centres and districts through positive lighting
How are you going to measure/check the impact of your proposal?	Springboard footfall counting in key areas

Social value

This section is not applicable to my policy	<input checked="" type="checkbox"/>
--	-------------------------------------

Involvement

Who was involved in the Integrated impact assessment?	Ian Maguire - Assistant Director for Planning and Economic Development Rebecca Alexander - Places and Markets Manager
Name of the person completing this form	Jane Lamer
Date of completion	2023-08-22

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Agenda Item 6



Title of meeting: Cabinet

Date of meeting: 5 September 2023

Subject: Lease of open space at King George V Playing Field

Report by: 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 Cabinet on the outcome of the formal advertising of the council's intention to lease land at King George V Playing Field to an operator.

2. Recommendations

- 2.1 That Cabinet consider the outcome of the consultation exercise and delegate authority to the Director of Culture, Leisure and Regulatory Services to grant a lease to the preferred operator upon consultation with PCC Legal Services and Property Team, once the final terms are agreed.

3. Background

- 3.1 The Cabinet report dated 21 June 2022 informed Cabinet that the land to be leased to the preferred operator of the newly constructed King George V Football Complex is currently classed as open space land for the purposes of recreation (Open Spaces Act 1906).
- 3.2 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.
- 3.3 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. Cabinet was recommended to authorise the carrying out of such advertisement and consultation process. The Legal comments within the 21 June 2022 report advised that Cabinet should be further updated on the outcome of the consultation exercise, with details of any objections raised.

- 3.4 In compliance of the Local Government Act 1972 Section 123, a Notice of intended disposal of land was placed in The News for 2 consecutive weeks on 12 and 19 July 2023 and also displayed on the city council's website.
- 3.5 The Notice references the extent of land that is proposed to be included within the lease and that is currently under construction to create two new artificial grass pitches, a new pavilion and revised car park facilities. A lease of this land will enable the appointed operator to operate the pitches and pavilion, that will serve as a community facility. The lease is proposed to run for up to 15 years from 1 July 2024, plus the months between actual completion (expected to be December 2023) and 1 July 2024.
- 3.6 The Notice also references the land laid out as grass pitches on the site where a licence is proposed to be granted to run in tandem with the lease. With the exception of when booked football matches are taking place, the grass pitches and surrounding open space will remain publicly accessible for community use and events.
- 3.7 The deadline for all objections was the 26 July 2023. The Parks Development Manager received one email in response to the advertised Notice. This was not an objection to the proposed disposal of land, but an expression of interest in the site as operator and who was advised of the advertised procurement process that had been concluded.
- 3.8 In conclusion of the advertised procurement, Hampshire Football Association has been identified as the preferred operator and the city council is currently working to confirm this appointment. Hampshire Football Association also operate the Front Lawn Community Hub in Havant, Stoneham Football Complex in Eastleigh and Winklebury Football Complex in Basingstoke.
- 3.9 Hampshire Football Association has commenced early engagement with local football clubs to refine local community club needs and develop the usage plan for the site. Their appointment at this stage of the development will also enable valuable input into the design and finish of the pavilion.
- 3.10 The pavilion is scheduled to be complete in November 2023, with operator mobilisation and soft-opening taking place in December and for the facility to be fully operational in January 2024. The city council and Hampshire Football Association are looking into whether there is opportunity to utilise the AGPs in some form in advance of the full facility being open.

4. Reasons for recommendations

- 4.1 The advertised Notice has not resulted in any objections to the proposed disposal of open space land.



4.2 The King George V Football Complex is a priority project for the organisation and it is important the authority is in a position to progress the formal appointment of the preferred operator swiftly.

5. Integrated impact assessment

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

6. Legal implications

6.1 As the advertised Notice has not resulted in any objections to the proposed disposal of open space land the council may now proceed to agreed final terms for the lease and to grant it.

7. Director of Finance's comments

7.1 There are no specific financial implications arising from the content of this report. The development of the new football facility is fully funded from a mixture of Council resources and external contributions. The operation of the facilities under the lease by the preferred operator is expected to be at no revenue cost to the Council.

.....
Signed by:

Appendices:

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

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

Title of document	Location
Cabinet Report - King George V Playing Fields Development (21 June 2022)	https://democracy.portsmouth.gov.uk/documents/s38807/KGV%20Cabinet%20report.pdf

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

.....
Signed by:

Appendices:

Appendix A - Notice of Intended Disposal of Land

APPENDIX A:

**LOCAL GOVERNMENT ACT 1972 SECTION 123
NOTICE OF INTENDED DISPOSAL OF LAND**

Notice is hereby given under section 123 (1) (2A) of the Local Government Act 1972 that Portsmouth City Council intends to grant a lease of open space. The extent of the land is shown edged in red on plan number **KGV/03/NOS1** ("the Plan") and it forms part of the King George V Playing Fields Cosham Portsmouth PO6 3TE ("the Land").

It is intended to develop the Land to create new artificial grass pitches and a pavilion with facilities for users of the pitches. A Lease would be granted to an operator of the area edged red on the Plan, when the development is completed so that the operator can operate the pitches and pavilion.

The Lease would provide as follows:

1. rent of a peppercorn; and
2. run for 15 years and 6/7 months assuming occupation commences in Dec 2023/Jan 2024.

A licence would also be granted to run in tandem with the Lease of the pitches edged in green on the Plan. The pitches will remain accessible to the public save for when football matches are being played on them.

This is a formal notice given insofar as the Land consists of open space within the meaning of section 123 (1) (2A) of the Local Government Act 1972, being land laid out used for the purpose of public recreation.

Plan number KGV/03/NOS1 may be inspected free of charge during normal office hours, Monday to Friday inclusive (bank and other public holidays excluded), in reception at the Civic Offices, Guildhall Square, Portsmouth PO1 2AL.

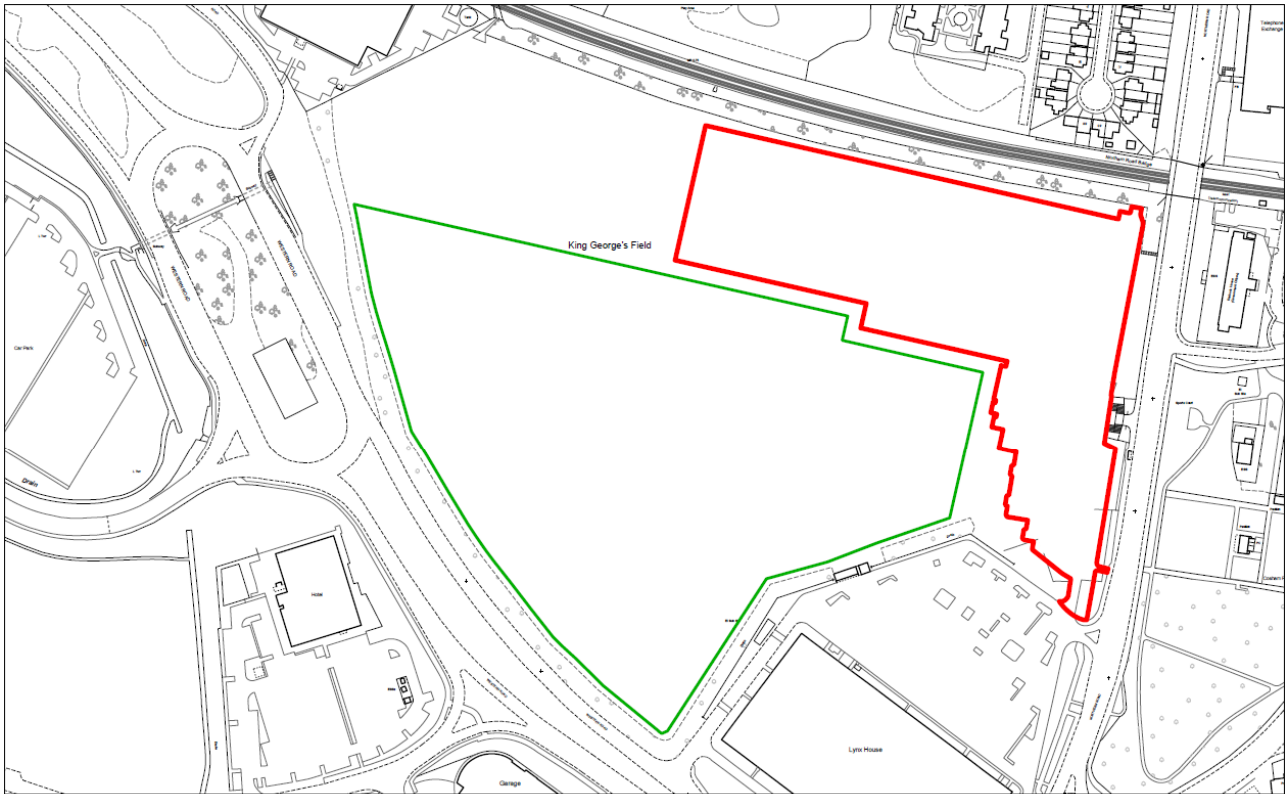
This Notice and the Plan are also available on the Council's website via the following link:

<https://www.portsmouth.gov.uk/services/development-and-planning/notice-of-intended-disposal-king-george-v-playing-fields/>

If you are unable to visit the Civic Offices and do not have internet access, please telephone Victoria Stevens-Hicks on 023 9243 7953 who will post a copy to you.

Any person who objects to the proposed disposal of the above mentioned Land should notify Adrian Rozier Parks Development Manager of Civic Offices, Guildhall Square, Portsmouth PO1 2AL, of the said objection by writing or by email (Adrian.Rozier@portsmouthcc.gov.uk) by 12 noon on 26th July 2023.

PLAN KGV/03/NOS1



**KING GEORGE V PLAYING FIELD, COSHAM
OPEN SPACE NOTICE PLAN**



Scale : 1 : 2500 @ A4

Created : 9 June 2023

Dwg. No. : KGV/03/NOS1

Revised :



www.portsmouth.gov.uk

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Agenda Item 7



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet
Date of meeting:	5 th September 2023
Subject:	Portsmouth City Council's strategic relationship with The HIVE Portsmouth
Report by:	Stephen Baily, Director of Culture, Leisure and Regulatory Services
Wards affected:	All
Key decision:	/No
Full Council decision:	/No

1. Purpose of report

- 1.1 To support the development of a new strategic partnership which builds on the HIVE Portsmouth's work to date.

2. Recommendations

- 2.1 It is recommended that Cabinet:
- i. Note with appreciation the contribution that HIVE Portsmouth made to the city during the pandemic;
 - ii. Note the renewed focus of HIVE Portsmouth in the post-pandemic environment and the range of activity underway; and
 - iii. Approve the Memorandum of Understanding between PCC and HIVE Portsmouth as the basis for a future strategic partnership agreement.

3. Background

- 3.1 HIVE Portsmouth aims to work in partnership across Portsmouth with voluntary, private, and public sector colleagues. It works with local people, groups and organisations in a way that recognises and nurtures the strengths of individuals, families and communities and helps to build independence and self-reliance as an alternative to a reliance on traditional services.
- 3.2 HIVE Portsmouth connects people and organisations to share, support and learn in order to meet the needs of individuals and are committed to working together with the objective of building a happier, healthier, and more connected city.

- 3.3 HIVE Portsmouth is a Registered Charity (1189067) and a Company limited by guarantee (12064936). The Registered office of the HIVE Portsmouth is at the Central Library, which was chosen as an informal, safe place for the community. It is also the organisation's main physical point of contact.
- 3.4 The development of HIVE Portsmouth was community led, with the local authority responding to requests from the voluntary and community sector to facilitate the creation of a strategic partnership that would bring the sector together with key commissioners in the local authority and NHS. The sector had identified that there was a weakness in their relationships with PCC and other statutory commissioners, and that the overarching 'funding system' - often based on competitive bidding - created division rather than collaboration.
- 3.5 Following a series of facilitated workshops, and the subsequent establishment of an alliance of organisations to bring forward a new way of working, HIVE Portsmouth launched in December 2018 and was incorporated as a company limited by guarantee on 24 June 2019. The HIVE Portsmouth's Board is made up of representatives from the VCSE sector and other organisations in the city. The Board is chaired by the Reverend Canon Bob White, the Vicar of St Marys Church.
- 3.6 In December 2019 HIVE Portsmouth became a strategic partner of the Portsmouth Multi-speciality Community Provider (MCP) Programme, which evolved into the Portsmouth Providers Programme Partnership, ensuring representation at discussions looking at how innovation can drive solutions to challenges in the local health and care landscape. In March 2021 HIVE Portsmouth also became partners in the Civic Partnership agreement with the University of Portsmouth, the council and others.
- 3.7 The onset of the Covid-19 pandemic and its effects clearly altered priorities for many organisations, and HIVE Portsmouth quickly mobilised as a delivery organisation that was instrumental in Portsmouth's pandemic response. HIVE Portsmouth provided critical support to residents, co-ordinated volunteers, assisted with delivery of the vaccination programme, shopping for isolating and vulnerable people, and delivering medication. The HIVE Portsmouth coordinated 15,200 welfare calls to all of the people who were shielding, undertaken by the wider voluntary and community sector, the CCG, the Community Helpdesk, the Independent and Wellbeing Team and Public Health. The organisation received 7,860 calls with queries related to shielding, and 387 professional referrals for support were received. Initially national processes for supporting people who were shielding were insufficient and food delivery slots were difficult to obtain. At the peak the HIVE Portsmouth facilitated the delivery of over 500 food parcels a week, with 3,010 food parcels were delivered during the first lockdown. The organisation facilitated distribution of food donations from a variety of organisations, with 97 businesses across the city contributing food, essentials, and activity packs. HIVE Portsmouth also supported people who were shielding with obtaining medicine. Over 4,500 prescriptions were delivered, with over 500 per week at the peak. As lockdown continued needs changed from food and prescriptions to activity and

distraction. The HIVE Portsmouth worked with PCC Libraries, distributed activity packs produced by Portsmouth Creates, and helped gardening and dog walking.

3.8 HIVE Portsmouth was a huge asset to the city in the unprecedented period of the pandemic, and enabled many people to receive support that might otherwise have struggled. There were vital lessons that emerged that will be critical to reflect in the future working, as the HIVE Portsmouth returns to its original core purpose as a strategic partner on behalf of the city's voluntary and community sector. In particular:

- Established and trusted relationships helped facilitate collaborative working.
- There is a need to listen to and empower staff on the front line - when given the freedom to work together on an equal partner basis, organisations can collaboratively bring the knowledge, experience, and passion to provide the right responses and deliver the right outcomes for people.
- Clearly structured processes and procedures facilitate collaborative working.
- On an overarching level, The HIVE Portsmouth recognised the need to keep talking, learning, and communicating.

4. HIVE Portsmouth in the post-pandemic environment

4.1 The impact of the Covid-19 is likely to last a significant amount of time, in terms of physical and mental health and wellbeing of residents, and the economic impact. It would not be unreasonable to suggest that this timeframe may run into decades.

4.2 The recovery trajectory of the city and its residents has also been altered by the cost of living crisis, where a series of wider economic shocks have created significant impact on day to day living costs for residents, as rents and mortgages rise, food costs increase, and energy bills absorb larger shares of household incomes. In a city such as Portsmouth, with high levels of deprivation, many individuals and families have struggled significantly, and have needed to rely on sources of support including food banks.

4.3 In this environment, HIVE Portsmouth has been working to deliver a series of projects that will contribute to the delivery of the wider vision for the city in the medium to long term, by fostering a vibrant voluntary and community sector as well as providing much-needed support for residents in the immediate period. A new Chief Executive Officer, Lorna Reavley, joined the HIVE Portsmouth in June 2022 to lead the next phase of HIVE Portsmouth development. She brings extensive experience in the health and social care, higher education, and voluntary sectors.

4.4 The HIVE Portsmouth refreshed their strategic goals in 2022 following the pandemic and in line with the new Health and Wellbeing Strategy for the city:

- We work as a cooperative of people and organisations to improve the health and well-being of the people of Portsmouth.

- We work with individuals, voluntary and community organisations and social enterprises to support and develop the sector within the city.
 - We enable and support social action on the issues that people face in Portsmouth.
 - We work innovatively to respond to changes so that people have flexibility and choice about activities and services in their city.
- 4.5 The HIVE Portsmouth Trustee Board are now finalising a medium-term strategic plan to deliver on these objectives. Financial sustainability and securing ongoing funding is a key priority for the future.
- 4.6 HIVE Portsmouth receive core funding from the Integrated Care Board (via the Better Care Fund) to fund key staff posts and infrastructure costs. This has been confirmed as £109,000 for the 2023/24 financial year. Development discussions are being held regarding future funding, of which we will advise members at a future date. Portsmouth City Council support the HIVE Portsmouth with contributions in kind of £166k of staff who work on HIVE Portsmouth projects and space in the central library for the main office (foregoing a potential market income of around £55,000). There are also two members of staff from PCC staffing the Community helpdesk. One of these posts is due to end in November 2023 as backfill funds cease. It is important that value for money can be demonstrated from the level of investment.
- 4.7 It is also important that the projects delivered are clearly tailored to the needs of the city. During the pandemic The HIVE Portsmouth introduced a CRM (customer relationship management) model. This has enabled the interactions with the HIVE Portsmouth from visits, calls and emails to be captured and used as intelligence. Analysis has shown that:
- There is a continued need to work with our diverse groups to ensure representation and support.
 - Mental health is an increasing issue - most contacts across the sector are becoming increasingly complex and have some kind of mental health element.
 - Financial concerns are a major issue for many people, as evidenced by the number of people experiencing unemployment, applying for benefits and the demand experienced by foodbanks, uniform requests, white goods and community pantries.
 - Isolation is a running theme and has affected everyone at some point, and the lockdown is having a lasting effect.
- 4.8 Direct feedback has been received from organisations in the city reporting that mental health is a key concern. Counselling services are overwhelmed, and many organisations and individuals are experiencing fatigue themselves. Voluntary organisations in the city have also reported that they have been seeing new cohorts of clients who would not normally have needed support prior to the pandemic.

- 4.9 In response to this intelligence, HIVE Portsmouth are collaborating on projects enhancing mental health support; working with diverse groups, building capacity and resilience in local community led groups and organisations (including extension of the pantry scheme), supporting young people around inclusion, and working with the older adult population around ageing healthily and avoiding admissions to hospital. A summary of project areas is attached as Appendix 1.
- 4.10 HIVE Portsmouth are also continuing to support the wider VCSE resilience by providing governance, bid writing, training and voice, as well as wider resources. In early 2021, HIVE Portsmouth was approached by BAE Systems to submit a proposal to their scheme making use of the company's share forfeitures. HIVE Portsmouth submitted a collaborative model proposal, aimed at strengthening relationship and investing in communities. The proposal reflected the fact that multiple organisations in the city are struggling to find a space, and some have been forced to close premises. Others are hindered by a lack of meeting spaces for their client groups, and a lack or loss of back-office space. The model was based on the ability to offer low-cost space rentals, so that the limited funds available to charities could be targeted at need rather than running costs.
- 4.11 The proposal was successful in attracting funding from BAE, who awarded HIVE Portsmouth a grant to support the development of a Hub within the city to promote and sustain a resilient and vibrant VCSE. HIVE Portsmouth Hub, situated in the Aggie Weston building on Edinburgh Road is now open, and has welcomed its first members. This will enable VCSE organisations to share facilities, reduce costs and collaborate on projects. The search for a suitable hub in the North of the City will continue.
- 5. Portsmouth City Council's ongoing relationship with HIVE Portsmouth**
- 5.1 PCC's support for the HIVE Portsmouth delivers across a wide range of the aspirations expressed in the shared city vision, Imagine Portsmouth, and PCC's corporate plan.
- 5.2 PCC's organisational relationship with the HIVE Portsmouth is overseen by the Leader of the Council. The Director of Culture, Leisure, and Regulatory Services (CLRS) is a direct link with HIVE Portsmouth both via the embedded staff team and with the HIVE Board of Trustees.
- 5.3 A nominated senior officer on behalf of the director attends HIVE Board meetings and meets with the Chair to discuss matters arising and progress on shared initiatives. The Director of CLRS also updates relevant portfolio holder monthly, including performance reports, and liaises with PCC & HIVE Portsmouth management on opportunities for partnership working.
- 5.4 Partnership meetings are held twice each year with the Director of CLRS, HIVE Portsmouth PCC Business Development and Projects Manager, the relevant Portfolio Holder, the HIVE Portsmouth Chair and Vice-Chair and the HIVE Portsmouth CEO.

- 5.5 The HIVE Portsmouth PCC Business Development and Projects Manager manages all requests from PCC for new work, manages partnership projects and facilitates meetings between PCC and the HIVE Portsmouth on operational matters.
- 5.6 The HIVE Portsmouth reports on a range of KPIs on a quarterly basis. These are under review, but the suite of measures currently used is attached as Appendix 2.
- 5.7 The Council agreed a Memorandum of Understanding with HIVE Portsmouth in March 2020, which allowed it to partner with all directorates across PCC. The MOU was originally to have been brought to a Cabinet Meeting on 1 April 2020, which was cancelled due to the Covid-19 pandemic. The MOU was subject to an urgent decision by the Chief Executive, which was later confirmed at a Cabinet meeting on 14 July 2020.
- 5.8 The MoU has now been updated to reflect the ongoing working relationship with HIVE Portsmouth, and PCC. Discussions are being held with HIWICB, regarding our ongoing working relationship and a supplementary paper regarding this will be brought forward at a later date. The revised document is attached as Appendix 3, and it is recommended that this is adopted by Portsmouth City Council. Over 2023/24, work will take place between our organisations to evolve the MoU into a formal strategic partnership agreement.

6. Reasons for recommendations

- 6.1 The original agreement between PCC and The HIVE Portsmouth was two years old in April 2022. As this was agreed in the initial stages of the Covid-19 pandemic, a new agreement was agreed for a twelve-month extension until April 2023, but there is a need to work towards a longer-term agreement now.
- 6.2 As an authority we need to continue to work with HIVE Portsmouth to collaborate on and address a range of issues in line with the Imagine Portsmouth city vision. As an independent organisation with a successful track record, HIVE Portsmouth will also be able to attract funds in a way in which PCC as a local authority might not, which is a benefit to the city.
- 6.3 One of HIVE Portsmouth's key strengths is its ability to make links and connections. There are many groups in the city trying to support people covering a wide range of service areas, but a lack of connectivity can lead to gaps and duplications, and in turn less effective services and outcomes for residents and communities.

7. Integrated impact assessment

Attached.



8. Legal implications

Legal will review the draft MOU and provide advice duly prior to any commitment or agreement.

9. Director of Finance's comments

Current financial support and resources to the Hive are outlined in paragraph 4.6.

There are no direct financial implications arising from the recommendations in this report.

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

Appendices:

- Appendix 1 - Summary of current HIVE Portsmouth activity
- Appendix 2 - HIVE Portsmouth KPIs
- Appendix 3 - Memorandum of Understanding

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:
Leader

Appendix 1 - Summary of HIVE Portsmouth Activity

Theme: Mental Health

HIVE Portsmouth is leading a series of projects to:

- set up an independent expert panel including service users, those with lived experience, experts by experience, carers and VCSE sector.
- identify people who will benefit from the service redesign and their carers and invite them to be part of the panel /network.
- provide ongoing support to experts ensuring individuals are trained and equipped to carry out the tasks asked of them.
- develop a mental health network of local VCSE partners, this network will contribute and will help facilitate involvement of experts by experience.

These include:

- **16-25 Young Person's Mental Health** - Promotion of the "You are not alone" campaign continues to be shared and promoted in the city. The engagement has now started to get the opinions of young people on the ideas generated from the workshops and survey.
- **Adult Mental Health 18 –65** - Supported with the induction of the Portsmouth Mental Health Hub staff. Supporting with interviews for the outstanding roles for the hub. Communications being shared for the hub as directed by the teams.
- **Older Persons Mental Health 65+** - Beginning the engagement with older people who are or have accessed older persons mental health services. OPMH staff are booked to spend some time at HIVE Portsmouth to work together on this piece of work,
- **Personality Disorder Pathway** - The third workshop has been confirmed for Tuesday 23 May and invites will be sent out in early April.
- **SMI (Serious Mental Illness) Physical Health Checks** - There have been several meetings and outreach visits to engage with people with SMI

Theme - Disability

During COVID Portsmouth Disability Forum had to close the charity and sell the charity's building. The proceeds from the selling of the building were donated to HIVE Portsmouth for them to carry on the work that PDF could no longer continue.



The establishment of a disability advisory group is the start of that continuation of that work. The panel is a mixture of people with a physical disabilities and people with a sensory impairment as these groups are not well supported in the city.

The initial disability panel meeting was in March 9 people attended this meeting. Some initial decisions were made.

Broadly the areas of work people wanted the Group to focus on are:

- Supporting disabled people and their family, friends, or neighbours to **take action on local access issues in their own neighbourhood.**
- **Employment for disabled people** – in particular making contact and working with local employers to help them become more confident about recruiting and retaining disabled people.
- **Access to transport in Portsmouth** – for example, we talked about how difficult it can be to find taxis in Portsmouth that are fully wheelchair accessible and are available during the times disabled people want to travel.
- **Healthcare** – in particular how disabled people still experience services that do not seem to be ready and able to accommodate their particular disability or their carer's needs; we talked about working with our local NHS services to see what can be done.

It was agreed that the Advisory Group would be the core group, with a membership of around 12 disabled people at any one time. It will be chaired by disabled people and would decide the priorities for the rest of the work. The Group will meet quarterly – with working groups, actions and communications happening in between these meetings.

A large number of organisations and other charities come forward to support the Advisory Group, so there will also be a regular session for a network of supporters. The Advisory Group will work with them as partners, keep them informed about the work, learn from their experience and also ask them to consider getting involved in the work groups.

The group are currently working on:

- Establishing contact with the City Council to raise the issue of transport and taxi access in the city.
- Beach and seafront access in Southsea and along Langstone Harbour
- New leisure developments in Milton
- Access to NHS rehabilitation services for people coming out of hospital.
- Accessibility in Milton allotments



The HIVE Portsmouth supported Dynamite, a team of young people, aged between 14 and 25, who all have special educational needs or disabilities (SEND) They act as a link between those who commission and run services for young people in Portsmouth and services users and work to ensure that young people with SEND are listened to and have a voice in how services are shaped and delivered locally.

Dynamite young inspectors visit services to evaluate how accessible they are for those with a variety of needs and report back to both the commissioners and venues. Dynamite surveys young people to discover what changes they want to see, holds training days which emphasise to potential employers the value of employing someone with SEND and attends meetings with decision makers to ensure that the needs of those with SEND are considered when services are commissioned.

The new Abilities for Life group for over 25s is now up and running and meeting in Cosham on a weekly basis. Some older members now attend this group, and recruitment from the colleges and through online advertising is ongoing. In general, the group is working well together as a co-production, inspection, campaigning group.

The HIVE Portsmouth supported MAKE, a local VCSE organisation working under the umbrella of the Aldingbourne Trust, to deliver this service until June 2023 when this was successfully transitioned to MAKE directly.

Portsmouth Parent Voice

Portsmouth Parent Voice (PPV) is a team made up of local parents and carers of children and young people with special educational needs and disabilities.

Shaping Better Futures Together has completed work on a new app for children with neurodiversity to be able to access education more easily. Information leaflets about caring for young people with feeding tubes have been created and communication boards designed to make leisure centres more accessible.

The Neurodiversity in Schools (NDiS). Learning walks have taken place in five of the six new schools for the second year of the project. All 5 of those schools have their parent hub set up. One has taken place and was very successful, with the other four taking place next month. Schools from the first year who have completed their part of the project are being offered continuing support with their hubs.

PPV hosted a **coproduction workshop for leisure providers** across Southampton, Portsmouth, Isle of Wight and Hampshire. Parent Carer Forums from across the areas attended or fed back views and work continues to make leisure centres **more inclusive** for young people with disabilities.

It was noted in a SEND inspection that Portsmouth's **post 16 offer needs improvement**. A workshop was held with professionals, parent carers and young people to provide feedback on how transition to college has worked previously and what needs to change.

PPV will continue to coproduce this alongside the council.

Neurodiversity support groups and CAMHS drop ins are now supporting around 25 parent/carers each month.

Theme - Cost of Living support

Community pantries

The HIVE Portsmouth is working with local communities to identify the need for and support the set up of local pantries to alleviate issues around food insecurity in the city. Pantries go beyond the food bank model, creating a sustainable and long-term solution to food poverty. Members pay a small weekly fee, typically £4.50 although Your Local Pantry are urging their members to raise the weekly fee to £5, for which they can choose at least ten items of food each week, along with additional opportunities of volunteering and training. The HIVE Portsmouth help connect local volunteers who wish to be part of the pantry, support them in the process of becoming a constituted group and with the application to the Your Local Pantry or Larder models of working. The HIVE support the groups to identify appropriate sites for the pantry and connect with local businesses who are willing to complete the fit out of the pantry location and donate shelving, fridges, freezers and other equipment needed to open.

Pantries are open in Cosham, North End, Southsea, Portsea, Landport, Baffins, and Paulsgrove. Many are operating successfully, but there are issues with sustainable sources of donations. The HIVE Portsmouth also supports with the distribution of funding to the pantries and other food providers across the city.

Three other pantries are also planned (Somerstown, Hilsea and Fratton), with HIVE Portsmouth offering advice where needed.

School uniform - The Uniform shop has continued to play a large part in supporting families linking with schools and social workers and other organisations.

The team have been tracking the types of uniform requested to support forecasting future needs and trends in requirements. This has shown requests for branded blazers, PE Uniform, and more standard uniform items such as Summer Dresses, school trousers and white polo shirts.

The school engagement work has been focused on mapping any preloved stores within schools while developing pathways for the donations of any excess or unclaimed uniform. It has also allowed the team to see the impact on individual children. The reporting of case studies has demonstrated the impact school uniform can have on an individual child.

With a number of children supported by the uniform shop are having to start at a new school at short notice, having the correct uniform supports integration into a new school. Local partners such as the Roberts Centre and the Royal Beach Hotel began to request batch orders for the families they are supporting.



Over the past 6 months the uniform sharestore has supported 324 families and 483 children. In the year 22-23 1081 families with 1545 children were in receipt of uniform. An event was held in July to promote the offer before summer school holiday period started. The HIVE Portsmouth also works with Kids clothesline and parenting network making and supporting referrals to these agencies when appropriate.

Cost of Living summit - A follow up Cost of Living event was convened by Portsmouth City Council in February 2023, with the HIVE Portsmouth organising and Father Bob hosting an hour of the event with presentations from 3 different VCSE organisations on the impact on their organisations, staff, and beneficiaries. Craig from Runr also talked about the social action campaign he is developing alongside Simon from Anglepoise which HIVE Portsmouth is supporting, to encourage businesses in the city to support food banks and pantries. This was very well received.

THEME - SOCIAL INCLUSION

Digital inclusion - This project was set up to provide devices and data to organisations and residents to access online services and become digitally active, either through the loan of a device through a partner organisation or facilitating the request for a device donation from the Shaping Portsmouth Bridging the Digital Divide project. Moving out of Covid, the project is focusing less on the digital loans library and more on providing training for digital champions and improving access in community settings to digital devices. Any site issued with a device will be expected to have a staff member or volunteer who has completed the free online digital champion training.

The Health / Access Kiosks are available at the Central Library and Citizens Advice Portsmouth. 2 additional kiosks are about to be installed at the new Spark Community Café. Drop-in sessions are held in the Library once a month with volunteers from Citizens Advice Portsmouth and Age UK Portsmouth and the HIVE Portsmouth have also supported GP surgeries in the city to encourage patients to set up and access their online services. The project is also exploring how our homeless residents can remain connected with free data and devices provided from the Society of St. James, Two Saints and City of Sanctuary.

THEME - SECTOR SUPPORT

Portsmouth Lottery - The Portsmouth Community Lottery has continued to offer an alternative funding source for groups across the city with stable numbers for both number of players and ticket sales. Regular social media posting has been embedded into the wider social media calendar.

Within the team, efforts have been made to ensure that internal controls and revised



processes. In 2022/23 regular panels were convened to award the community grants element of the Portsmouth Community Lottery. The application process and guidelines are now publicised on the HIVE Portsmouth website.

Volunteer recruitment/support/training - Together in HIVE Portsmouth continue to promote volunteer opportunities across the city, and have several current projects:

- **School reading volunteers** - For the last year the HIVE Portsmouth has supported Portsmouth children with their reading by supplying some Portsmouth schools with volunteers - recruiting, training, and supporting the volunteers. 20 volunteers have been placed in Portsmouth schools to help with the knock-on effect of covid on children's reading. , equating to 439 volunteer hours across the schools worth £8,780
- **Be there for Care** - 91 volunteer placements supporting Portsmouth Care homes and another 100 in the process. This includes 54 befrienders and 4 care hone gardeners.
- **Adult social care** - In the past year HIVE Portsmouth have started taking referrals from adult social care, to support their socially isolated clients that need support accessing the community through befrienders.
- **Digital Buddies** - HIVE Portsmouth is recruiting digital buddies to promote digital inclusion and provide a 1 to 1 support for residents with any IT problems.
- **One off events/volunteers** - We recruit a bank of one-off volunteers to support charities, organisations and council with any events. A total of 458 hours of volunteer support have been provided in the last year.
- **Bank of emergency volunteers** -a bank of 1,985 emergency response volunteers
- **Brokerage service** - HIVE Portsmouth now offers a more in-depth free brokerage service where volunteers are criteria checked to see if they match the volunteer opportunity they are applying for. This saves searching organisations time and money.

In the year 22- 23 HIVE Portsmouth placed 1039 volunteers with roles in groups and organisations, have received and managed 2519 volunteer enquiries, have advertised 244 volunteer opportunities, and currently hold details of 5,874 active volunteers on system.

Social enterprise development - HIVE Portsmouth continue to support new social enterprises in the City with governance, policy, and funding information. Many new organisations are attending the HIVE Portsmouth CaN networking meetings and engaging with other VCSE sector organisations, leading to potential partnership working as well as general awareness of services available.



New individuals approaching HIVE Portsmouth for start-up support continue at post pandemic levels; there seems to be more awareness about the Community Interest Company structure leading to more specific requests for support with applications to Companies House. Previously there was more interest in applying to the Charity Commission for CIO status and the preferred choice was to register as a charity. HIVE Portsmouth are now seeing more people asking about CIC status and support for application. HIVE Portsmouth provide a guidance sheet with relevant links and some people are able to take this and apply individually.

Community groups and smaller organisations still tend towards Charity Commission applications and although this is a longer and more complex process, there are groups that embark on the application.

HIVE Portsmouth are seeing an increase in requests for support for existing directors/trustees of social enterprises and VCSE groups and are working on the best way to support governance in the sector.

Support and development for the VCSE

Grant/Funding Support - Demand for the bid writing support has grown. To promote the support on offer and package it to the sector the bid writing offer infographic was developed. This is now sent out to the sector and there are regular posts on social media.

Dependent on the requested support, the team can then develop a bidding strategy and a pipeline of applications for each organisation. For example, the team worked with a new community organisation in the City to gain their charity status in 2019, subsequently they were invited to apply to the Transformation Fund but needed support in completing the application and compiling the relevant supporting documents. HIVE Portsmouth guided the applicant with the type of information and evidence of need required, along with a staffing structure and a three-year funding plan. This allowed them to make the initial submission and gain further support from the Transformation team.

An objective of the team has been to develop stronger links with funders, to be able to advocate for the VCSE sector, ask questions and confirm at an early stage an ideas eligibility for a specific funder. This ensures the team's ability to continually improve the advice given to organisations and broaden the organisational knowledge of the ever-changing funding landscape.

The team make good use of the Grantfinder funding portal and as groups come to use looking for funding, the team can run a personalised search, advising the group of funders that would be relevant to their needs. On average, HIVE Portsmouth run 6-8 funding searches a week and notify the wider sector of new funds coming online that are of interest. If a targeted fund is announced, relevant groups are notified.



HIVE Portsmouth will also be providing a **Children and Young People VCS Development Role**, to ensure that the voluntary and community sector in the city can support developments including the new Family Hubs and Start for Life programme. The postholder will focus on increasing sector capacity and developing a clear and effective co-production strategy.

The ambitions for the work are to see vulnerable families thrive, building their resilience by providing effective, whole family support to help prevent escalation into statutory services; and to drive system change locally and nationally, working with local authorities and their partners to create joined up local services, able to identify families in need, provide the right support at the right time, and track their outcomes in the long term.

The **Wellbeing Collective** is a pilot project which aims to avoid unnecessary hospital admissions and additional pressures on health services by working collectively with HIVE Portsmouth, the British Red Cross and the Salvation Army.

In the six months between July and December 2022, the project received 250 referrals with 87% being for residents aged 65+. 90% of those referred to the project were still at home at the point of discharge. The pilot has been extended for a second year and two organisations, Age UK Portsmouth and the Good Gym, have recently been awarded funding to build capacity in the city for this project.

THEME - INFORMATION, ADVICE AND GUIDANCE

Community Helpdesk - The community helpdesk is receiving a large number of enquiries from residents, face to face over the telephone and by email. In the last quarter this has averaged at 32 contacts per day. The last few months have seen a rise in enquiries from residents seeking support relating to the increased cost of living including white goods help with utilities and food.

HIVE Portsmouth work closely with partner agencies and can refer clients seeing support onwards to organisations such as advice Portsmouth, CAP, Baby bank, MOPP and others. The team keep up to date with the latest information about local services, organisations and schemes which are offering support to residents and so are best placed to be able to find the right support for their needs.

With a base in the Norrish central library, the team continue to work with individuals presenting as homeless. Links with local homelessness support has been made to ensure individuals can be directed to appropriate organisations. All new Housing officers now spend time with the Helpdesk as part of their induction process which has enabled good links to be made and pathways created for flow of information.

The Helpdesk have been supporting an increasing number of individuals to access these online services such as accessing services and contacting utility suppliers etc. An iPad is located next to the desk for visitors to make use of free of charge and if needed can support their use of this. This has enabled visitors book EConsults with their GP, contact their utility supplier and more.



HIVE Directory - the Directory continues to be a resource for individuals, professional and organisations across the city, to be able to identify available services. It also continues to be the most popular page on HIVE Portsmouth website. There is currently information regarding over 800 organisations on the directory, which is updated on a regular and ongoing basis.

Appendix Two - HIVE Portsmouth KPIs

Volunteering KPIs:

- Number of volunteer enquiries – face to face
- Number of volunteer enquiries – online
- Number of New volunteers registered and active
- Number of volunteers registered and available for one off events
- Number of volunteers registered for emergency stand up
- Number of new volunteers registered and placed with organisations
- Number of volunteer roles requested by organisation

Helpdesk KPIs:

- Number of face-to-face visitors supported
- Number of telephone interactions
- Number of email interactions
- Number of groups/organisations supporting the Helpdesk
- Number of individuals supported by those groups and organisations (average)

Uniform KPIs:

- Number of donations received
- Number of donations distributed
- Number of families supported

VCSE Sector Engagement and Partnership Working KPIs:

- Number of interactions – charity
- Number of interactions – voluntary groups/ individuals looking to start up a group
- Number of groups using HIVE Resource Centre
- Number of professional meetings/ forums and alliances attended
- Number of organisations connected

Social Enterprise KPIs:

- Number of organisations supported
- Number of governance enquiries
- Number of funding enquiries
- Number of business sector contacts

Grant and Funding Support KPIs:

- Number of organisations supported
- Number of opportunities sent to the sector
- Number of funding searches
- Number of desk reviews/governance support
- Number of awards bid for (with the support of HIVE Portsmouth)
- Number of successful awards for the sector (supported by and reported into HIVE Portsmouth)

HIVE Portsmouth also publishes a quarterly performance report which is shared with members and officers.

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Dated: _____ 2023

PORTSMOUTH CITY COUNCIL

and

THE HIVE PORTSMOUTH

MEMORANDUM OF UNDERSTANDING

**for the provision of support services to Voluntary, Community and Social Enterprise in
Portsmouth**

Legal Services
Portsmouth City Council
Civic Offices
Portsmouth
PO1 2AL
Ref: 508502

THIS MEMORANDUM OF UNDERSTANDING is made this day of 2023

BETWEEN:

(1) **PORTSMOUTH CITY COUNCIL**, of Civic Offices, Guildhall Square, Portsmouth, Hampshire PO1 2PX (the “**PCC**”);

AND

(2) **THE HIVE PORTSMOUTH** (Company no: 12064936 whose registered office is at Lower Ground Floor Central Library, Guildhall Square, Portsmouth, Hampshire, United Kingdom, PO1 2DX (the “**HIVE**”);

(“**the Participants**”)

RECITALS:

- A) This Memorandum of Understanding (“the **MOU**”) is supplemental to the Portsmouth Provider Partnership (PPP) Agreement dated December 21 for the provision of primary, community, social care and voluntary services in Portsmouth.
- B) The purpose of the MOU is to record that the Participants are committed to working together to support the Voluntary, Community and Social Enterprise (“**VCSE**”) sectors in Portsmouth to grow and develop within the City, to be resilient and robust and be able to respond to challenges and opportunities. In addition, the Participants are committed to providing and promoting choices for individuals, communities and professionals as alternatives to traditional approaches.
- C) The MOU sets out the working practices agreed between the Participants prior to the drafting of more detailed service level agreements.
- D) The terms of this document as a whole are not legally binding save for clauses 7 to 9 (inclusive).
- E) In this MOU, unless the context otherwise requires, the terms set out in Schedule A shall have the meanings ascribed to them in Schedule A.

IT IS HEREBY AGREED THAT:

1. This purpose of this MOU is to:

- a) Ensure effective relationships between PCC and the HIVE Portsmouth known as the partners.
- b) Ensure the effective engagement of the partners involved in the delivery of jointly agreed work (for the avoidance of doubt for work funded by PCC the specifics in terms of consideration and deliverable will be managed by way of individual legally binding service agreements/contracts).
- c) Provide a framework for the partners to work together to maximise their combined resources in order to bring about positive impact for the people of Portsmouth.
- d) Recognise that all partners have skills, experience and expertise that can be shared for the benefit of the people of Portsmouth.
- e) Define the relationship of the partners and recognise the mutual benefits of this partnership.

2. Term and termination

- a) The MOU commences on XXXXXX and will be reviewed annually by mutual agreement of the Participants in writing and approved by the Partnership Group as defined in clause 11 of the MOU.
- b) Any Participant may cease its participation in the MOU by giving at least 3 months' notice in writing to the other Participant to the address of the Participant referred to in the MOU or to another address which has been notified expressly in writing by that Participant to the other. In such circumstances, the Participants will agree a suitable exit management plan to manage the impact of any termination by one or more partners.
- c) Any demand, notice, or other communication shall be treated as validly served if:
 - i. served personally on the addressee;
 - ii. sent by pre-paid recorded post; or
 - iii. sent by facsimile transmission, subject to a receipt confirming delivery.
 - iv. or by email.

3. Variation

- a) This MOU may only be varied by the mutual agreement of the Participants in writing and approved by the agreed partnership representatives.
- b) At the time of signing of this MOU, the Participants acknowledge that there is likely to be a need to amend membership and focus in alignment with other emerging partnerships across the city.

4. Vision and Context

- a) The Participants are committed to continued joint working in a way that recognises and nurtures the strengths of individuals, families and communities and helps to build independence and self-reliance.
- b) Through this unique partnership the Participants will ensure the involvement of the city of Portsmouth's communities in designing better services; identify gaps and brokering innovative solutions to address them. The Participants will work with existing expertise, skill and experience in Portsmouth to benefit a wider range and number of people and in doing so share good practice and promote partnership working to make more efficient use of local resources and increase support to those that need it.

5. Status of this Agreement

- a) Nothing in this MOU supersedes existing service contracts; it works alongside and in conjunction with existing service contracts and sets out how the Participants will work together in a collaborative and integrated way to meet the objectives of the partnership.
- b) Whilst there will be co-operation as to the service design, this will not restrict commissioner's obligations to comply with competition and procurement requirements, and does not preclude competition between Participants in respect of service provision.
- c) Any service changes agreed as a result of the partnership work will be actioned through the normal PCC commissioning process, which falls outside of this partnership agreement.

6. Objectives of the partnership

The Participants will:

- a) Work towards a shared vision to recognize the value of the voluntary and community sector in Portsmouth and in doing so, support the VCSE in Portsmouth to grow and develop, to be resilient and robust and be able to respond to challenges and opportunities.
- b) promote choices for individuals, communities and professionals as alternatives to traditional approaches commit to delivery of system outcomes in terms of clinical matters, patient experience and achieving financial balance across the health system.
- c) commit to work together and to make decisions on a best to deliver holistic outcomes basis;
- d) always demonstrate the end user's best interests are at the heart of their activities;
- e) adopt an uncompromising commitment to trust, honesty, collaboration, innovation and mutual support;
- f) establish a collaborative environment to encourage open, honest and efficient sharing of information, subject to relevant legal compliance;

- g) collectively identify, manage and mitigate all risks in performing their respective obligations in this agreement; and
- h) co-produce with others, especially those with lived experience, families and representative organisations, in designing and delivering the Service.

7. Confidentiality

7.1 Subject to clause 7.2, the Participants shall treat all confidential information they receive as confidential, safeguard it accordingly and not disclose it to any other person without the prior written consent of the disclosing Participant and not use or exploit the disclosing Participants Confidential Information in any way except for the purposes anticipated under the MOU.

7.2 Clause 7.1 shall not apply to any disclosure of information:

7.2.1 required by law, provided that clause 7.4 shall apply to any disclosures required under the Information Laws;

7.2.2 that is reasonably required by persons engaged by a Participant in the performance of such party's obligations under this MOU;

7.2.3 where a Participant can demonstrate that such information is already generally available and in the public domain otherwise than as a result of a breach of clause 7.1;

7.2.4 by PCC of any document to which it is a party and which the Participants to this MOU have agreed contains no commercially sensitive information;

7.2.5 to enable a determination to be made if any dispute arises out of the MOU;

7.2.6 which is already lawfully in the possession of the receiving party, prior to its disclosure by the disclosing party;

7.2.7 by PCC, to any department, office or agency of the Government; and

7.2.8 by PCC relating to this MOU and in respect of which the HIVE Portsmouth has given its prior written consent to disclosure;

7.2.9 On a confidential basis, to its professional advisors;

7.2.10 to the Serious Fraud Office where the Participant has reasonable grounds to believe that the other Participant is involved in activity that may constitute a criminal offence under the Bribery Act 2010.

7.3 On or before the expiry of the MOU, The HIVE Portsmouth shall ensure that all documents and/or computer records in its possession, custody or control which contain information relating to any of the PCC's representatives or the locations at which the services are to be delivered, including any documents in the possession, custody or control of any sub-contractor, are delivered up to PCC or securely destroyed.

- 7.4 The Participants acknowledge that, except for any Information which is exempt from disclosure in accordance with the provisions of FOIA and EIR, the content of the MOU is not confidential information and the HIVE Portsmouth hereby gives its consent for PCC to publish the MOU in its entirety to the general public (but with any Information that is exempt from disclosure in accordance with the FOIA / EIR redacted) including any changes to the MOU agreed from time to time. PCC may consult with the HIVE Portsmouth to inform its decision in its absolute discretion regarding any redactions but shall have the final decision in its absolute discretion whether any of the content of the MOU is exempt from disclosure in accordance with the provisions of the FOIA / EIR.
- 7.5 The Participants shall not, and shall take reasonable steps to ensure that its staff shall not, make any press announcements in relation to the Partnership or publicise the MOU or any part of the MOU in any way, except with prior written consent of both the HIVE Portsmouth Trustee Board and PCC.

8. Freedom of Information

- 8.1 The HIVE Portsmouth acknowledges that PCC is subject to the requirements of the FOIA and the EIR and shall assist and co-operate with the Council to enable PCC to comply with these information disclosure requirements.
- 8.2 The HIVE Portsmouth shall and shall procure that its sub-contractors shall, in respect to any work undertaken regarding this partnership agreement:
- 8.2.1 transfer the Request for Information to PCC as soon as practicable after receipt and in any event within two Working Days of receiving a Request for Information;
- 8.2.2 provide PCC with a copy of all Information in its possession or power in the form that PCC requires within five (5) days (or such other period as PCC may specify) of PCC requesting that Information;
- 8.2.3 provide all necessary assistance as reasonably requested by PCC to enable PCC to respond to a Request for Information within the time for compliance set out in section 10 of FOIA or regulation 5 of the EIR.
- 8.3 PCC shall be responsible for determining at its absolute discretion whether the Information:
- 8.3.1 is exempt from disclosure in accordance with the provisions of FOIA or the EIR;
- 8.3.2 is to be disclosed in response to a Request for Information.
- 8.4 In no event shall the HIVE Portsmouth respond directly to a Request for Information unless expressly authorised to do so by PCC.

- 8.5 The HIVE Portsmouth acknowledges that PCC may, acting in accordance with the Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part 1 of FOIA (issued under section 45 of FOIA, November 2004), be obliged under FOIA or the EIR to disclose Information;
- 8.5.1 without consulting the HIVE Portsmouth; or
- 8.5.2 following consultation with the HIVE Portsmouth and having taken its views into account;
- 8.5.3 provided always that where clause 8.5.2 applies PCC shall, in accordance with any recommendations of the Code, take reasonable steps, where appropriate, to give the HIVE Portsmouth advanced notice, or failing that, to draw the disclosure to the HIVE Portsmouth's attention after any such disclosure.
- 8.6 The HIVE Portsmouth shall ensure that all Information produced in the course of the MOU or relating to the MOU is retained for disclosure and shall permit PCC to inspect such records as requested from time to time.
- 8.7 The HIVE Portsmouth acknowledges that any lists or schedules provided by it outlining Confidential Information are of indicative value only and that PCC may nevertheless be obliged to disclose Confidential Information in accordance with the 8.5.

9. Data Protection

- a) Both Participants shall respectively at their own expense comply with all relevant and applicable requirements of the Data Protection Requirements. The Participants acknowledge that for the purposes of the Data Protection Requirements, PCC is the Processor and the HIVE Portsmouth is the Controller. The Participant's specific obligations are set out in Schedule B of the MOU. For the avoidance of doubt, this clause is in addition to, and does not relieve, remove or replace, a party's obligations or rights under the Data Protection Requirements.
- b) The Participants shall where applicable, take into account any guidance issued by the Information Commissioner's Office regarding Personal Data. PCC may on not less than thirty (30) Working Days' notice to the HIVE Portsmouth, amend the MOU to ensure that it complies with any such guidance.

10. Principles of the partnership

This MOU advocates a set of professional principles, values and behavior's aimed at creating an environment in which the work undertaken by PCC and the HIVE Portsmouth partnership can thrive and deliver the agreed outcomes for all.

The Participants have a responsibility to:

- a) Ensure that the level of partnership working required between PCC and the HIVE Portsmouth is understood, valued and given sufficient attention to allow for the development of trusting and open relationships. These relationships will recognise and build upon this trust and strengths of each partner to enable the partnership to grow.
- b) Ensure there is a mutual understanding of the pressures and demands placed on each partner, in particular around the different and sometimes contradictory drivers involved and ensure processes exist to manage outcomes that do not negatively impact on the work undertaken.
- c) Stimulate innovation and creativity to achieve outcomes through the creation of a safe and valuing environment underpinned by strong partnership working and understanding.
- d) Encourage partners to be reflective about their performance, delivery and commitment to working in partnership to ensure the development of the relationship is a shared responsibility.
- e) Support the development of a relationship that embodies the principles of a learning environment.
- f) Recognise their accountability to the other and to those who benefit from the work undertaken.
- g) Demonstrate accountability by taking appropriate and prompt actions where necessary.
- h) Jointly monitor and evaluate this MOU on a quarterly basis and jointly decide when and where amendments may be necessary.
- i) Share responsibility and engage positively with development and change.
- j) Role model excellent customer service and reflect on the impact of their own actions and adjust behaviours where necessary.
- k) Respect and value the expertise and experience of others.
- l) Represent both organisations in a professional and ambassadorial manner that demonstrates their professional ethos and values.

11. Partnership Working Group

A partnership working group has been established for the purpose of delivering the partnership agreement and identified projects, aimed at delivering the stated objectives, where all parties collaborate rather than compete, where there can be healthy discussion and agreement on each party's contribution for each specific programme or project of work.

Underpinning this will be:

- Trust
- Honesty
- Collaboration
- Innovation
- Mutual Support

It will provide strategic direction, manage risk, steer delivery of the projects and monitor progress and outputs.

The partnership working group will comprise:

- i. The Directors (or in their absence their Deputies) of Culture, Leisure and Regulatory Services, Adult Social Care, Public Health, HIOW ICB and Children's Services.
- ii. CEO and SMT representative from the HIVE Portsmouth

Meetings will be minuted

12. Responsibilities of the Partnership Working Group

The Group will:

- a) Set and monitor the overall objectives of the partnership and of the agreed partnership projects, and will keep these under review by means of 6 Monthly meetings;
- b) promote and encourage commitment to the partnership principles and objectives amongst all staff in their relevant organisations;
- c) agree the allocation of the resources including relevant secondments;
- d) formulate, agree and ensure that implementation of strategies for achieving the partnership objectives ;
- e) discuss strategic issues and resolve challenges;
- f) agree and manage media protocols
- g) generally ensure the continued effectiveness of the partnership, including by managing relationships between the participants and between the partnership and its stakeholders;
- h) oversee the implementation of, and ensure the participants' compliance with, the partnership agreement.

13. Status and Authority of the Working Group

- a) The partnership is not a separate legal entity, and as such is unable to take decisions separately from the Participants or bind its Participants; nor can one or more participants 'overrule' any other Participant on any matter.
- b) The Group is unable in law to bind any Participant so it will function as a forum for discussion of issues with the aim of reaching consensus among the Participants.
- c) The Group will function through engagement between its members so that each participant makes a decision in respect of, and expresses its views about, each matter considered. The decisions of the board will, therefore, be the decisions of the participants, the mechanism for which shall be authority delegated by the participants to their representatives.

Signed for and on behalf of PCC by:-

Signed (Authorised Signatory)

Printed Name.....

Date

Signed for and on behalf of the HIVE Portsmouth by:-

Signed (Authorised Signatory)
Printed name

Signed (Witness)
Printed name
Date

SCHEDULE A – DEFINITIONS

In accordance with the Recitals in this MOU the following words shall have the meanings set out below:

"Confidential Information"	means all information, whether written or oral (however recorded), provided by the disclosing party to the receiving party and which is (i) known by the receiving party to be confidential; (ii) is marked as or stated to be confidential; or (iii) ought reasonably to be considered by the receiving party to be confidential;
"Controller"	takes the meaning given in the GDPR;
"Data Loss Event"	any event that results, or may result, in unauthorised access to Personal Data held by the Contractor under the Contract and/or actual or potential loss and/or destruction of Personal Data in breach of the Contract, including any Personal Data Breach;
"Data Protection Impact Assessment"	an assessment by the Controller of the impact of the envisaged processing on the protection of Personal Data;
"Data Protection Officer"	takes the meaning given in the GDPR;
"Data Protection Requirements"	(i) the GDPR, the LED and any applicable national implementing Laws as amended from time to time; (ii) the DPA 2018 to the extent that it relates to processing of personal data and privacy; (iii) all applicable Law about the processing of personal data and privacy;
"Data Subject"	takes the meaning given in the GDPR;
"Data Subject Access Request"	a request made by, or on behalf of, a Data Subject in accordance with rights granted pursuant to the Data Protection Requirements to access their Personal Data;
"DPA 2018"	the Data Protection Act 2018;
"Environmental Liability"	all costs, expenses, liabilities, claims, damages, penalties or fines arising from any criminal or civil liability under any Law or any obligation under any Law to take, or to pay for, remedial action or to prevent pollution of the environment;
"GDPR"	the General Data Protection Regulation (<i>Regulation (EU) 2016/679</i>);
"Information"	Has the meaning given under section 84 of the Freedom of Information Act 2000
"Information Laws"	the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Data Protection Act 1998 and any codes of practice and guidance made pursuant to the same as amended or replaced from time to time;

"Intellectual Property Rights"	any and all patents, trademarks, service marks, copyright, moral rights, rights in design, know-how, confidential information and all or any other intellectual or industrial property rights whether or not registered or capable of registration and whether now or in the future subsisting in the United Kingdom or any other part of the world together with all or any goodwill and accrued rights of action;
"Law"	any applicable statute or any delegated or subordinate legislation, any enforceable community rights within the meaning of section 2 of the European Communities Act 1972, duly applicable guidance, code of practice, direction, judgment or determination with which the Council and/or the Contractor is bound to comply including the Council's rules, procedures, guidelines, policies, codes of practice, standing orders, financial regulations and standards from time to time;
"LED"	the Law Enforcement Directive (<i>Directive (EU) 2016/680</i>);
"Persistent Breach"	a continuing breach or series of breaches which has recurred 6 or more times within a two month period after the Council has issued at least one Remediation Notice to the Contractor in respect of each continuing breach or series of breaches;
"Personal Data"	takes the meaning given in the GDPR;
"Personal Data Breach"	takes the meaning given in the GDPR;
"Processor"	takes the meaning given in the GDPR;
"Representative"	any employee, officer, director, worker, consultant, agent or contractor engaged by a Participant in connection with the Service including any sub-contractor;
"Request for Information"	has the meaning set out in the FOIA or the EIR as relevant (where the meaning set out for the term "request" shall apply);
"Staff"	means all directors, officers, employees, agents, consultants and contractors of the Contractor and / or of any sub-contractor of the Contractor engaged in the performance of the Contractor's obligations under the Agreement;
"Working Days"	Monday to Friday inclusive of each week excluding Christmas Day, Good Friday and Bank Holidays in England
"Bribery Act"	The Bribery Act 2010 and any subordinate legislation made under that Act from time to time together with any guidance or codes of practice issued by the relevant government department concerning the legislation.

SCHEDULE B – PROCESSING, PERSONAL DATA AND DATA SUBJECTS - THE HIVE PORTSMOUTH IS THE CONTROLLER AND PCC IS THE PROCESSOR

1. Definitions and Background

1.1 In this Schedule:

"Controller"	shall take the meaning given in the GDPR;
"Data Loss Event"	shall mean any event that results or may result whether accidental or not, in unauthorised access to or processing of Personal Data and/or actual or potential unlawful loss, alteration, unauthorised disclosure and/or destruction of Personal Data;
"Data Subject"	shall take the meaning given in the GDPR;
"Processor"	shall take the meaning given in the GDPR;
"Protective Measures"	shall mean appropriate technical and organisational measures which may include: pseudonymising and encrypting Personal Data, ensuring confidentiality, integrity, availability and resilience of systems and services, ensuring that availability of and access to Personal Data can be restored in a timely manner after an incident, and regularly assessing and evaluating the effectiveness of such measures adopted by it.

1.2 The Participants acknowledge that for the purposes of the Data Protection Requirements, the HIVE Portsmouth is the Controller and PCC is the Processor.

2. Obligations

2.1 PCC shall, in relation to any Personal Data processed in connection with its obligations under the MOU:

- a) process said Personal Data in accordance with the table below in this Schedule B only (unless PCC is otherwise required to do by Law);
- b) ensure that it has in place Protective Measures as appropriate to protect against a Data Loss Event having taken account of the:
 - i. nature of the data to be protected;
 - ii. harm that might result from a Data Loss Event;
 - iii. state of technological development; and
 - iv. cost of implementing any measures.
- c) ensure that:
 - i. any Representative of PCC does not process Personal Data except in accordance with the MOU (and in particular the table below in Schedule B);
 - ii. it takes all reasonable steps to ensure the reliability and integrity of any Representative of the HIVE Portsmouth who have access to the Personal Data;
 - iii. not transfer Personal Data outside of the UK or EU unless the prior written consent of the HIVE Portsmouth has been obtained and the following conditions are fulfilled:
 - (a) PCC or the HIVE Portsmouth has provided appropriate safeguards in relation to the transfer (whether in accordance with GDPR Article 46 or LED Article 37);
 - (b) the Data Subject has enforceable rights and effective legal remedies;

- (c) PCC complies with its obligations under the Data Protection Requirements by providing an adequate level of protection to any Personal Data that is transferred (or, if it is not so bound, uses its best endeavors to assist the HIVE [Portsmouth](#) in meeting its obligations); and
 - (d) PCC complies with any reasonable instructions notified to it in advance by the HIVE [Portsmouth](#) with respect to the processing of Personal Data;
- iv. at the written direction of the HIVE [Portsmouth](#), delete or return Personal Data (and any copies of it) to the HIVE [Portsmouth](#) on termination of the MOU unless PCC is required by Law to retain the Personal Data.

2.2 The HIVE [Portsmouth](#) consents to PCC appointing a third party to process Personal Data under this MOU, on the condition that PCC confirms that it will enter into a written agreement with the third party processor incorporating terms which are substantially similar to those set out in this MOU or a similar clause which will reflect the requirements of the Data Protection Requirements.

2.3 This table below sets out the full extent of the scope, nature and purpose of processing, the duration of processing and the types of Personal Data and categories of Data Subject, unless any changes are agreed by both Participants.

Description	Details
Type of Personal Data	Name, email, phone, DOB, restricting health conditions, medication, contact details, emergency contact, referees contacts, details of unspent criminal convictions, DBS checks, copies of passports, driving licences, NI number documentation, proof of residence. Optional - age, disability, gender, ethnicity.
Subject matter of the Processing	Personal details of the staff, volunteers, individuals and organisations involved with the provision of the services.
Duration of the Processing	01 March 2020 - 01 March 2022 unless extended until 01 March 2023 pursuant to clause 2 (a).
Nature and purpose of the Processing	Collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination, or otherwise making available, alignment or combination, restriction, erasure or destruction of data (whether or not by automated means), etc).
Categories of Data Subject	Staff (including volunteers, agents and temporary workers), individuals, members of the public, users of the Participants' websites, organisations.
Plan for return and destruction of the Personal Data once the processing is complete unless requirement under union or member state law to preserve that type of data.	The data will be retained for a period of 6 years from the expiry/termination of the MOU and it will be returned or destroyed as agreed between the Participants.

Agenda Item 8



Title of meeting: Cabinet

Date of meeting: 5 September 2023

Subject: Discharge to Assess

Report by: Andy Biddle, Director - Adult Social Care

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

To update Cabinet on the delivery of the Discharge to Assess, (D2A) model within Portsmouth to enable residents admitted to Portsmouth Hospitals University NHS Trust (PHU) to be discharged for assessment of their long term needs outside of the acute hospital (D2A).

To update Cabinet of the potential financial risk to the Council of continuing 'spot' purchase arrangements for D2A.

To seek Cabinet endorsement of the recommendations in the report.

2. Recommendations

2.1 Cabinet approve that D2A is restricted to the fully funded beds in the Jubilee and Spinnaker units and Adult Social Care returns to assessment of need prior to discharge from hospital for any Portsmouth resident who is unable to be discharged on this pathway, when the available funding identified becomes insufficient to enable continued 'spot placements' in the external care market.

2.2 Cabinet endorse that the Council will only be committing to deliver D2A schemes and plans that are achievable, have value to our residents and are supported by funding.

2.3 To ask the Director of Adult Social Care to write to Hampshire & Isle of Wight Integrated Care Board, (HIOW ICB) and inform them of the above decisions, providing the opportunity for the ICB to decide whether to allocate further funds to enable D2A to continue in its current form in the 2023/24 financial year.

3. Background

Section 91 of the Health and Care Act came into force on 1 July 2022, revoking procedural requirements in Schedule 3 of the Care Act 2014 which require local authorities to carry out

long-term health and care needs assessments, in relevant circumstances, before a person is discharged from hospital¹. Whilst D2A arrangements had been in place during the COVID-19 pandemic, the legal position for Local Authorities had remained to carry out an assessment of social care needs before discharge. Prior to D2A, the Local Authority had assessed needs of people whilst still in hospital, (Assess to Discharge) and purchased support, where required, to support timely discharge, to either a care home or to their own home with care support as appropriate.

During the COVID-19 pandemic, to discharge people from hospital more quickly, central government introduced NHS funding for D2A through a national fund, (based on reclaim by Clinical Commissioning Groups) which initially funded six weeks, subsequently reduced to four weeks post-discharge. Government then issued updated guidance² setting out how Local Authorities and the NHS should implement D2A within their areas ahead of the national reclaim funding ceasing. This fund was replaced with the Adult Social Care Discharge Fund, paid to Integrated Care Boards, (ICBs) and Local Authorities to be joined and allocated through the Better Care Fund, (BCF) in each Upper Tier Local Authority, (UTLA). Whereas the national funding was based on reclaim according to demand, the grant funding is a defined amount to each UTLA and ICB.

According to an analysis conducted in 2022, the enactment of a D2A policy increased the number of Portsmouth residents that had funded support coming out of hospital. Analysis in February 2022 showed:

- Of residents discharged 48% have ongoing system funding (i.e., from NHS/PCC)
- The remaining 52% would have either have their needs met in Hospital and then no funded care support on discharge or would have funded their own support based on their assets.

This means that, 52% of residents leaving hospital would not have received a commissioned service prior to D2A as essentially D2A removes the need for a social care assessment to enable discharge and replaces it with a generic assessment, so care can be arranged that might not have happened under assess to discharge and people are coming out of hospital earlier in their recovery and can need more care as a result.

There have been varied arrangements in place between local authorities and their local ICB partners to implement D2A models across Hampshire, with Southampton, IoW and Hampshire Places using the Hospital Discharge Fund to create additional capacity in these systems. This has led to each of these areas experiencing the same financial challenges PCC are facing now, although much sooner than Portsmouth, and will provide a challenge as to how the required capacity across HIOW ICB overall can be sustained.

Instead of using the Hospital Discharge Fund to increase Portsmouth D2A capacity, for the 2022/23 and 2023/24 financial years, Portsmouth City Council agreed with ICB (Portsmouth) that the ICB would fund up to 4 weeks of care support for Portsmouth residents after discharge from hospital. This time was to enable an assessment of need to be completed and a decision on whether the residents' needs should be met by the Council, the NHS or

¹ [Health and Care Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

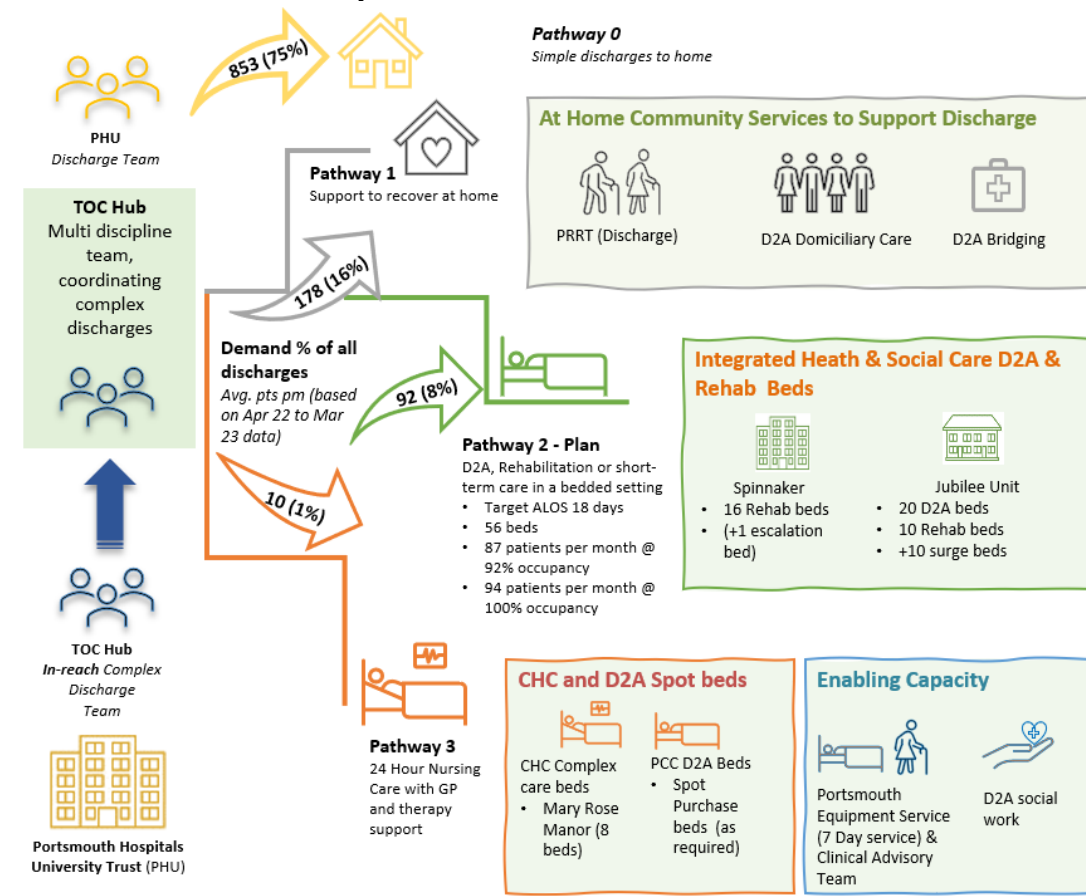
² [Hospital discharge and community support guidance](#)

whether the person had no ongoing care needs. Where the Council is unable to respond within that time frame, there is a provisional allocation against the Council's budget for the care support until an assessment is completed. This means that people leaving hospital can have their needs assessed outside of an acute setting, benefit from a period of recovery or rehab first and reach more of a base line of needs before being assessed. The expectation is that peoples ongoing care and support needs would be less than if they were assessed for support within a hospital.

Furthermore, this model ensures people are not delayed for discharge due to funding discussions or other administrative reasons which ensures acute bed day loss (the length of time people remain in hospital beds that do not need acute intervention) is minimised with the follow-on benefit that there is more 'flow' through the hospital resulting in less delay with ambulances / waits to be admitted through ED.

The D2A model focusses on a 'home first' approach to enable more people to go straight home (to their usual place of residence) following discharge. Where people cannot go home (either through safeguarding concern, housing related issues, wider social issues, level of need of support too high) then people can go to the Jubilee Unit (health and social care rehab and D2A unit) or Spinnaker Ward for high intensity rehab and reablement. This is part of the wider D2A pathway presented below.

Portsmouth D2A Pathway:





Where these units do not have capacity to admit a resident being discharged, 'spot purchase' arrangements are made for care either in a care home or through a domiciliary care agency. Maintaining a short length of stay within Jubilee and Spinnaker enables a reduction of the reliance on spot placements and enables the D2A model in Portsmouth to remain financially sustainable.

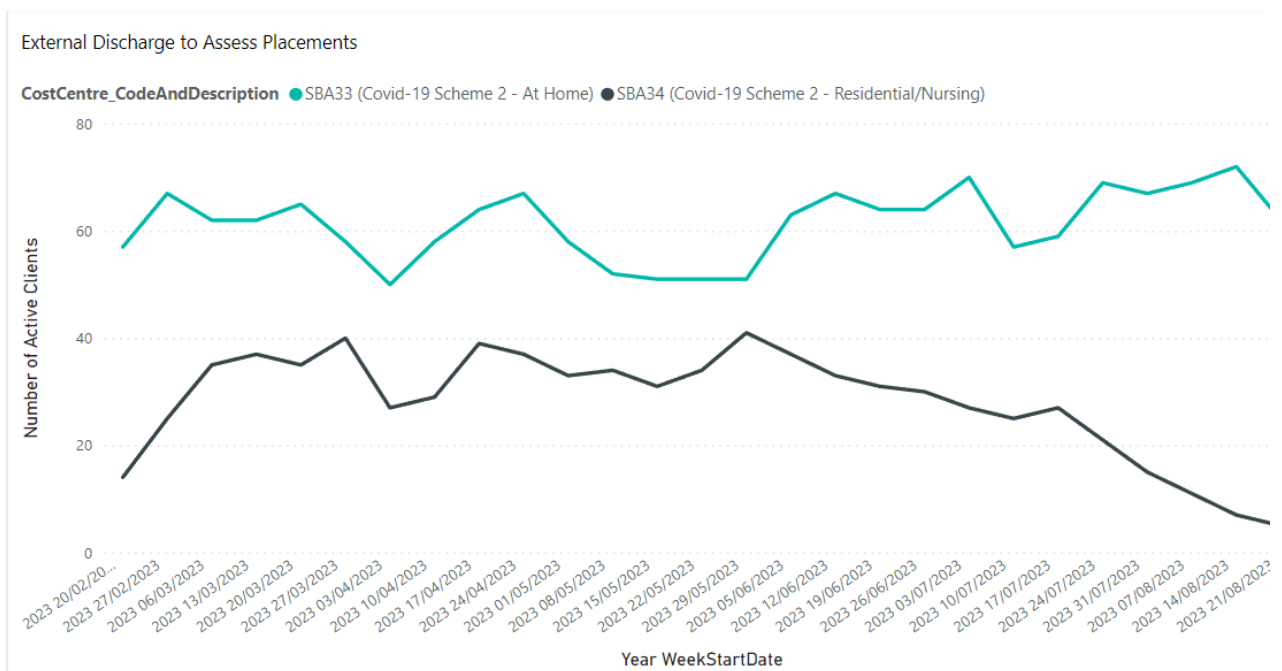
The D2A costing model assumes, for 2023/24 onwards, 10 external residential / nursing placements would be needed. The performance against this target is reviewed and discussed at the monthly D2A Governance Board, the Board reviews the data across all D2A activity and enables proactive action to be taken where trajectories deviate from expected performance, and consequently leads to appropriate risk mitigation.

On average, performance on length of stay at Jubilee is higher than expected. Contributing factors are due to flexing admission criteria to support timely discharge when complexities in need means it takes longer for residents to move on to more permanent accommodation. There is also an impact from reduced capacity in the assessment team and an increase in the level of needs in support of people being discharged from hospital through earlier discharge.

Additionally, there has been a loss of private sector beds (approx. 135 beds in recent months) through home closures. This reduces capacity but also drives up prices as there is more demand than beds available. The recent cost of living increases for utilities and food is also leading to care home fee pressures.

Current external D2A placements, as at 23/08/2023, are 62 residents being supported at home with 6 within Residential / Nursing homes.

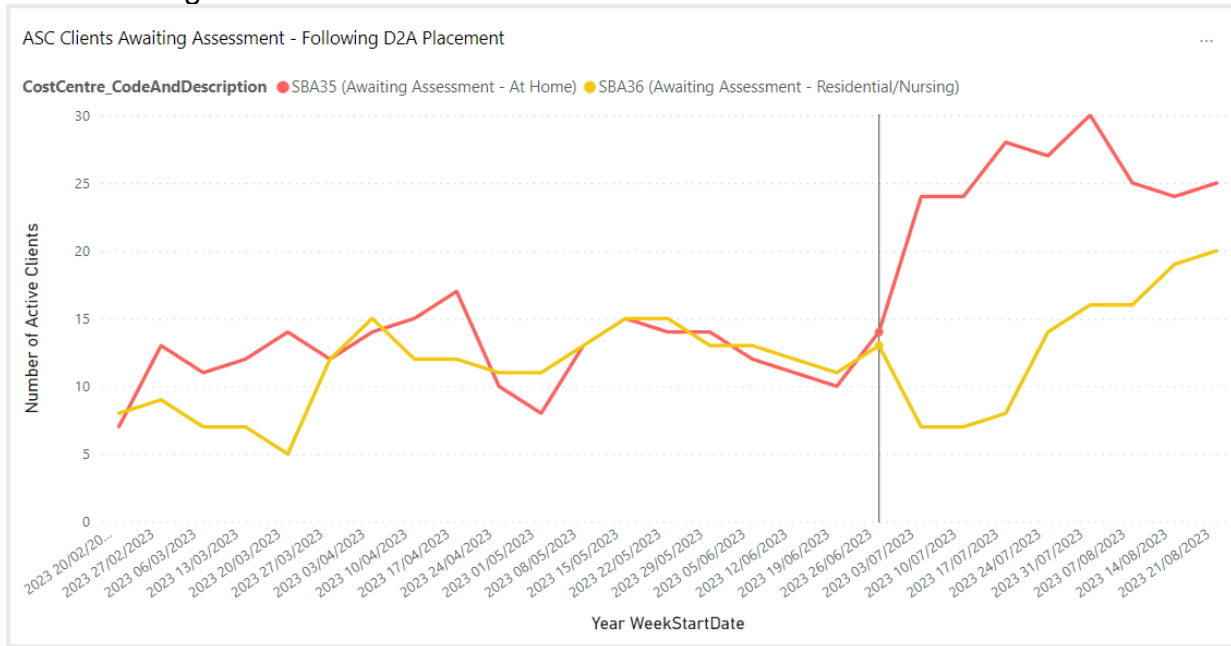
ASC - Discharge to Assess Data as of 23/08/23:





As of the 23rd of August, there are 25 residents at home and 20 within a residential / nursing home setting who are outside of the agreed four-week ICB funding window, pending an assessment of need. This cost is currently projected to be £1.2m for 23/24 and will fall to the Council to fund until a Care Act and Financial Assessment can be undertaken to determine their eligibility for Adult Social Care support.

ASC Awaiting Assessment Data as of 23/08/23:



Ultimately, we need to develop our community health and care plans to reduce avoidable hospital admissions, which is a key part of the Health and Care Portsmouth and ICB vision and plan. There are plans being established locally with health and care partners to develop neighbourhood models of care, built around PCNs, that support communities to be more resilient and offered the right support at the right time to reduce demand for acute services, which will reduce D2A demand by default.

4. Reasons for recommendations

Given the challenges in length of stay at Jubilee, the increasing costs with reducing capacity in the private market and the lack of capacity to meet the 4-week assessment requirement and the demand, (the number of Portsmouth residents being discharged under D2A arrangements) the number of spot placements being made is more than the original calculations for the use of recurrently funded and 'spot' funded care support.

For the 2023/24 year, there is currently £1.8m funding available from the ICB (from non-recurring funds) for external care home placements and additional staffing that fund the 4 weeks of care support for Portsmouth residents after discharge from hospital. The funding is only sufficient for a further 270 days from the period starting 23 August 2023, based on the demand that has been seen this year. This figure changes week by week as it depends on how many people are added to the D2A pathway and into a spot bed, and how quickly we reduce the high cost / long wait for assessment spot placements. This



means the days funding remaining can increase but also can reduce depending on the numbers on the pathway.

The key Dates for D2A External Spot Placement, 1st four weeks post discharge
Figures accurate at 23/08/23, are as follows:

270	Days Funding Remaining (can increase or reduce dependant on numbers of people in the D2A pathway / people awaiting assessment)
23/08/2023	Remaining Funding from
19/05/2024	Final Day of Funding
01/04/2024	Implementation/Communication Date (3 weeks prior to final day to accept new clients)
22/04/2024	Final Day to Accept New Clients (4 weeks prior to final day of funding)
24/03/2024	Critical Internal Decision Date (8 weeks prior final day of funding)
214	No of Days until Critical Decision

Analysis shows that after the 19th of May 2024, any funded discharge support outside of the Jubilee and Spinnaker units (care home or domiciliary care) would fall to the Council to fund until a Care Act assessment could be undertaken. As many of our residents discharged do not have eligible care needs (they have support needs but do not meet ASC eligibility criteria or have their own funds), this would increase the financial risk to the Council with no funding source to mitigate this risk. However, this decision is likely to see an increase to the time it will take people to be discharged from hospital.

By way of mitigation, Council officers will continue to work with our partners to maximise the use of the provision in Spinnaker and Jubilee units. Work to support decision making within D2A being robust and maximise home first will continue (we are already seeing reductions in spot placements). Additionally, we will review how we allocate our team resources to ensure we have robust and resilient assessment capacity across all intermediate care to ensure our citizens are not unduly delayed when needing to leave the hospital. However, it is proposed that D2A is restricted to the units and capacity that is recurrently funded within established budgets and Adult Social Care returns to completing assessment of need in hospital for any resident who is unable to be discharged into funded pathways despite this approach having the potential to lead to an increase in time to discharge residents in hospital after their period of acute treatment is over. Therefore, a full impact assessment will be completed.

5. Integrated impact assessment

Completed ref: IA541763519 (attached as Appendix 1). Additional Quality Impact Assessment will be completed to understand wider impact of the decision.

6. Legal implications

The legal framework as set out in s91 of the Health and Care Act, which sets out Local Authorities duties and responsibilities to carry out long-term health and care needs assessments, is embodied in the Report. These have been considered and adopted within



the recommendations of this Report. As these progress, it will be necessary to review to ensure that risks to the service are mitigated.

7. Finance Comments

For the 2023/24 year, the ICB has provided £1.8m of funding to support 'spot placements' for external care home placements for Portsmouth residents for the first four weeks following discharge from hospital, as well as some additional related staffing costs. The Council is closely monitoring the spend incurred on these spot placements and should this funding be fully utilised before the end of the financial year, it is proposed that D2A will be restricted to the units and capacity that is recurrently funded within established budgets and Adult Social Care will return to completing assessment of need in hospital for any resident who is unable to be discharged into funded pathways despite this approach having the potential to lead to an increase in residents being delayed in hospital after their period of acute treatment is over.

As noted within the report, there are some individuals receiving a package of care, who are outside of the agreed four-week ICB funding window, pending an assessment of need. It is intended that the 'Discharge Grant' will be used to support these costs in 2023-24 and Adult Social Care are closely monitoring these costs and acting mitigate them.

.....
Signed by:

Appendices: 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

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

.....
Signed by:

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Form name	Integrated Impact Assessment
Reference	IA541763519
Date	24/08/2023



Policy details

Request date	24/08/2023 14:19
Directorate	PCC Adult Services
Service	Discharge to Assess
Title of policy, service, function	Reduction of non Funded D2A Placements
Type of policy, service, function	New
What is the aim of your policy, service, function, project or strategy?	To restrict D2A placements to the available, fully funded beds, and Adult Social Care returns to assessment of need prior to discharge from hospital for any Portsmouth resident who is unable to be discharged on this pathway. Furthermore, the Council will only be committing to deliver D2A schemes and plans that are achievable, have value to our residents and are supported by funding.
Has any consultation been undertaken for this proposal?	no

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

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Crime - Will it make our city safer?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Housing - will it provide good quality homes?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
--	-------------------------------------

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

Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?	Reducing the level of spot placements made through a D2A pathway may delay patients requiring discharge once acutely well. By way of mitigation, Council officers will continue to work with our partners to maximise the use of the funded commissioned services to reduce need for spot placements and ensure we structure our assessment resources to best support this change. Work to support decision making within D2A is robust and maximises home first will continue. Additionally, we will review how we structure teams to ensure we have robust and resilient assessment capacity across all intermediate care to ensure our citizens are not unduly delayed when needing to leave the hospital. However, it is proposed that D2A is restricted to the units and capacity that is recurrently funded within established budgets and Adult Social Care returns to completing assessment of need in hospital for any resident who is unable to be discharged into funded pathways
How are you going to measure/check the impact of your proposal?	Monitoring system data of levels of medically optimised people in hospital, number of lost bed days, length of stay in funded capacity.

Income deprivation and poverty - will it consider income deprivation and reduce poverty?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Carbon emissions - will it reduce carbon emissions?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
--	-------------------------------------

Energy use - will it reduce energy use?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Climate change mitigation and flooding - will it proactively mitigate against a changing climate and flooding?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
--	-------------------------------------

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

This section is not applicable to my policy	<input checked="" type="checkbox"/>
--	-------------------------------------

Air quality - will it improve air quality?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Transport - will it make transport more sustainable and safer for the whole community?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Waste management - will it increase recycling and reduce the production of waste?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
--	-------------------------------------

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

This section is not applicable to my policy	<input checked="" type="checkbox"/>
--	-------------------------------------

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

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Economy - will it encourage businesses to invest in the city, support sustainable growth and regeneration?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Social value

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Involvement

Who was involved in the Integrated impact assessment?	Simon Nightingale
Name of the person completing this form	Simon Nightingale
Date of completion	2023-08-24

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Agenda Item 9



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet
Date of meeting:	5 th September 2023
Subject:	Mandatory Licensing of Houses in Multiple Occupation
Report by:	James Hill - Director for Housing, Neighbourhood and Building Services
Authors:	Clare Hardwick - Head of Private Sector Housing Sam Rickeard - Housing Regulation Manager
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 Cabinet made a decision on 22nd November 2022 to introduce Additional licensing of all houses in multiple occupation (HMOs) in Portsmouth occupied by 3 or 4 people. This decision included agreement to a new approach to licensing properties, where licence holders will be given different licence terms based upon compliance criteria, a new fee structure to reflect this, and new licence conditions. Through the November 2022 decision report, cabinet instructed officers to present a further report to Cabinet before September 2023 with proposals to alter the Mandatory HMO Licensing model, fee structure and Licence conditions to create consistency between Mandatory and Additional Licensing of HMOs.
- 1.2 On 25th July 2023 Cabinet considered a report outlining the proposal to align the two schemes, and instructed officers to conduct a non-statutory consultation with existing HMO licence holders on the proposal to align Mandatory Licensing to the same approach as additional licensing.
- 1.3 The purpose of this report is to present the outcome of this consultation along with the proposed changes to the current Mandatory HMO licensing scheme, for Cabinet to decide on whether to adopt these changes.

2. Recommendations

- 2.1 Cabinet notes the outcome of the non-statutory consultation which was undertaken from 26th July 2023 and closed on 16th August 2023, as summarised in section 4 of this report, the full summary of which is in Appendix 1.



- 2.2 In light of the consultation results it is recommended that Cabinet change the Mandatory HMO Licensing scheme as outlined in this report. This includes agreeing to a new approach to administering licences for different terms as outlined in Appendix 2, a new Licensing fee structure as outlined in Appendix 3, and new licence conditions as outlined in Appendix 4.
- 2.3 Cabinet agrees that the changes agreed in 2.2 above will be implemented from 1st December 2023. Any licences due to expire on or after 1st December 2023, or any new licence applications received on or after 1st December 2023, will be administered through the new Mandatory Licensing criteria outlined in this report.
- 2.4 Cabinet instructs officers to conduct an annual review of the fee structure for Mandatory Licensing alongside the annual review already agreed for additional licensing fees, and present proposals for any required fee adjustments accordingly to the cabinet member for Community Safety for approval.

3. Background

- 3.1 The definition of whether a property is considered an HMO, and whether it requires a licence, are laid out in Section 254 of the Housing Act 2004, and through The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018. Properties occupied by three or more people forming more than one household, where basic amenities such as a kitchen or bathroom are shared, are considered to be a HMO. HMOs which are occupied by 5 or more people require a mandatory HMO. Council also have discretion to introduce Additional Licensing of HMOs in the local area if there is sufficient evidence that this is required.
- 3.2 The Council currently licences approximately 1200 HMOs in Portsmouth consisting of approximately 665 licence holders, under the current mandatory licensing criteria.
- 3.3 Every HMO that meets the national Mandatory licensing criteria must be licensed, unless subject to either a temporary exemption notice or an interim or final management order (under Chapter 1 of Part 4 of the Housing Act 2004). Licence holders are required to adhere to several conditions applied to their licence, based around the safety and proper management of the HMO. Council Officers administer the scheme, which includes the processing of applications, issuing of licences, monitoring compliance through certification and carrying out proactive inspections of the property to ensure they are well managed and free from serious hazards. The Council has a legal duty to effectively implement a licensing regime that covers mandatory licensable HMOs in their area, along with discretionary powers to introduce further licensing of HMOs.
- 3.4 In November 2022, following a statutory consultation process, Cabinet made the decision to implement an Additional Licensing scheme for HMOs, approving a city-wide designation of every class of HMO, including converted buildings that are mainly or wholly tenanted (known as Section 257 HMOs). This scheme will commence from 1st September 2023. The approved Additional Licensing scheme

includes several elements that differ from the way that current Mandatory Licensing scheme run by the council.

4 Consultation with current licence holders

- 4.1 On 25th July 2023 Cabinet instructed officers to conduct a non-statutory consultation on the proposal to align Mandatory Licensing to the same criteria and principles as Additional Licensing. This consultation commenced on 26th July 2023 and concluded on 16th August 2023. All current licence holders through the mandatory licensing scheme were contacted on 26th July 2023 (via email or letter) to invite them to participate in the survey. This included 695 licence holders.
- 4.2 Responses were received from 143 current licence holders (1 respondent stated that they are not a current licence holder) which represents a response rate of over 20% of all current licence holders. Of the 137 participants in the survey, 121 responded to the question *"Do you agree or disagree that these changes should be applied to the council's existing mandatory licensing scheme?"* with the vast majority (73%) agreeing with the proposed change. A full summary of the consultation can be found in Appendix 1.
- 4.3 Those that did not agree with the proposals were asked to provide further information. The responses to this generally showed a lack of understanding regarding the proposals. For example some respondents indicated that they thought this proposal was related to Additional HMO licensing rather than an amendment to the current mandatory licensing scheme *"This is another way to drive out the smaller landlords in favour of your own accommodation blocks and the larger landlords who are in favour with Portsmouth City Council"* or *"The change from 5 to 3 people who are unrelated was changed back in the noughties when council struggled for money, then it was changed back to 5 or more and now times are hard again it has been re-introduced. It obviously was not done for safety or it would never have changed back the last time!"*.
- 4.4 There was also indication from some respondents that they were unaware of the legislative framework that the council has to work to. For example that the Housing Act 2004 states that a HMO licence can be issued for a maximum period of 5 years, but one respondent said *"I think there are plenty of ways you could reward better performing landlords. - 7 year licences for example please."* which we would not be able to do. There were also several respondents that believed the proposed changes were designed to make more money for the council, despite the introduction to the survey explaining that all fees charged are on a cost recovery basis and cannot create a profit for the council, for example one respondent said *"Because looking at the new costs of renewing the licences this isn't at all about 'rewarding' good landlords, it is just about finding excuses to be able to bring in more money for the council."*
- 4.5 Some respondents indicated that they felt the current approach to licensing (where 5 year licences are issued as standard) is fair and does not need to be changed, with one person saying *"Same fair standards need to be applied to all landlords without discrimination of one is better than another"*.



- 4.6 Some respondents indicated that they incorrectly thought this scheme would cost more for "good" landlords (the information supplied to the licence holders when asking them to participate in the survey stated that a 5 year licence under the new scheme would be cheaper than a 5 year licence under the current mandatory licensing fee structure and provided a link to more detailed information about the scheme) for example one respondent said *"As is always you are punishing those that do it correctly , just another bill to get a certificate to say we are doing what we always do , I note you are not reducing the fee for "good Landlords""*
- 4.7 Other respondents indicated that that they had not read the information provided which outlines the criteria that would be used to determine each licence term, for example one licence holder said *"There is no definition of what is a good landlord and what is a poor landlord. Therefore, how can a landlord meet the good Landlord criteria?"* another said *"The definitions for allocating landlords to one length licence or another need to be very clear, and not dependent upon one officer's assessment. There should also be a right of appeal, particularly if the additional costs for under-performing landlords are substantial. It should also be made clear how a landlord can progress to becoming a longer licence holder."* The criteria is outlined (Appendix 2) and is not subjective, a link to this information was provided with the survey, it is also possible for licence holders to appeal decisions made, and the exact details of this appeals process are available online and also provided to licence holders at the time they are issued with a licence.
- 4.8 There were concerns raised about those that try to evade licensing all together with one responder saying " another comment raised concern that enforcement action should be taken when appropriate saying *"I think that it is a fair scheme. My only comment would be that if an HMO is not up to standard, the Landlord is given an appropriate timeframe to remedy the problems. If they do not make the required improvements, then they should be penalised."* This is exactly what the licensing team would do and the approach to this is outlined in the councils Private Sector Housing Enforcement policy.
- 4.9 Some respondents indicated that they did not have faith in their views actually being taken on board with one saying *"Not sure why I bother responding to surveys and consultations, they are always ignored in favour of the pre-decided outcome."* Another said *"what is the point of this survey - one question and 99% will answer the same i guess"*.
- 4.10 There was also a clear theme from respondents talking about landlords in terms of "good" and "bad" despite none of the council's literature using this language. The criteria set out for the different licence terms seeks to differentiate licence holders needing different levels of intervention and input by the Councils housing regulation team by assessing their compliance, their ability to manage properties well, and to keep up to date with changing legislation and industry best practice. The proposed scheme does not seek to label landlords or agents as "good" or "bad".



- 4.11 Comments in support of the scheme included *"This is a good idea, and a welcome move. For a long time it has felt like, by pro-actively keeping on top of licensing, maintenance and accreditation, we are actually at a financial disadvantage to those landlords who try and avoid detection. This is a step in the right direction towards making the bad landlords pay more towards HMO regulation, rather than keep targetting the good ones."* another respondent said *"I believe this will incentivise landlords to make sure the property is fully compliant with current hmo guidelines and believe it is a great idea going forward"* another respondent said *"I am totally in favour of introducing measures that make the life of non-compliant landlords more difficult and expensive"* and another said *"Your idea is a fantastic initiative for professional landlords who keep their properties in the best condition possible. To be in the same band as poor landlords who do not actively maintain their rentals is unfair so to create this system is effective, efficient and rewarding. Many thanks"*.
- 4.12 Based upon the feedback received through the consultation, which showed that the majority of current licence holders would be in support of the proposed changes, Cabinet is now asked to consider whether to proceed with the proposed changes, as outlined in the following sections of this report.

5 Licensing Model

- 5.1 The Council's current mandatory licensing scheme operates a traditional licensing model, whereby licences are typically granted on a 5-year basis, with the option to grant a licence for a shorter duration where Council Officers believe there are justified reasons to do so, such as poor management identified or safety concerns that should be assessed more regularly. Officers may also award a licence for a shorter duration where the property is deemed unsuitable for the number of occupants, due to space and amenity provided, and a reasonable period of time is required to allow the licence holder to lawfully restrict the number of occupants. Currently there is no set criteria for assessing licence durations, and decisions to award a shorter licence term are based on individual circumstances and Officers professional judgement. As a proportion of licences granted in the mandatory licensing scheme, very few are currently granted for less than 5 years.
- 5.2 In making the decision to designate a city-wide Additional Licensing scheme, Cabinet considered and agreed to a new approach to licensing for the additional licensing scheme, in response to feedback through the statutory consultation, particularly by landlords. One of the main concerns raised by landlord respondents to the consultation, including the local landlord association (the PDPLA), was that 'good' landlords would be penalised by the scheme, while 'bad' landlords are not differentiated, and may manage to evade licensing all together. They expressed concerns that well performing landlords would in effect be funding a scheme through licensing fees that would resource dealing with poorly performing landlords. They felt this traditional licensing approach does not recognise that there are a significant number of well performing HMO landlords operating in the city who should be differentiated from those that a not performing as they should.

- 5.3 In response to this Cabinet agreed to adopt an alternative approach to licensing whereby well performing landlords are recognised with longer licence terms, and poor performing landlords kept under close review with short licence terms. In accordance with Section 68 of the Housing Act 2004 the maximum period a licence can be issued for is 5 years, however Local Authorities have discretion to issue licences for shorter periods if they are satisfied that in the circumstance of the particular property a shorter period is appropriate. Oxford City Council and Coventry City Council run HMO licensing schemes which follow a similar licensing model.
- 5.4 The additional licensing scheme will require all owners of HMOs that are occupied by three or four tenants and all converted self-contained flats that are wholly tenanted to apply to the Council for an HMO licence. Once a valid application is received the Council will determine which type of licence is appropriate using the criteria outlined in Appendix 2 when processing the application. This will include, amongst other things, an assessment of the landlord and manager's ability to comply with the licensing requirements and management practices. Licences will be issued for a period of 1 year, 2.5 years, or 5 years based upon the eligibility of the landlord or agent.
- 5.5 The principles of this approach are that landlords who have demonstrated a history of compliance, safety and well managed properties, will be given a longer licence term compared with those with a history of non-compliance. Over the term of their licence those with a 5 year licence, based on good practice, will pay less than those either on a 1 year or 2.5 year licence. More information about the scheme is available on the council's website [Applying for an additional HMO licence - Portsmouth City Council](#).
- 5.6 The Council has considered the learning outcomes from other Local Authorities that have introduced similar schemes and has structured the scheme in such a way that benefits those landlords and agents that are compliant and provides incentives to improve compliance, whilst focusing resources and support to the non-compliant landlords through shorter licences.
- 5.7 This is reflected in the fees and charges structure and the eligibility for licences, which sees well performing landlords issued lower cost licences for the maximum 5 year licence term. The Council would inspect each licenced property at least once during the licence term, therefore a well performing landlord issued with a 5 year licence can typically expect an inspection once over that period, whereas a landlord issued with an annual licence because there are concerns identified with their management or compliance will receive an annual inspection, and will consequently pay more for their licence to cover the additional costs of council resources in doing so. This is in line with the Council's Private Rental Sector Strategy 2021-26 which seeks to encourage good landlord practice, and take decisive action to address poorly performing landlords.



5.8 Accreditation of Landlords and Agents will be used as a way to distinguish those landlords and agents who are experienced, knowledgeable in their profession and are committed to following good industry practice ([Accreditation scheme information - Portsmouth City Council](#)). To align both schemes, the existing mandatory licensing scheme should adopt the same criteria laid out in Appendix 2 when processing licence applications for Mandatory licences to determine the term of the licence, and fee charged, for each licence issued. More information on the scheme can be found on the Council's website ([Additional licensing information for landlords - FAQs - Portsmouth City Council](#)).

5.9 Cabinet in this report are being asked to consider introducing the same model for Mandatory Licensing, whereby applications for mandatory licences will be processed using the criteria in Appendix 2, and licences issued for 1 year, 2.5 years, or 5 years based on this criteria.

6. Licence Fees

6.1 Implementing the change described in section 4 above to the licensing model for mandatory licensing in line with the additional licensing scheme, would also require a similar fee structure to the one applied to additional licensing. The proposed fee structure for mandatory licensing is outlined in Appendix 3. This follows the same principles as the Additional Licensing fee structure.

6.2 All HMO licensing schemes require a fee payable by the licence holder to cover the Council's costs for operating the scheme. This fee will take into account all costs incurred by the authority in carrying out their functions, as outlined in the Housing Act 2004.

6.3 When setting the fees and charges structure for a licensing scheme, the Council must consider the costs incurred in adequately resourcing and administering such a scheme, including staff costs for administration, inspections and enforcement, training, and publicity and other costs such as office requirements and management support.

6.4 Any fee structure should be regularly reviewed to understand if it is achieving full cost recovery and if any changes have occurred that may impact this. Examples include changes to the national rate of inflation, changes to staffing costs, or further changes regarding the number of HMOs in the city or how many licences are given a 1 year, 2.5 year or 5 year licence.

6.5 The fee structure adopted under additional licensing has been developed to provide incentives for compliant landlords whilst providing sufficient resources to ensure that the scheme can be delivered effectively, and every property can be inspected at least once during the licence term. There is variation in cost based on licence duration due to the fact licences issued for a shorter duration require more resources to administer, such as carrying out more property inspections compared with a compliant property. It is proposed the same structure is adopted within mandatory licensing for these same reasons.

- 6.6 The proposed licence fee for mandatory licensing would range from £1,525 for a 1 year licence (£127 per month), £1,138 for a 2.5 year licence (£38 per month), and £1,100 for a 5 year licence (£18 per month), depending on the applicant meeting the criteria for the different terms of licences (detailed in Appendix 2). Most notably each property will be inspected at least once during their licence term, so licences issued for 1 year where concerns have been identified with their management or compliance will require an annual inspection, whereas licences issued for 2.5 or 5 years will require less inspections and administration. It is also anticipated that fewer issues will be identified in compliant properties on a longer licence duration, so will require less Officer intervention.
- 6.7 The Council has no way of accurately identifying how many licences will be issued for each licence term in advance. Officers estimate the vast majority of current licence holders will likely meet the level of compliance necessary to achieve a 2.5 or 5 yearly licence. However, there is limited data to predict the number of licence holders who would be willing to join a suitable accreditation scheme or produce to the Council a valid Energy Performance Certificate (EPC) as per the criteria for a 5-year licence.
- 6.8 It should be noted that although the proposed licensing fee structure for Mandatory Licensing outlined in Appendix 3 is based upon the same principles as those already agreed for the Additional Licensing fee structure, the fees are not directly comparable between the two schemes. This is because the Mandatory Licensing scheme is smaller (estimated to be 20% of HMOs in the city) than the anticipated size of the additional licensing scheme (estimated to be 80% of HMOs in the city), and therefore the fees charged need to recover fixed costs of running the scheme from a smaller number of licences. The resources required, mainly in staffing, is also proportionately greater when considering that the properties are larger and more complex in nature. Comparatively therefore, the fee for a mandatory licence is higher than that of an additional licence. To give this context, the fee for a new application for a 4-bedroom HMO for 5 years for additional licensing is £776, whereas the fee for a new application for a 5-bedroom HMO for 5 years in the new proposed mandatory licensing structure is £1,100. This is however a lower cost than the existing mandatory fee of £1,209 for a 5-bedroom HMO for 5 years.

7. Licence Conditions

- 7.1 On 22nd November 2022 Cabinet agreed to introduce new licence conditions for additional licensing. This was agreed in response to the statutory consultation feedback received, several new conditions will be included in licences issued through the additional licensing scheme. All licence conditions are detailed in Appendix 4, including the following as a direct result of the consultation:
- More detail regarding the requirements for waste management
 - Reference requests for prospective tenants
 - Provision of rent receipts (where rent is paid in cash)



- Supply of EPC certificates where required to demonstrate compliance with Minimum Energy Efficiency standards
- Have arrangements in place for tenants to report emergencies where the licence holder is out of the country for over one month
- Provide contact details for neighbouring property owners in case of emergencies
- Written procedure for dealing with complaints of nuisance, noise or antisocial behaviour.

7.2 Should the recommendations in this report be approved to align mandatory HMO licensing with the principles agreed for additional licensing, the licence conditions which will be applied as standard to all licences issued through the Mandatory Licensing Scheme are contained within Appendix 4 and summarised within this report, to ensure that all HMO licences are administered in the same way.

7.3 A licence holder will be required to adhere with these conditions when operating a licensable HMO. Breaches of licence conditions are an offence which can lead to prosecution or a civil penalty of up to £30,000 (any such action would be undertaken in accordance with the Council's Private Sector Housing Enforcement Policy). The purpose of these conditions is to ensure the suitable management and health and safety of the HMO is in place.

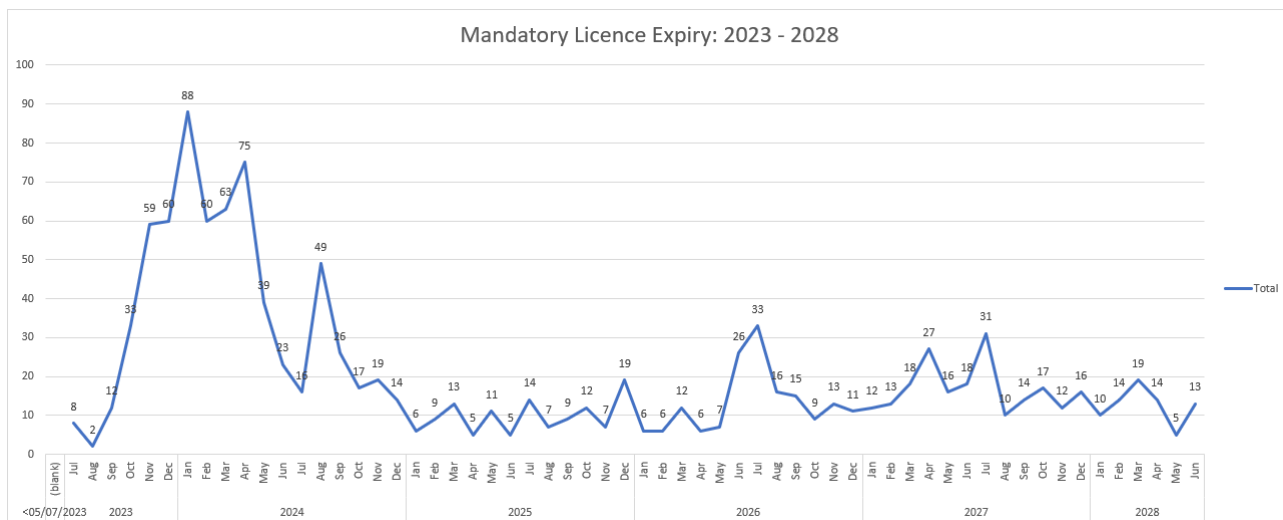
7.4 The city council, through its private sector housing team, will administrate each licence application and may include additional "special conditions" on a licence based on the management or property requirements. These could be, for example, a condition that requests additional facilities or amenities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

7.5 The licence holder may contest any licence conditions applied by the city council within 21 days of the draft licence being provided (or such other time period as stipulated by the council on issuing the draft licence), the council will then give consideration to these representations and respond to the licence holder. Once a full licence is granted, the licence holder can appeal to the first-tier property tribunal if they still do not agree with the conditions of the licence.

8. Implementation

8.1 It is recommended that if cabinet agree to align the two HMO licensing schemes, they implement this change to Mandatory licensing from 1st December 2023 to allow adequate notice for affected landlords to be made aware of the changes the Mandatory Licensing. Any licences due to expire on or after 1st December 2023, or any new licence applications received on or after 1st December 2023 will be administered through the new Mandatory Licensing criteria. This means that any current Mandatory HMO licences would continue to run until their expiry date on their existing terms.

8.2 Approximately 600 (around 50%) of current mandatory HMO licences are expected to be renewed between 1st December 2023 - 1st December 2024. Therefore, the transition from the existing way they are licenced to the proposed new criteria would take a full 5 years to fully implement, but the vast majority would be changed over within the first year or so of implementation, as shown in the graph below



8.3 If approved, information and advice will be published on the Council's website and through a variety of communication channels to key stakeholders, such as landlord and lettings/management agent groups and current Mandatory HMO licence holders.

9. Reasons for recommendations

9.1 The non-statutory consultation shows current mandatory licence holders are in favour of aligning the mandatory and additional licensing schemes.

9.2 Aligning the two schemes (mandatory and additional licensing) so that both schemes apply the same criteria when determining licence duration will provide a consistent approach for licence holders, whether they are applying for a licence for a property that falls under the additional licensing scheme (occupied by 3 or 4 people, or is a converted building mainly or wholly tenanted) or the Mandatory licensing scheme (occupied by 5 or more persons). It is common for landlords and managing agents to operate HMOs that span across these schemes. Adopting the same approach in both schemes will give clarity to those applying for a licence regarding how their application will be assessed and what criteria will be used to decide the length of licence.

9.3 Running two separate criteria across the mandatory licensing scheme and additional licensing scheme would likely lead to difficulty for the Council operationally. Examples include, administering different payment models, assessing different application types, and reviewing compliance with the schemes based on different criteria and licence conditions. Operating these schemes under

separate criteria and fee models will also likely lead to confusion for licence holders, who would receive a differing service between both schemes.

- 9.4 Applying the same set of conditions will assist in achieving the aims of both schemes, i.e., To protect private rented tenants of HMOs from poorly managed and maintained properties.

10. Integrated impact assessment

See Appendix 5

11. Legal implications

- 11.1 On 22 November 2022, Cabinet made the decision to introduce an Additional Licensing scheme as detailed in this report. This report details the proposal to be considered in aligning the current mandatory model with the new licencing model.
- 11.2 There is no statutory duty under the Housing Act 2004 to further consult on this matter. However, where there is no express duty to consult, the courts may imply a duty as part of the public authority's general duty to act fairly. Best practice would therefore suggest that there should be consultation in some form with those who will be affected by the decision, this would then discharge the duty of the local authority to act fairly and prevent any risk of challenge to the decision.
- 11.3 It is within the Cabinet's powers to make the recommendations set out within this report, in accordance with the Council's constitution.

12. Director of Finance's comments - to follow

- 12.1 The revised charging mechanism for the Mandatory Licencing scheme has been designed to be cost neutral for the local authority. This requires accuracy to ensure that the costs of running the scheme are recovered through the fees charged, whilst also ensuring that no surpluses are made once the costs of administering the scheme have been taken into account.
- 12.2 The Mandatory Licencing charges work on the basis that we have a certain level of expenditure divided by the number and type of licences. The number of licences that will be issued for each licence term can, at this stage, only be estimated. The consequence of this is that the Licence fee income may not be adequate to cover the costs, resulting in a budget pressure. However, if the charging mechanism makes a surplus, this would be remitted to a ring-fenced reserve and the Council would need to demonstrate that over a 5-year period the scheme breaks even.
- 12.3 It is recommended that officers conduct an annual review of the fee structure for Mandatory Licensing to take account of the prevailing rate of inflation, changes to staffing costs and any changes to the number of HMOs in the city. Proposals



for any required fee adjustments should be presented to the Cabinet Member for Safety in the Community for approval.

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

Appendices:

- Appendix 1 - Consultation responses
- Appendix 2 - Criteria for different licence terms
- Appendix 3 - Mandatory Licensing fee structure 2023
- Appendix 4 - Licence Conditions
- Appendix 5 - 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
Housing Act 2004	Housing Act 2004 (legislation.gov.uk)
Cabinet report November 2022 - Additional Licensing Scheme for Houses in Multiple Occupation in Portsmouth	Additional Licensing of Houses in Multiple Occupation HMO.pdf (portsmouth.gov.uk)
The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018	The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 (legislation.gov.uk)
Private Rental Sector Strategy 2021-2026	Private Rental Sector Strategy for Portsmouth 2021- 2026

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

.....
Signed by:

HMO Licence holder survey

Introduction

We're seeking your views as a licence holder of a house in multiple occupation (HMO) in the city.

We want to introduce a new way of licensing HMOs to recognise and reward well performing landlords/agents and target the council's resources to those who are not managing their properties as effectively. If agreed this would come into place from 1st December 2023.

Currently, well performing landlords/agents who are compliant and are managing their properties well, pay the same licence fee and are granted a licence for the same duration as poorer performing landlords/agents. Typically, these licences are granted for five years. This approach is used by most local authorities in the country, but feedback we received during a consultation on HMO licensing in 2022 indicated that landlords feel this is unfair.

Because of this we are proposing to introduce a new approach to HMO licensing. Under the new scheme, poorer performing landlords/agents would be kept under closer review with short licence terms. This in turn means their properties will be inspected more frequently and they will pay more for their licence than well-performing, compliant landlords/agents. This is because the council will have to dedicate more resources to improve poorer performing landlords/agents.

If introduced, from 1 December 2023 we will gradually roll out these changes to all new and current HMO licences by assessing applications for Mandatory HMO Licences (occupied by five or more tenants) when they are next renewed.

We will issue HMO licences for one year, two and a half years, or five-year periods. The HMO licensing team will assess each application to identify which licence term the applicant will qualify for.

Licensing fees are charged on a cost recovery basis, and reflect the resources needed to administer each type of licence. Under the new proposals those eligible for a five-year licence will pay less than they currently pay under the existing mandatory licensing scheme, providing a saving for well-performing landlords/ agents.

We have already agreed to introduce these changes to all HMO licences issued under the additional licensing scheme starting from 1 September 2023 (HMOs occupied by three or four tenants, or certain converted buildings). This proposed change to mandatory licensing (HMOs occupied by five or more tenants) will align the council's HMO licensing schemes, ensuring consistency and equality for all HMO licences. We are also proposing to update the licence conditions for HMO licences, also as a result of feedback we received during a consultation on HMO licensing in 2022.

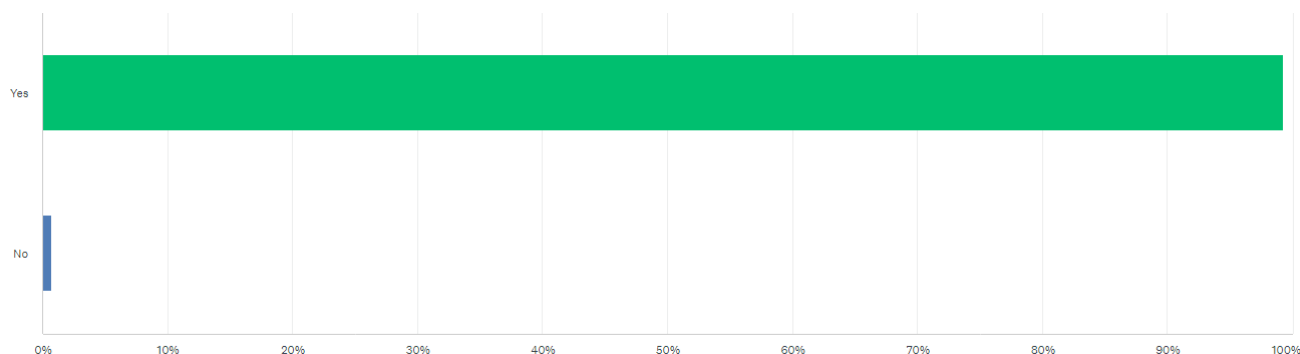
There is more information available here (item 9): [Agenda for Cabinet on Tuesday, 25th July, 2023, 2.00 pm Portsmouth City Council](#)

The survey was open from 26th July 2023 to 16th August 2023, and all current licence holders (695 in total) were invited to participate in the survey. The survey was available online and a paper format was provided to those that required this.

144 Responses were received in total, which equates to a response rate of 22% of all current HMO licence holders. The following shows the responses received.

Are you a licence holder of a licenced house in multiple occupation (HMO) in Portsmouth?

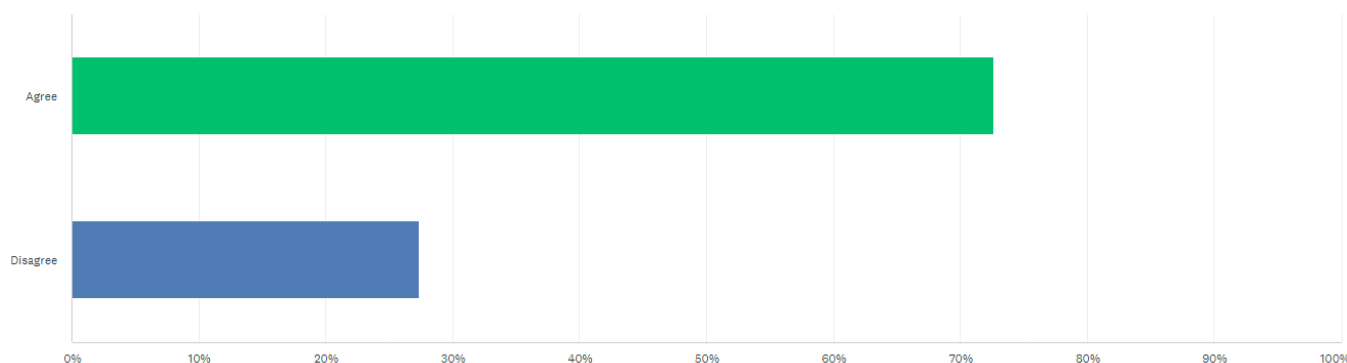
Answered: 144
Skipped: 0



Do you agree or disagree that these changes should be applied to the council's existing mandatory licensing scheme?

Answered: 128

Skipped: 16



Why do you disagree?

Answered: 29

Skipped: 115

-
- The current licensing is adequate
 - There are enough rules in place to ensure that landlords maintain their properties to a high standard, this brings additional costs to landlords who already adhere to the rules and will drive an increase in rental costs to tenants.
 - Because I don't feel a bad landlord is the one landlord who is applying for a licence in the first place. A bad landlord should be classed as the one who is running an HMO and not applied for the licence. If there are issues when the house is inspected and the landlord sorts these out in short period of time I see no reason to not grant them a 5 year licence.
 - As is always you are punishing those that do it correctly , just another bill to get a certificate to say we are doing what we always do , I note you are not reducing the fee for " good Landlords "
 - Pervious licensing scheme did not achieve the required goals. This is politically driven.
 - The £53 annual benefit to a good 7 bed landlord is not commensurate to the £735 a year punishment to a bad 7 bed landlord - I think the spirit of the scheme is good however, I just feel the 'upside' should be more significant
 - I feel this scheme only punishes bad landlords. I don't see the incentives for good. Also because it says if you don't have planning you will be penalised however with the 7 bed properties I have it has been stated Sui Gen is not needed as its not deemed a material

change. I feel this will now go against me and cost me more for a HMO license when I am in fact a very good landlord.

- There are already enough changes nationally effecting landlords. These changes are sadly trickling down to tenants because the landlords can't shoulder all the costs. I class myself as a well performing landlord and my tenants would agree. The security of 5 year licences gives both myself and my tenants much better peace of mind because of the security they provide. By changing this policy to shorter licences the council risks adding to the housing crisis because there will be less accommodation available. Coupled with this, if landlords have licences removed this could further cut down on housing or also leave tenants homeless adding to the crisis further.
- This will just add more costs ultimately paid by the tenants. It should simply be no license if bad landlords don't make the expected grade like it currently is.
- Fundamentally, this is prone to abuse and variation based on assessing officer. I am of the opinion that the existing standard should remain. It is wrong to charge landlords more because they need to be inspected more often. There should be no difference in fee payable. However, frequency of inspection should change depending on compliance for EACH property, rather than for each landlord. Some landlords own multiple properties and have marked variation across them. Don't focus on landlord. Focus on property.
- You are making it very difficult to provide a service with zealous inspections looking fir trouble with some aspects not making sense. You will have more Landlords selling up and more people seeking accomodation.
- utter waste of time
- Overcomplication for no need. Certainty/security of a 5 year license enables long term planning, shorter licenses do not. It is the councils responsibility to police poor landlords anyway, so why change?
- Same fair standards need to be applied to all landlords without discrimination of one is better than another
- It is not a reward. Costs are already increasing even for the five year license. So it is a penalty, just a bigger penalty for shorter licenses. Doubling the license duration for accreditation is also a joke.. accreditation is a very simplistic process. Finally, you do not have the resources to inspect all these shorter licenses more regularly, you can barely keep up with the existing schemes.
- This is another way to drive out the smaller landlords in favor of your own accommodation blocks and the larger landlords who are in favour with Portsmouth City Council.
- Because looking at the new costs of renewing the licences this isn't at all about 'rewarding' good landlords, it is just about finding excuses to be able to bring in more money for the council.
- Portsmouth City Council has consistently demonstrated an anti landlord approach. I notice that your idea of a "longer"license is actually still just the standard five years. A longer license should be more like eight or 10 years. I suspect that tPortsmouth City Council are simply using this as a ruse to ensure that the average length of all HMO licenses reduces from five years down to 2 1/2 years or less. Trust levels with PCC are at an all-time low, and I do not trust ANYTHING that they choose to do will prove to be of benefit to landlords.
- Good landlords are already under pressure following rules and regualtions. We believe landlord who abide by licensing rules are good landlord no point in hammering them further with more red tapes and extra licensing fees. Tenants can take landlords to court easily for non compliance so they are well protected. Landlords need more protection against rouge tenants. Also what is the definition of a bad landlord vs good landlord? Why punish landlords who are already abide by HMO rules and regs?
- I don't know how you will achieve the 'cost recovery' objectives. The process is bureaucratic enough as it is.
- there is a PCC political agenda of certain council members bashing GOOD QUALITY LANDLORDS AND OPERATORS (because they can) and failing to take to task the LANDLORDS that consistently operate poor standards of property, where not much action is taken by the LA to hold them to task, even though the LA has the powers to do so!! This will merely be a way for the LA to reduce licence terms under a subjective process which will further penalize landlords who operate good quality stock with strong managements. These landlords are profitable as they operate with good systems ad processes. The profitability will be targeted by the LA that is under constant budgetary pressures which will entail LA

individuals / officers acting accordingly. This unintended consequence will not help good landlords and will put costs up. This will only be passed to the tenants, the people that the government are currently seemingly trying to assist!!!

- PCC cannot source enough staff for the new workload under additional licencing structure. Just had an 'initial' inspection on a mandatory HMO after 4.5 years!
- I am concerned that the decision as what type of landlord you are categorised as will be very subjective. In a recent meeting between the Council and Portsmouth Landlords your speaker indicated that you only expected 10% of landlords to be good and receive a five year licence.
- There is no definition of what is a good landlord and what is a poor landlord. Therefore, how can a landlord meet the good Landlord criteria?
- The change from 5 to 3 people who are unrelated was changed back in the noughties when council struggled for money, then it was changed back to 5 or more and now times are hard again it has been re-introduced. It obviously was not done for safety or it would never have changed back the last time!
- Because it does not reward the better landlords who have provided quality accommodation for many years. It only penalises the poor quality landlords. The increased costs overall (utilities, mortgage rates, punitive tax etc) allied to punitive legislative changes mean I am selling my HMOs removing quality homes from the local housing market. The government persecution of private landlords has lead directly to this decision. There is no benefit to being a good landlord. This proposed scheme keeps good landlords exactly where they were..... Landlords providing sub standard accommodation should be heavily penalised with removal of the licence and fines. They get the rest of us a bad reputation when we invest time and money providing good standards
- 1. There's clearly an anomaly in the proposed Fee Structure with the £862 (5-bed base) Part 2 fee on a 5-year Renewal being higher than for the £825 for a New Application. This is not the case in the current fees, nor proposed for the shorter duration licences. It looks as is, perhaps, the Part 2 Renewal Fee was intended to be £762 not £862; is this a typo/error? 2. The proposals include conditions which are in breach of / beyond the scope allowed by Housing Act 2004, and otherwise legally dubious, and potentially exposing PCC to costly legal action... 2.1. The requirement that Tenancy agreements include specific points (payment method, etc) will clearly be in breach of Housing Act 2004 section 67 (6), which states: "A licence may not include conditions requiring (or intended to secure) any alteration in the terms of any tenancy or licence under which any person occupies the house.". 2.2. The legal basis for the accreditation requirement for a 5-year licence is not at all obvious. If permissible at all (ie within the scope set out in Housing Act 2004 section 67, it would appear to be a very loose and indirect interpretation of section 67 (2)(f): "conditions requiring the licence holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233.". Whilst, it is plain that PCC can demand a landlord attends training in nationally approved codes of practice as a one-time event, it is not at all clear they may require an ongoing affiliation with a third-party organisation. This would certainly be open to legal challenge, and if that occurs several years down the road, it could lead then to class-action financial claims for the difference in licence fees as being owed to a large number of landlords denied a 5-year licence simply for not being accredited. PCC legal counsel needs to review this. As an alternative, it would be far cleaner, ie plainly lawful, to specify/list nationally defined codes of practice that landlords are expected by PCC to have some formal training in at the beginning of/shortly after a licence term, with examples of courses/providers that cover the material, but then also allow accreditation as an alternative to attendance of the one-time courses. 2.3. Stipulating in the promotional materials that alterations subject to Building Regulations must be certified by Local authority Building Control (LABC) is likely a breach of Unfair Trading Regulations 2008. Besides LABC, there are 2 other perfectly legitimate ways to have Building Regulations Compliance certified: (i) Using a provider on the competent persons register, that is, someone qualified to self-certify their work (eg any FENSA registered window installer or any Gas-safe certified gas fitter), and (ii) a private Building Control Body (BCB) on the CICAIR register. Whilst in reality, it is unlikely PCC would dismiss a valid certificate, the misleading omission of the alternatives in the published licence conditions is, on the face of it, a breach of Unfair Trading Regulations 2008, with reference to paragraphs 3(3)(b), 3(4)(b), 6(1)(a) therein; this potentially exposes PCC to costly legal action in the future. 2.4. PAT testing provider restriction is wholly unreasonable and unjustified. A prohibition on using good quality services provided the multitude of small local businesses in Portsmouth area, well-established in providing PAT Test services to local HMO Landlords,

simply because they do not also offer services subject to Building Regulations Compliance (and thereby qualifying to be on the national Competent Persons Register) is outrageous. PAT testing has nothing to do with Building Compliance and, so, the Competent Persons Register is not relevant to PAT test specialists. Whilst all electricians on the Competent Persons Register will do PAT testing in certain contexts, eg together an EICR on a 5-year cycle, few electricians fully-qualified for installation/alteration work will want PAT testing work on it's own. Whereas those specialising with appropriate skills and experience and dependent on the work will be barred by PCC with the new proposed Licence Conditions, potentially with devastating consequences to their businesses. Again, this may expose PCC to potential legal action from the affected businesses, or Landlords being forced to pay higher costs to fully qualified electricians who price services significantly higher than PAT specialists to avoid the work. 3. Licence conditions relating to Housing Act 2004 section 67 (2) (b) do not pass the test of being "reasonable and practicable" as stipulated in the wording of 67 (2)(b). 3.1. Requiring written procedures for ASB in the case of a self-managing landlord with a small portfolio of 1 or 2 properties and no staff at all having written procedures makes no sense, it is not reasonable. Anti-Social Behaviour can take so many extremely varied forms and the most appropriate action will naturally be guided by principles and values rather than procedures. A "reasonable and practicable" step towards reducing ASB would be something less pointless or onerous like: " the licence holder shall provide a PCC published guide on what constitutes ASB to tenants at commencement of each tenancy." with PCC then also producing such a guide to be given to tenants. 3.2. Requiring that licence holders provide contact details to occupiers of adjacent properties does not pass the "reasonable and practicable" test either. When a neighbouring property is another HMO with a high turnover of occupants, it is not at all reasonable to expect a landlord to have any knowledge of when those neighbouring occupants change. Even in the case that there is a a long-standing owner-occupier directly next door on the same street, that would be generally easier, of course, to effect, but still really hard to prove that it had been done. You drop a card through the letterbox, which may be discarded. When the neighbour calls PCC, they deny ever having received the information. From PCC's perspective, it will appear to be breach of the licence conditions when it isn't. Furthermore, there is no definition here of adjacent; presumably it's the neighbours with party walls that are the key concern, but the curtailage of the property may be technically adjacent to several properties on another street. There's no clarity here on what would constitute proof of compliance. It's really poorly-thought through and is not mature enough to be included as a licence condition at this juncture.

- Some of the requirements for a five year licence have little to do with actual performance or standards. For example, accreditation can be passed with very little effort and serves as a tick box exercise. Planning also generally has little to do with performance and there are plenty of properties involved that don't legally require planning permission, which is contradictory. Most of the problems that come up within these areas can be served best with other existing legislation/powers so just creates problems and costs for landlords/agents with no prior performance issues. The planning issues would have resolved by itself at some point now that conveyancing solicitors are properly undertaking due diligence and requiring planning/lawful Use certificates upon the sale of HMO properties for some time now. Linking five year licences to a department (planning) that is not currently operating effectively is a bad choice at this moment in time. The current housing market is such that tenants are less likely to complain about bad landlords due to fear of homelessness so this is where efforts could be better focussed. Perhaps offer anonymous investigation (not reporting to the landlord immediately) with the tenant until determination of whether there is a fault with the landlord that you are able to act upon with the permission of said tenant might help? This way, you are more likely to obtain better information about possible rogue landlords/agents who have more than one property that you can work towards watching closer on other matters?
-
- As an experienced landlord with several properties letting to students, I have many years experience of PCC licensing. From my point of view it has mostly consisted of submitting documentation and not much else. Adding extra layers and changing structures will create more administration for the council and take up resources which could be used to locate and prosecute the illegal (under the radar) landlords.
-

Do you have any further comments?

Answered: 67

Skipped: 77

- The costs for the new licensing feel disproportionate for a scheme that is supposedly at cost.
- na
- The assessment of poor performance sounds as if it may be a bit arbitrary? I presume that the assessment criteria will be available for scrutiny? On the whole, I consider the cost of HMO renewal to be excessive.
- No other than if someone applies straight away for the licence and is a member of PDLA and NLA they should automatically be eligible for a 5 year licence.
- I think its a fair approach
- The landlords that will comply are the good ones , those in the back ground that you do not know about will just continue and we will just end up paying more for what will probably turn out to be a worthless certificate
- I believe this will incentivise landlords to make sure the property is fully compliant with current hmo guidelines and believe it is a great idea going forward
- I am totally in favour of introducing measures that make the life of non-compliant landlords more difficult and expensive
- no
- I think that it is a fair scheme. My only comment would be that if an HMO is not up to standard, the Landlord is given an appropriate timeframe to remedy the problems. If they do not make the required improvements, then they should be penalised.
- I feel we would be considered a "good landlord " as we always try to comply ,but would like to know what the criteria is. At times we felt we were doing anything requested correctly to comply, to be told later on there were other items that were different to what we thought we were applying . There just needs to be clarity on requirements.
- Please change the need for a Sui Gen on a 7 bed house.
- no
- The proposal makes sense. It will make better use of council resources.
- This is a good idea, and a welcome move. For a long time it has felt like, by pro-actively keeping on top of licensing, maintenance and accreditation, we are actually at a financial disadvantage to those landlords who try and avoid detection. This is a step in the right direction towards making the bad landlords pay more towards HMO regulation, rather than keep targetting the good ones.
- I think that all the officers who do inspections should really read and understand all of the requirements because on multiple occasions landlords have been failed on things, that at appeal, have passed because the inspector was unfamiliar with all of the regulations.
- Good landlords who comply with all legislation should be given some recognition for running good properties, it is usually the bad landlords who dont even register
- The criteria for grading performance needs to be clearly defined and transparent and not a subjective view from assessors. This should be published in advance of starting the scheme so Landlords can align their performance to the criteria in advance of applying for a renewal.
- yes I think this is a good idea
- No
- It appears PCC are using a scheme to increase the cost of a license on hmo landlords to employ more HSO so they can inspect there own properties and housing association properties as this will be a future requirement as PCC has no idea of the condition of this kind of housing stock!
- Good/compliant landlords should have benefits for providing quality accommodation in the City
- This is ripe for abuse and corruption. Having such freedom to charge some people more or less depending on what an individual inspector feels is risky and opens PCC up for appeals and litigation due to potentially unfair application of rules. Keep it simple. Fees are set, but

frequency of inspections may vary. The current frequency can remain, but compliant landlords can have it less frequently (cutting cost for PCC on admin).

- There are many rental houses in Portsmouth that are rented to families and escape regular inspections. Many of these are substandard and have other people living in them that are not related .Thus needs to stop
- We despair.
- stop building empires
- may be the council can look into keeping the same number of rooms in spite of small communal areas , as those areas are hardly used by the tenants .
- Your idea is a fantastic initiative for professional landlords who keep their properties in the best condition possible. To be in the same band as poor landlords who do not actively maintain their rentals is unfair so to create this system is effective, efficient and rewarding. Many thanks, [Personal details removed].
- Stop making it difficult for hmo owners by changing the specifications of the property on a regular basis it's
- The definitions for allocating landlords to one length licence or another need to be very clear, and not dependent upon one officer's assessment. There should also be a right of appeal, particularly if the additional costs for under-performing landlords are substantial. It should also be made clear how a landlord can progress to becoming a longer licence holder.
- Seems fair
- Not sure why I bother responding to surveys and consultations, they are always ignored in favour of the pre-decided outcome.
- what is the point of this survey - one question and 99% will answer the same i guess
- You need to be fair for all landlords. Looks likes Portsmouth City Council has even less morals then ever.
- What about non licensed properties. I get lots of tenants through who are from unlicensed ones
- Good proposal for those of us who keep good properties and provide information on time
- Landlord needs more support to deal with rouge tenants. Rent arrears should be made criminal offense not just a civil offense. Buy to let standard will improve if tenants are equally held accountable for wrong doing.
- Would be good to know what proportion of "bad" landlords there are.
- I think there are plenty of ways you could reward better performing landlords. - 7 year licences for exam please. You target them because you have their details and they are upfront and honest and open. The bad ones are underground and difficult to deal with so you focus more attention on the good ones which seems counter intuitive
- I believe attending a coarse to show competence should've necessary for those landlords currently holding a five years license providing they are compliant in all other areas as it seems another unnecessary hoop to jump through and more landlords will avoid declaring HMO'S
- What I do worry about is the lack of advertising of this scheme therefore landlords unaware of it and fail to complete the accreditation in time will be automatically deemed as 'bad' landlords. How can you make that judgement just because they haven't attended a course with the NRLA. This is what licence conditions are for. Make them do the course via a condition as you have done before. Also only 2 accreditation schemes recognised when some landlords may have other training, such as membership with the CIEH :-) Also worry how you guys will administer this. It will be a complete nightmare as it is. Good luck!
- None
- Would be good to help good landlords when needed. We are trying and willing to ensure we provide excellent Accomadation to tenants.
- ilhave a large portfolio of premium rental property , i have argued for many years thet rental property should be star rated 1 to 5 stars , would you go to a 1 star hotel in Spain !!!! Portsmouth council did it with food . i would welcome a meeting with Private sector housing to put forward ideas to vastly the Portsmouth stock of housing.
- Review the political motives of the LA and the negative impact on Private sector housing
- As long as the rules are applied fairly and also sensibly then I agree with this. I do however, firmly believe that the rules should not be so rigid and there should be allowance for a small degree of interpretation/allowance under the inspection routine. for example if a room is a tiny bit too narrow or a window not exactly right - there should be allowance fro judgement both by

the owner and the inspector and the property should be looked at as a whole. I am very concerned if the regime is too strict many houses will be removed from the PRS and rents will become very high as tenants fight for a room.

- agree that good landlords should be treated better than bad landlords, but PCC do not have the resources and it just looks like a money maker
 - It would depend on how you assess 'well performing'. I am suspicious the extras fees will be applied liberally to poor performing landlords (taking no account of the now non existent responsibilities of the tenants as has become usual). Whereas reduced rates will be very rare. The HMO licence represents to good landlords a stealth tax on top of never ending costs in regard to building regs, fire regs, soaring mortgage costs - you want to pile some more on the top. After 25 years as a landlord of an HMO I have experience which has never been sought. It is a constant effort in regard to management and costs to keep things to a high standard and all legislation progressively does it piles more costs and responsibilities on the landlord and none whatsoever on the tenant - or housing department for that matter. I am even responsible for keeping the property clean and tidy - not the tenants! I employ a cleaner, I still battle with this. In 10 years of legislation nothing has assisted the landlord and I would be astounded if anything in your proposal really does. I have also not received a response after two weeks from Housing at Portsmouth in regard to a renewed licence so is any analysis of how you are actually performing going to be made?
 - Are regular inspections proposed to assess the condition and status of the HMO?
 - I would also like to see the cost of the 5 year licence reduced rather than just the 1 and 2.5 year licence fees increased. This would surely be better and fairer for all with the same, if not more money coming into the council than the previous, flat rate scheme. Landlords also need to be fully aware of the terms / conditions that are required / expected at each tier. So far, from what I have seen, it is rather vague.
 - The revised set of licence conditions overall look like bilge from a brain-storming session without being filtered and appropriately refined and checked for practicability before being published. The fee table too hasn't been checked for error before publication. This is appallingly low quality output from PCC PSH.
 - I don't think 5 year licences should be tied to planning or accreditation that is over and above what is required legally on a national level. The other requirements are fine even if some are unnecessary as required by law elsewhere already.
 - You have to wonder if the medium term goal is to simply increase licence income for a cash strapped council because it will be much more expensive for landlords of smaller properties - unused to the regular "red tape" procedures.
 - Whilst the proposal to licence poor performing landlords for shorter periods will increase the cost to them and incentivise them to do better, the cost of renewing a five year licence has nevertheless increased to more than double what it was a couple of years ago. I do not think this is fair on existing landlords who are compliant. A more moderate increase would be appropriate.
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Appendix 2 - Criteria for different licence terms

Additional Licensing Model

Portsmouth City Council will issue HMO licences for one-year, two-and-a-half-years, or five-year periods. To be eligible for a given length of licence, the licence applicant must meet all the criteria set out below at the point of application. The Council's HMO Licensing team will assess the application to identify which licence term the applicant will qualify for. In order for this assessment to be made the application will need to be valid at this stage.

Licences will be issued for two and half years where landlords are able to demonstrate that they are compliant with all required certification, and there is little or no indication of recent poor performance.

One year licences will be issued where concerns are identified in relation to competence or compliance. This will enable the council to focus their resources on these landlords/ agents and their properties, with regular inspections and review of their status as a licence holder.

Licences will be issued for five years where landlords are able to demonstrate that they are compliant with all required certification, there is no evidence of recent poor performance, they are accredited with (and therefore able to access education and support from) a PCC approved accreditation body, and they can demonstrate that their property has a good energy performance rating or they have registered a valid exemption (even where an EPC is not legally required for the property).

Before issuing an HMO licence, the Housing Act 2004 states that the council must be satisfied that the proposed licence holder (and manager) of the property are fit and proper person(s). If not, the licence must be refused unless other satisfactory arrangements can be agreed. A "Fit and Proper person" assessment is therefore carried out for all prospective licence holders as part of the application process. Those that fail the fit and proper person assessment will be refused a licence (in this situation they must appoint an appropriate alternative person to be a licence holder, or the Council may take over the management of the property through an 'Interim Management Order' until appropriate alternative arrangements can be made). Where some concerns are raised however through the fit and proper person assessment, but it does not constitute a 'failure', the council can address this in different ways.

One Year Licence criteria - Option B

Where any of the following issues are identified by the Council when processing the licence application a one year licence will be issued:

- Fit and proper person concerns
- For licence renewals, there are conditions from the previous licence that have not been complied with
- More than 1 justified service requests in the last 12 months related to the applicant or proposed licence holder*

Appendix 2 - Criteria for different licence terms

- Application submitted more than 14 days after [licencing start date] or for renewals 14 days after expiry of current licence
- Safety certificates not submitted with application (or they are not current and/or satisfactory):
 - Gas safety (if gas in property) - annual check
 - Electrical safety - 5 yearly check
 - Smoke / heat detectors or fire alarm system certificates / declarations - annual check
 - Emergency lighting (if installed) - annual check
- Fire risk assessment not submitted with application
- Planning permission not granted (for C4 or Sui Generis use or there is no certificate of lawful use) or unable to demonstrate historic use of the HMO
- All building work requiring building control approval not properly certified

* Justified means where the council have investigated and have evidence that supports the allegation and / or had to take action to resolve the issue.

Two and Half year Licence criteria - Option B

To receive a two and a half year licence, the applicant must submit a valid application and meet all of the following criteria:

- No fit and proper person concerns
- For licence renewals any conditions from previous licence must have been complied with
- No more than 1 justified service request in the last 12 months related to the applicant or proposed licence holder *
- Application submitted by [licencing start date] or for renewals 14 days before expiry of the current licence
- Safety certificates submitted with application (must be current and satisfactory):
 - Gas safety (if gas in property) - annual check
 - Electrical safety - 5 yearly check
 - Smoke / heat detectors or fire alarm system certificates / declarations - annual check
 - Emergency lighting (if installed) - annual check
- Fire risk assessment submitted with application
- The property must have planning permission or a certificate of lawful use for C4 or Sui Generis use, or be able to demonstrate historic use of the property as an HMO
- All building work requiring building control approval properly certified
- Stage two fee paid as requested

* Justified means where the council have investigated and have evidence that supports the allegation and / or had to take action to resolve the issue.

Appendix 2 - Criteria for different licence terms

Five year licence criteria - Option B

To receive a five year licence, the applicant must submit a valid application and meet all of the following criteria:

- No fit and proper person concerns
- For licence renewals any conditions from previous licence must have been complied with
- No justified service requests in the last 12 months related to the applicant or proposed licence holder *
- Application submitted by [licencing start date] or for renewals 14 days before expiry of current licence
- Safety certificates submitted with application (all current and satisfactory):
 - Gas safety (if gas in property) - annual check
 - Electrical safety - 5 yearly check
 - Smoke / heat detectors or fire alarm system certificates / declarations - annual check
 - Emergency lighting (if installed) - annual check
- Fire risk assessment submitted with application
- The property must have planning permission or a certificate of lawful use for C4 or Sui Generis use, or be able to demonstrate historic use of the property as an HMO
- All building work requiring building control approval properly certified
- Accreditation with PCC approved organisations (details on approved accreditation shown separately)
- Provide the Council with a valid energy performance certificate (EPC) dated within the last 10 years (must be band E or higher unless property is exempt) even if the property does not legally require an EPC.
- Stage two fee paid as requested

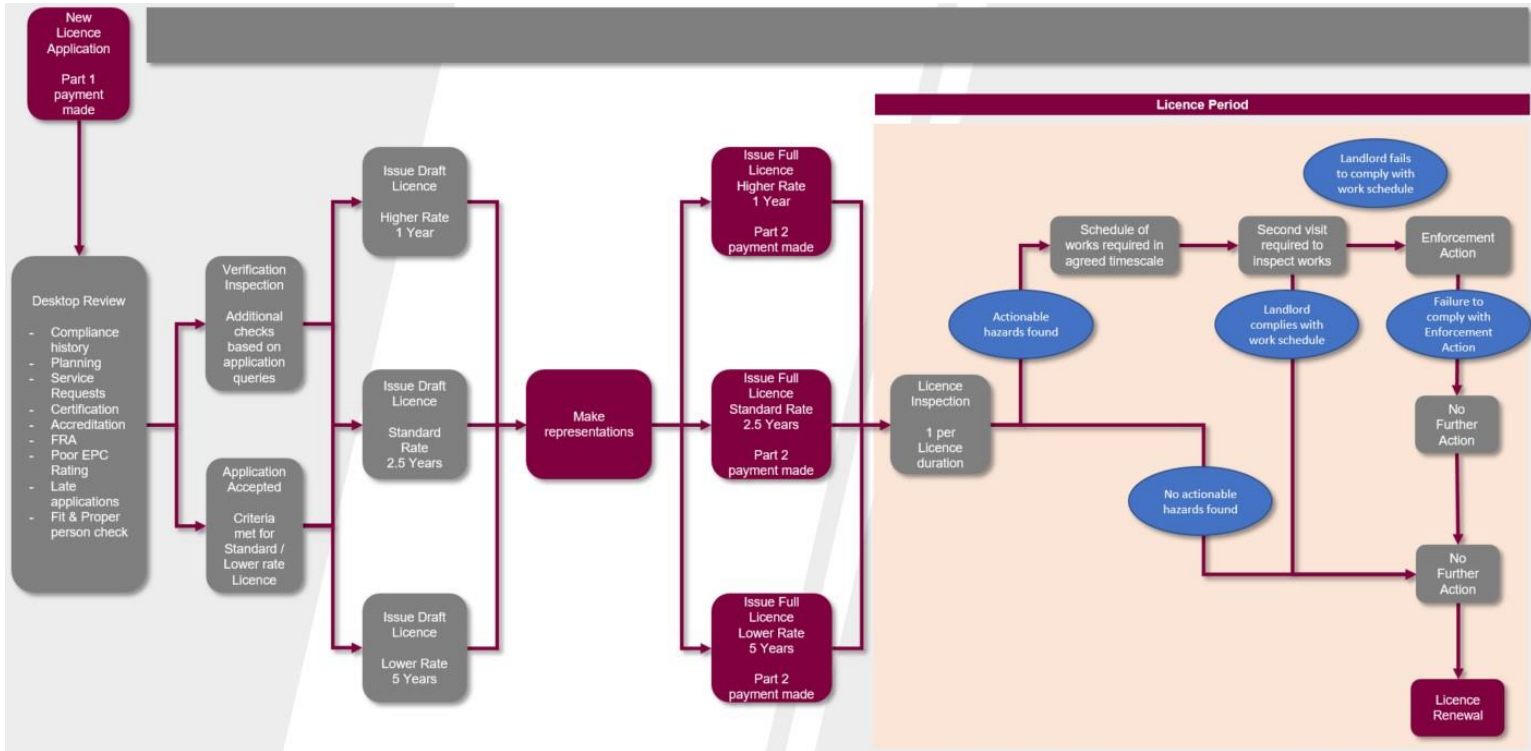
* Justified means where the council have investigated and have evidence that supports the allegation and / or had to take action to resolve the issue.

For five year licences, we will accept national and local accreditation schemes approved by PCC (see separate details for the criteria for approved national and regional accreditation schemes). Please note, where the managing agent has full management control and is accredited then this will allow the landlord (licence holder) to gain a five year licence.

Appendix 2 - Criteria for different licence terms

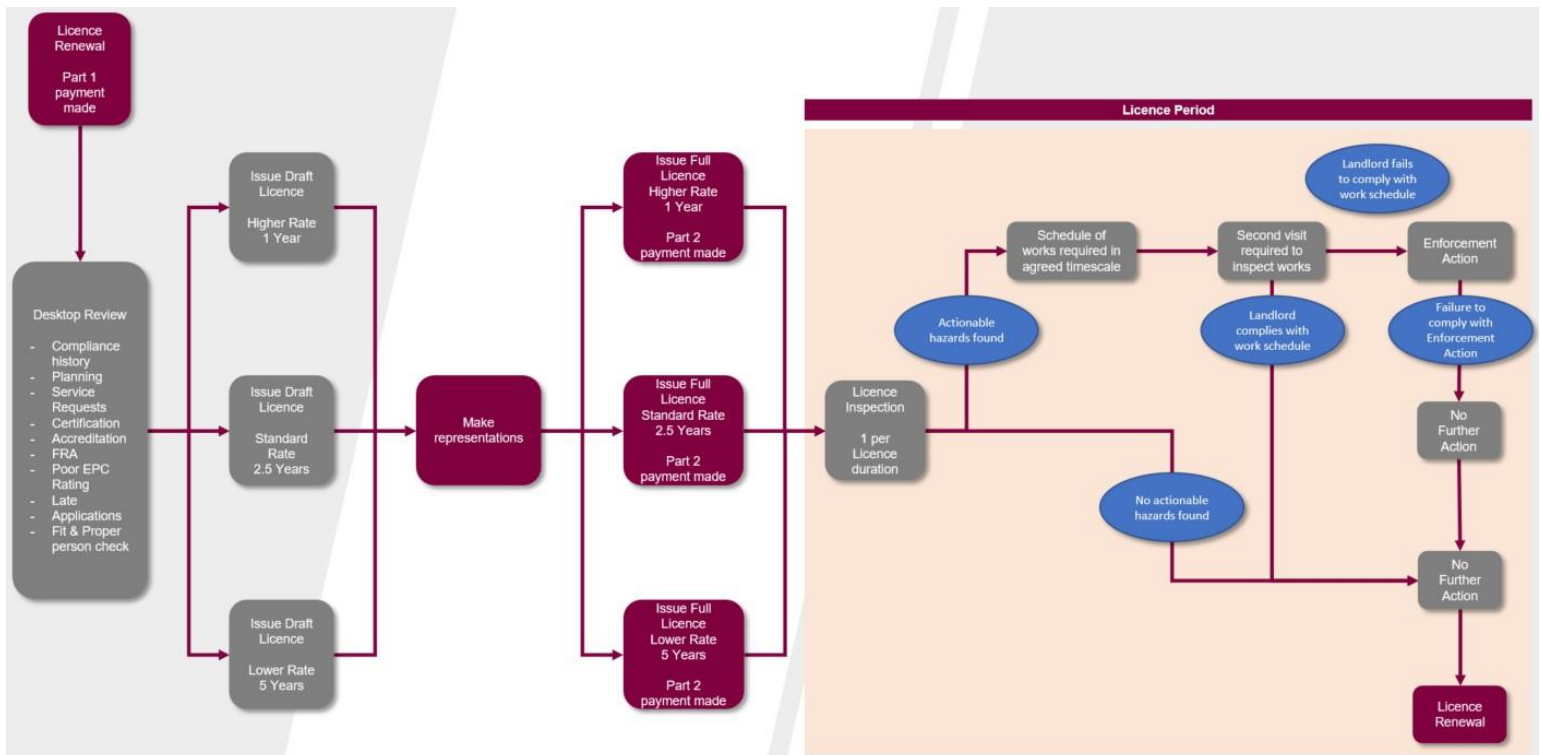
Process for New Licence applications

The following flow chart outlines the processes for new licence applications:



Process for Licence renewals - Option B

The following flow chart outlines the processes for new licence required applications:



Mandatory Licensing fee structure

There are two types of HMO licence applications with two different licensing fee structures

- A new HMO licence application, which is when a licence holder applies for a HMO licence for a specific property which does not currently hold a licence.
- A Renewal HMO licence application, when a licence holder applies for a subsequent and successive HMO licence when the licence period comes to an end.

For an application to be treated as a renewal, it must be submitted before the expiry of the current licence.

The licence fee structure reflects the amount of work involved to process the application including the visit(s) to ensure that it is compliant with Part 2 matters of the Housing Act 2004. Each property would have at least 1 visit per licence term.

In line with recent court decisions – there are 2 stages to fee payment:

- the first stage fee payment will need to accompany the licence application so that the council can carry out necessary checks to enable the Notice of Intention to Issue the licence
- the second stage fee payment will need to be paid when your application is complete and at the granting of the final licence. The applicant will be notified when the final licence is issued.

The details of the licensing models are explained in Appendix 1.

Application type	Part 1 fee	Part 2 fee			
		5 Rooms	6 Rooms	7 Rooms	8 Rooms
New Application - 5 year Licence	£275	£825	£878	£931	£984
New Application - 2.5 year Licence	£275	£863	£916	£969	£1,022
New Application - 1 year Licence	£488	£1,037	£1,090	£1,143	£1,196
Licence Renewal - 5 Years	£180	£862	£915	£968	£1,021
Licence Renewal - 2.5 Years	£180	£739	£792	£845	£898
Licence Renewal - 1 Year	£180	£700	£753	£806	£859

To work out the fee charged if the number of bedrooms exceeds those listed in the table above the following table explains how to do this:

Application type	Part 1 fee	Part 2 fee calculation
New Application - 5 year Licence	£275	$((\text{No. of Bedrooms} - 5) \times 53) + 825$
New Application - 2.5 year Licence	£275	$(\text{No. of Bedrooms} - 5) \times 53 + 863$
New Application - 1 year Licence	£488	$(\text{No. of Bedrooms} - 5) \times 53 + 1,037$
Licence Renewal - 5 Years	£180	$(\text{No. of Bedrooms} - 5) \times 53 + 862$
Licence Renewal - 2.5 Years	£180	$(\text{No. of Bedrooms} - 5) \times 53 + 739$
Licence Renewal - 1 Year	£180	$(\text{No. of Bedrooms} - 5) \times 53 + 700$

For example, to work out the Part 2 fee for a new application for a 5 year licence for a 12 bedroom HMO, the calculation would be:

$$((12-5) \times 53 = 371) + 825 = \underline{\underline{£1,196}}$$

Refunds Policy

A refund will be given if:

- You have made a duplicate application
- You made an application for an exempted property by mistake
- You made an application for a property which is not licensable under Portsmouth HMO licensing schemes

A refund will not be given if:

- You withdraw your application at any stage
- We refuse your application
- We revoke (take away) your licence
- You are subsequently refused planning permission for your HMO
- Your property ceases to be let as an HMO during the term of the licence (including if you sell your HMO during the term of the licence).

Risks identified:

1. The profile of landlord licencing from 1 Year, 2.5 Year or 5 Year is estimated in the fee structure based upon assumptions.
2. Inflation is a challenge in calculating costs and levels of fee licence modelling.

Appendix 4 - Licence conditions for Houses in Multiple Occupation

HMO Licence Conditions

The licence holder must adhere to the following licence conditions. These conditions will be monitored by the Council, and inspections will be carried out to ensure these are being complied with during the period of the licence.

Failure to adhere to one or more of these licence conditions could result in formal proceedings against you, with an unlimited fine, a civil penalty and/or the loss of your licence. The Council may also consider whether it is appropriate to make a Management Order to take over management of the premises.

Compliance inspections will be carried out to ensure the premises is safe, free from disrepair and well maintained by using the Housing Health and Safety Rating System. Any issues found will be dealt with via the enforcement means available under the Housing Act 2004 (as amended) and other relevant legislation.

*Indicates a mandatory condition prescribed by the Housing Act 2004.

Any reference to “on demand” means to provide, to the Council officer, the document within 14 days of the demand, unless otherwise stated by the Council officer.

Licence Conditions to be applied to HMO Licences

1. *The licence holder must ensure that:
 - the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
 - the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
 - the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
 - any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

The Licence Holder must notify the local housing authority in writing of any room in the HMO with a floor area of less than 4.64 square metres.

Any part of the floor area of a room in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room for the purposes of this condition.

2. The licence holder shall ensure that, where any room in the HMO is used as sleeping accommodation:
 - by persons aged over 10 years only, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence;

Appendix 4 - Licence conditions for Houses in Multiple Occupation

- by persons aged under 10 years only, it is not used as such by more than the maximum number of persons aged under 10 years specified in the licence;
 - by persons aged over 10 years and persons aged under 10 years, it is not used as such by more than the maximum number of persons aged over 10 years specified in the licence and the maximum number of persons aged under 10 years so specified.
3. The licence holder must rectify the breach within the specified period where;
- Any of the requirements imposed by conditions 1 and 2 relating to floor area have been breached in relation to the HMO,
 - The licence holder has not knowingly permitted the breach, and
 - The local housing authority have notified the licence holder of the breach,

The specified period means the period which is specified in the notification, which shall be not more than 18 months beginning with the date of the notification, unless otherwise stated.

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

Room number on plan	Occupancy level
X	xxx

5. The following room(s) are NOT to be used as sleeping accommodation by any person:
6. The licence holder will provide to Portsmouth City Council (The Council) copies of the following documents on, or within, 2 weeks of each anniversary of the granting of this licence:
- a) *A current certificate certifying the safety of the landlord's gas appliances and installations (if present)
 - b) A current certificate of service demonstrating the proper operation of the fire alarm system(s) (If required).
 - c) Details of visual inspection and testing of the fire alarm system by the licence holder.
 - d) A current certificate of service demonstrating the proper operation of the emergency lighting system (if present).
 - e) A current PAT certificate (electrical appliance safety certificate) for appliances provided by the landlord (if required).
7. With the exception of item (c) above, all these documents are to be provided by a competent person (for example a qualified Electrician who is a member of a recognised Electrical association , or a member of Gas Safe association with regards to gas safety certificates. A register of competent persons is available from: www.competentperson.co.uk)

Appendix 4 - Licence conditions for Houses in Multiple Occupation

8. A copy of the following documents shall be displayed in the HMO to which all tenants have access:
 - a) this licence, and the conditions attached thereto;
 - b) the manager's contact details; and
 - c) The procedure for notifying the manager of any emergency and other complaints concerning the property and details of how the manager will address them.

9. Where the Licence Holder is out of the country for more than two weeks and for less than four weeks, there must be emergency arrangements in place for the tenants to be able to arrange emergency repairs. These arrangements must be provided to the tenant.

Where the Licence Holder is out of the country for more than four weeks at a time, there must be a named managing agent or alternative person who can arrange repairs. This person must be named on the application form and must be a "fit and proper" person. These arrangements must be provided to the tenant.

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

The Licence Holder must give new tenants information on disposing of all refuse and recycling in an appropriate manner and at the appropriate time including:

- The collection days for the refuse and recycling
- Details on what they can and cannot recycle
- How they can dispose of bulky waste and the penalties for fly tipping

The Licence Holder must ensure suitable and adequate provision is made available at the start of a tenancy for storage of refuse generated in the house.

The Licence Holder must make supplementary arrangements for the disposal of refuse from the house as may be necessary. The Licence Holder must ensure that at the end of each tenancy any rubbish or unwanted household goods left behind are removed and disposed of appropriately before the start of the next tenancy. In particular any rubbish or goods left in the front or back garden or the pavement in front of the property should be removed. Where the tenancy agreement places responsibility on the tenants for garden maintenance, the Licence Holder must provide for garden waste collection by purchasing appropriate bins and payment of collection charge.

11. Any alteration to the electrical wiring must be completed by a competent fully qualified Electrician as mentioned in section 6.

12. *Ensure that a smoke alarm is installed on each storey of the house on which

Appendix 4 - Licence conditions for Houses in Multiple Occupation

there is a room used wholly or partly as living accommodation. The Licence Holder must keep all alarms in proper working order and supply the Council, on demand, with a declaration by him as to the condition and positioning of any such alarm.

13. *The licence holder is required to ensure that the carbon monoxide alarm is installed in any room in the house which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance and that these are kept in proper working order. Further, a licence holder will be required to supply the local housing authority, on demand, with a written declaration by him as to the condition and positioning of such alarm.
14. *The licence holder is required to ensure that furniture made available by him in the house is in a safe condition. Further a licence holder will supply to the local housing authority on demand, with a written declaration by him of the safety of such furniture.
15. *The licence holder is to ensure that every electrical installation in the house is in proper working order and safe for continued use; and to supply the authority, on demand, with a declaration by him as to the safety of such installations.

Ensure that an electrical installation condition report dated within the last five (5) years is submitted to the Council on application for a licence. If the current report expires during this licence term, ensure the new report is submitted. A valid electrical condition report must be in place for the property for the duration of the licence (there should be no gaps in between certificate dates). The report must detail the condition of the fixed electrical installation of the property, Carry out any remedial works identified on the report and submit evidence to the Council upon completion. The report must be issued in accordance with the latest edition of the BS7671 Regulations for Electrical Installations, as issued by the Institute of Electrical Engineers. The inspection, report and all electrical work must be undertaken by qualified electricians registered and assessed by a UKAS accredited Certification Body to A1.2 of the IET Electrotechnical Assessment Scheme. The register of competent persons is available from: www.competentperson.co.uk

16. *Keep all electrical appliances made available to the occupants in a safe condition. On demand, the Licence Holder must submit to the Council a declaration by him as to the safety of such appliances.
17. At the start of each tenancy, occupants must be given appropriate fire safety advice regarding the means of escape in case of fire and other fire precautions. In particular, the importance of keeping fire doors closed and keeping the escape route clear, plus how to use the fire alarm system, fire extinguishers and fire blankets.
18. The licence holder is to ensure that the requirements of landlord and tenant legislation are properly adhered to. In particular, the licence holder will ensure that written terms of tenancy are to be provided for all occupiers. These terms

Appendix 4 - Licence conditions for Houses in Multiple Occupation

will describe and give details of:

- a) The type of tenancy, its duration and terms of notice.
- b) The amount of rent due together with dates and method of payment, and the circumstances when the rent may be reassessed.
- c) The amount of deposit taken, how it is held and the terms for its return.
- d) An inventory of contents and condition at the commencement of the tenancy.
- e) The means of contacting the property owner and/or property manager to report repairs, etc.

The Licence Holder must, on demand, ensure that the Authority is provided with a copy of the written terms of tenancy described above*.

19. The Licence Holder must ensure there is a record of all rent payments received in respect of the property. The record must cover the duration of the licence. Where rent is paid in cash or cheque, the occupant(s) must be given a written receipt for the rental payment stating the date of payment, amount paid and the name of the person who collected the payment. Where rent is paid via bacs, this will count as the record of rental payment. The Licence Holder must, on demand, ensure that the Council is provided with a copy of rent payment records.
20. The Licence Holder must ensure that references are requested from persons who wish to occupy the house and wherever possible, are obtained. When referencing consideration must be given to the tenant's history, credit and right to rent checks. The Licence Holder must, on demand, ensure that the Council is provided with a copy of any such references and records.
21. The licence holder (or the property manager) shall attend the property at frequent intervals. The frequency of the inspections should be at least every 6 months unless otherwise agreed by Portsmouth City Council and the licence holder. The purpose of inspections is to:
 - a) Ensure the proper management of the property;
 - b) Ensure compliance with The Management of Houses in Multiple Occupation (England) Regulations 2006, and any revisions thereto; and
 - c) Ensure the property is maintained in such a condition that category 1 hazards, within the meaning of Part 1 of the Housing Act 2004, are not present or quickly eliminated.
22. The licence holder will provide to the council copies of all the current tenancy agreement(s), and details of where any security deposit is held, on demand.
23. The licence holder is required to notify the Council of any changes to the property, including structural alterations, changes to the ownership or management, or events that may affect the fit and proper person status of the owner, licence holder or manager, which may affect the licence.

Appendix 4 - Licence conditions for Houses in Multiple Occupation

- The licence holder (or his manager) will attend the property as may be reasonably necessary for the purposes of inspection by the council.
24. The licence holder must provide the occupants of adjoining properties with appropriate contact details in case of an emergency or to enable them to inform the licence holder of problems affecting their properties.
 25. The Licence Holder must have a written procedure in place to undertake reasonable steps to resolve complaints of nuisance, noise, or anti-social behaviour perpetrated by his or her tenant(s)/occupier(s) or visitor(s) to the licensed premises. The Licence Holder must keep on file and have available for the council upon request, evidence that tenants have been made aware of appropriate behaviour and the procedures that he or she will follow should such issues occur.
 26. The Licence Holder must keep on file and have available for the council upon request, documented evidence of how he or she has followed his or her procedure relating to nuisance, noise, or anti-social where complaints have occurred
 27. The licence holder will work pro-actively and responsibly with all enforcement agencies in response to anti-social behaviour caused by tenants within the curtilage of the property and take all reasonable steps to prevent anti-social behaviour from within the boundaries of the property.
 28. The licence holder must inform the Council if they no longer reside at the address given and provide the Council with the new address details within 21 days.
 29. The licence holder must inform the Council if there is a change in managing agent, within 21 days.
 30. If the licence holder is a managing agent they must inform the Council if the person who is specified as the main contact ceases to be employed by them and inform the Council of a new contact, within 21 days.
 31. If the licence holder is a managing agent they must inform the Council if they cease to have an interest in the property, within 21 days.
 32. A written record of visual inspections of the property undertaken by the licence holder relating to the overall condition of the property and Management Regulations shall be maintained by the licence holder and produced to the council when requested.
 33. Produce to the local housing authority for their inspection a written copy of the Fire Risk Assessment. (Reviewed annually).
 34. The licence holder and/or manager shall attend a specified training course if and when required to do so by the Council. (The arrangements for this will be by negotiation, but an unreasonable failure to attend such a course will be a breach of the conditions of licence).

Appendix 4 - Licence conditions for Houses in Multiple Occupation

35. The licence holder is to ensure that any works carried out at the property are done so with due regard to the comfort of the occupying tenants.

36. Where an Energy Performance Certificate (EPC) is required for the HMO, on demand submit to the Council an energy performance certificate stating the property has a minimum energy efficiency standard of an E-rating. The person issuing the certificate must be an Approved Energy Assessor qualified to undertake such inspection and testing. If the property is exempt from the Minimum Energy Efficiency Standard, on demand provide details of the registered exemption.

Appendix 4 - Licence conditions for Houses in Multiple Occupation

Guidance and Notes

This information is provided to assist the Licence Holder to understand his / her obligations and comply with the Licence Conditions.

Planning permission, including listed building consent, and Building Regulations

The grant of an HMO licence does not give planning permission for use as a C4 HMO or sui generis HMO. It is the responsibility of the licence holder to ensure the property has the necessary planning permission for use as an HMO.

Where conditions require work to be undertaken, the licence holder must ensure that you seek the necessary approval from Building Control and Planning, including Listed Building Consent, prior to work commencing.

Further guidance / information

The following appendices are provided to assist licence holders to understand their duties and comply with their duties:

1. Housing Act 2004 Schedule 5 – process and procedure for grant or refusal to grant licence
2. Reasons for licence conditions

The government website <https://www.gov.uk/renting-out-a-property> contains information for landlords including:

- Landlord responsibilities
- Financial responsibilities (including tax and mortgage permissions)
- Repairs

The government website https://www.gov.uk/housing-local-and-community/rentedhousing-sector#guidance_and_regulation contains information for landlords on:

- How to let guide
- Model tenancy agreement
- Understanding the possession action process
- Universal credit
- Landlord and tenants' rights and responsibilities
- Housing Health and Safety Rating System guidance for landlords

Penalties for non –compliance with licence conditions

Under the Housing Act 2004 s72(3) any failure to comply with these conditions may render the Licence Holder liable to prosecution and an unlimited fine upon conviction or a financial of up to £30,000 as an alternative to prosecution. Under the Housing Act 2004 Section 70(2)(a) the Licence may also be revoked. Appendix 1 provides notes from the Housing Act 2004.

Appendix 4 - Licence conditions for Houses in Multiple Occupation

Some conditions impose a duty on the Licence Holder which endures for the period of the Licence. Other conditions require a specific task or work to be done, which once completed, will discharge that obligation but the condition will remain as part of the Licence.

Relevant legislation

Licence conditions are pursuant mainly to the following legislative authorities:

- Housing Act 2004 Section 67
- Schedule 4 of the Housing Act 2004
- The Management of Houses in Multiple Occupation (England) Regulations 2006 [SI 2006 No 372] or in the case of a Section 257 HMO then The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 [SI 2007 No 1903]
- The Licensing and Management of Houses in Multiple Occupation (Miscellaneous Provisions) (England) Regulations 2006; Schedule 3 [SI 2006 No 373]

Further information regarding reasons for imposition of licence conditions is contained in Appendix 2.

Definitions

Each Condition refers to the house named on the front page. In these Conditions:

‘BS’ and ‘BS EN’ mean a British Standard as published by the British Standards Institution.

‘competent person’ or ‘competent’ means a person properly qualified and accredited by the appropriate authority to install and/or inspect, test and certify the equipment, facility or utility.

‘house’ means the dwelling or residential accommodation at the address identified above for which this licence has been granted.

‘HMO’ means House in Multiple Occupation as defined by the Housing Act 2004.

‘IEE regulations’ means the latest edition of the Wiring Regulations published by Institution of Electrical Engineers (BS 7671).

‘Licence Holder’ means the person to whom this licence has been granted.

‘obtain and submit to the Council’ means that the Licence Holder must obtain a certificate from a competent person and forward a copy of it to the Private Sector Housing team at Guildhall, Portsmouth, PO1 2AL.

‘on demand’ means that the Licence Holder must provide the Customer Services Applications team or the named officer with a copy of the document if and when the Council requires it to be produced.

‘provide’ means that the Licence Holder must install the item mentioned as a fixture within the house and make its use freely available to the occupants of the house.

Appendix 4 - Licence conditions for Houses in Multiple Occupation

APPENDIX 1: HOUSING ACT 2004 - SCHEDULE 5.

LICENCES UNDER PART 2 PROCEDURE AND APPEALS - GRANT OF LICENCES

Requirements before grant of licence

1 Before granting a licence, the local housing authority must-

(a) serve a notice under this paragraph, together with a copy of the proposed licence, on the applicant for the licence and each relevant person, and

(b) consider any representations made in accordance with the notice and not withdrawn.

2 The notice under paragraph 1 must state that the authority are proposing to grant the licence and set out-

(a) the reasons for granting the licence,

(b) the main terms of the licence, and

(c) the end of the consultation period.

3 (1) This paragraph applies if, having considered representations made in accordance with a notice under paragraph 1 or this paragraph, the local housing authority propose to grant a licence with modifications.

(2) Before granting the licence the authority must-

(a) serve a notice under this paragraph on the applicant for the licence and each relevant person, and (b) consider any representations made in accordance with the notice and not withdrawn.

4 The notice under paragraph 3 must set out-

(a) the proposed modifications,

(b) the reasons for them, and

(c) the end of the consultation period.

Requirements following grant of licence

7 (1) This paragraph applies where the local housing authority decide to grant a licence.

(2) The local housing authority must serve on the applicant for the licence (and, if different, the Licence Holder) and each relevant person-

(a) a copy of the licence, and

(b) a notice setting out-

(i) the reasons for deciding to grant the licence and the date on which the decision was made,

(ii) the right of appeal against the decision under Part 3 of this Schedule, and

(iii) the period within which an appeal may be made (see paragraph 33(1)).

(3) The documents required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Appendix 4 - Licence conditions for Houses in Multiple Occupation

8 (1) This paragraph applies where the local housing authority refuse to grant a licence.

(2) The local housing authority must serve on the applicant for the licence and each relevant person a notice setting out-

(a) the authority's decision not to grant the licence,

(b) the reasons for the decision and the date on which it was made,

(c) the right of appeal against the decision under Part 3 of this Schedule, and (d) the period within which an appeal may be made (see paragraph 33(1)).

(3) The notices required to be served under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Exceptions from requirements in relation to grant or refusal of licences

9 The requirements of paragraph 3 (and those of paragraph 1) do not apply if the local housing authority-

(a) have already served a notice under paragraph 1 but not paragraph 3 in relation to the proposed licence, and

(b) consider that the modifications which are now being proposed are not material in any respect.

10 The requirements of paragraph 3 (and those of paragraph 1) do not apply if the local housing authority-

(a) have already served notices under paragraphs 1 and 3 in relation to the matter concerned, and

(b) consider that the further modifications which are now being proposed do not differ in any material respect from the modifications in relation to which a notice was last served under paragraph 3.

Meaning of "the end of the consultation period"

12 (1) In this Part of this Schedule "the end of the consultation period" means the last day for making representations in respect of the matter in question.

(2) The end of the consultation period must be-

(a) in the case of a notice under paragraph 1 or 5, a day which is at least 14 days after the date of service of the notice; and

(b) in the case of a notice under paragraph 3, a day which is at least 7 days after the date of service of the notice.

(3) In sub-paragraph (2) "the date of service" of a notice means, in a case where more than one notice is served, the date on which the last of the notices is served.

Meaning of "licence" and "relevant person"

13 (1) In this Part of this Schedule "licence" means a licence under Part 2 or 3 of this Act.

(2) In this Part of this Schedule "relevant person", in relation to a licence under Part 2 or 3 of this Act, means any person (other than a person excluded by sub-paragraph (3))

Appendix 4 - Licence conditions for Houses in Multiple Occupation

- (a) who, to the knowledge of the local housing authority concerned, is-
- (i) a person having an estate or interest in the HMO or Part 3 house in question, or
 - (ii) a person managing or having control of that HMO or Part 3 house (and not falling within sub-paragraph (i)), or
- (b) on whom any restriction or obligation is or is to be imposed by the licence in accordance with section 67(5) or 90(6).
- (3) The persons excluded by this sub-paragraph are- (a) the applicant for the licence and (if different) the Licence Holder, and (b) any tenant under a lease with an unexpired term of 3 years or less.

Right to appeal against refusal or grant of licence

31 (1) The applicant or any relevant person may appeal to a First-Tier Tribunal (Property Chamber) against a decision by the local housing authority on an application for a licence-

- (a) to refuse to grant the licence, or
 - (b) to grant the licence.
- (2) An appeal under sub-paragraph (1)(b) may, in particular, relate to any of the terms of the licence.

Time limits for appeals

- 33 (1) Any appeal under paragraph 31 against a decision to grant, or (as the case may be) to refuse to grant, a licence must be made within the period of 28 days beginning with the date specified in the notice under paragraph 7 or 8 as the date on which the decision was made
- (3) A First-Tier Tribunal (Property Chamber) may allow an appeal to be made to it after the end of the period mentioned in sub-paragraph (1) if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal out of time)

Powers of First-Tier Tribunal (Property Chamber) hearing appeal

34 (1) This paragraph applies to appeals to a First-Tier Tribunal (Property Chamber) under paragraph 31 or 32.

- (2) An appeal-
- (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
- (3) The tribunal may confirm, reverse or vary the decision of the local housing authority
- (4) On an appeal under paragraph 31 the tribunal may direct the authority to grant a licence to the applicant for the licence on such terms as the tribunal may direct.

Appendix 4 - Licence conditions for Houses in Multiple Occupation

APPENDIX 2: REASONS FOR LICENCE CONDITIONS

The following information is provided to explain the reasons for licence condition.

NUMBER OF OCCUPANTS AND HOUSEHOLDS

When deciding whether to grant a licence, the Housing Act 2004 s64(3)(a) requires the authority to be satisfied that the house is reasonably suitable for occupation by not more than the maximum number of households or persons either specified in the application form or other maximum number decided by the authority

MANDATORY LICENCE CONDITIONS

The Housing Act 2004 s67(3) states that all licences include the conditions required by Schedule 4 of the Housing Act 2004. The authority has no discretion on these conditions. These licence conditions are denoted by the * by the condition title or in the text.

DISCRETIONARY LICENCE CONDITIONS

The Housing Act 2004 s67(1) permits the authority to include conditions that the authority consider appropriate to regulate the management, use and occupation of the house concerned and its' condition and contents and under s67(2):

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

- (a) conditions imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;
- (b) conditions requiring the taking of reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;
- (c) conditions requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65;
- (d) conditions requiring such facilities and equipment to be kept in repair and proper working order;
- (e) conditions requiring, in the case of any works needed in order for any such facilities or equipment to be made available or to meet any such standards, that the works are carried out within such period or periods as may be specified in, or determined under, the licence;
- (f) conditions requiring the Licence Holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233.

All HMO licences have conditions numbers 1 through 36. Portsmouth City Council considers it necessary to add these conditions to all HMO licences either as a mandatory condition and to regulate the management, use and occupation of the house concerned and its' condition and contents. This is to ensure that HMOs do not give rise to one or more particular problems either for those occupying the HMOs or for members of the public.

When determining the maximum number of permitted occupants or households, the authority can add conditions under s67(2)(c) to make the house suitable for that permitted number of occupants or households. Normally, these conditions are added following inspection of the HMO and require the landlord to provide additional amenities and / or facilities. These will appear in the licence conditions appended to the 36 standard conditions.

Appendix 4 - Licence conditions for Houses in Multiple Occupation

The authority may further add property specific conditions to regulate the management, use, occupation and condition and contents. Normally, this is where there have been identified breaches of the Management Regulations or to resolve specific issues with antisocial behaviour identified at the property. These will appear in the licence conditions appended to the 36 standard conditions.

Form name	Integrated Impact Assessment
Reference	IA541110370
Date	22/08/2023



Policy details

Request date	22/08/2023 11:23
Directorate	PCC Housing, Neighbourhood and Building Services
Service	Private Sector Housing, Mandatory Licensing of Houses in Multiple Occupation (HMO)
Title of policy, service, function	Mandatory HMO Licensing
Type of policy, service, function	Existing
What is the aim of your policy, service, function, project or strategy?	The aim of HMO licensing is to ensure that HMOs are safe and well managed for the safety of the tenants.
Has any consultation been undertaken for this proposal?	yes
What were the outcomes of the consultations?	A consultation was undertaken from May to August 2022 regarding HMO licensing, with a focus on the potential introduction of additional licensing of HMOs in the city, along with a review of the Private Sector Housing HMO space & amenity standards, and licence conditions. The results showed that the respondents to the consultation were overall in support of introducing an additional licensing scheme in the city. Respondents provided views on a number of aspects of the proposed scheme which have been taken into account. A further consultation has now been undertaken specifically with existing Mandatory HMO Licence holders on the proposal to align the mandatory & additional licensing scheme. 22% of all current licence holders participated in the survey, of these 73% of respondents stated that they agreed with the proposals to align the two schemes.
Has anything changed because of the consultation?	yes

Please provide details	The cabinet agreed in November 2022 to introduce a city wide designation of Additional Licensing in the city, this included a new approach to licensing whereby licences will be issued for different terms based on the compliance of the landlord or agent. The consultation led to changes being made to the proposed licensing model, fee structure, and related policies. One aspect of feedback was that landlords felt it was unfair that they should be subject to the same scheme and have to pay the same fee as those landlords who are not compliant. 73% of respondents to the latest consultation conducted with current Mandatory HMO licence holders stating that they agreed with these proposals, of those that disagreed, there were comments made which indicated that several of these respondents may have not read the information provided regarding the new proposals, for example stating that they would like to see the criteria for the different licence terms, or that they feared it may be too subjective.
Did this inform your proposal?	yes
Please provide details	The fee structure and criteria for licensing are designed to reflect that landlords who are compliant require less officer time and therefore will pay a lower licensing fee than those who raise concern about their compliance, who will pay more as officers will spend more time monitoring their compliance.

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

<p>With the above in mind and following data analysis, who is the policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?</p>	<p>The scheme will positively impact those living in Houses in Multiple Occupation (HMOs). Evidence suggests that HMOs have a disproportionately high level of safety issues and/or poor management compared to other properties in the Private Rental Sector. Lowest income groups - Due to Local Housing Allowance rates, shared housing is often the only source of accommodation available for people on benefits and low income. It is important that such properties are improved proactively as previous consultations with HMO tenants have indicated that those living in HMOs due to affordability often do not feel able to complain about the conditions they live in for fear of eviction. Those on low incomes living in poor quality HMOs in the city will be positively impacted by improved living conditions through this scheme. Those on the lowest incomes who feel unable to move from poor living conditions because they cannot afford better accommodation will particularly benefit from the licensing scheme, as those who can afford to move from a property they are unhappy with already have the option to improve their living environment. Age - there is a significant population of students/young adults whose only source of affordable housing in the city is the shared house in multiple occupation. There is also data to suggest that people are relying on HMOs for accommodation later in life, with the occupants of HMOs steadily increasing to older age groups, who often feel they have no alternative options or prospective of moving out of the sector. It is important to ensure that good quality safe accommodation is provided for the benefit of all HMO occupants.</p>
<p>Will any of those groups be affected in a different way to others because of your policy, project, service, function, or strategy?</p>	<p>Those on low incomes living in poor quality HMOs in the city will be positively impacted by improved living conditions through this scheme. Those on the lowest incomes who feel unable to move away from poor living conditions because they cannot afford better accommodation will particularly benefit from the licensing scheme, as those who can afford to move from a property they are unhappy with already have the option to improve their living environment.</p>
<p>If you are directly or indirectly discriminating, how are you going to mitigate the negative impact?</p>	<p>It is not envisaged that this scheme is discriminating against a protected group/ characteristics</p>

<p>Who have you consulted with or are planning to consult with and what was/will be your consultation methodology?</p>	<p>a 10 week statutory consultation exercises from May to August 2022 sought views via</p> <ul style="list-style-type: none"> • Online questionnaire tailored to gauge a cross section of views. It was open for anyone to engage with, but was particularly targeted to tenants of HMOs, local residents living near to HMOs, and landlords and agents of HMOs, as well as to local businesses. It was promoted through ward and communities groups ; • Online focus groups with key stakeholder groups such as the universities and student bodies; • Other key organisations such as Hampshire Fire and Rescue Service, Police, University etc. • Drop in sessions in various parts of the City; • E-communications through social media and the Council`s website • Local Landlord association • Flagship articles in the Councils city-wide magazine • Leaflets and door knocking in areas of the city with high concentrations of HMOs <p>This consultation had a focus on the potential introduction of additional licensing in the city, rather than amending the current mandatory licensing scheme. However, several of the policies consulted upon impact both mandatory and additional licensing, and all landlords and agents were invited to participate in the consultation, including those who are mandatory licence holders.</p> <p>A further consultation was conducted with mandatory licence holders regarding the proposal to align the mandatory licensing scheme to the same criteria proposed for additional licensing. All current licence holders were contacted via email or post to invite them to participate in the survey, with 22% of licence holders participating in the survey. 73% of those that responded stated they agreed with the proposals.</p>
<p>How are you going to review the policy, service, project or strategy, how often and who will be responsible?</p>	<p>The licensing scheme, and in particular the licensing fees, will be reviewed regularly. The report includes an annual review of the licence fees, but the performance of the scheme will be reviewed alongside the reviews of additional licensing during the 5 year designation period of additional licensing.</p>

Crime - Will it make our city safer?

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>Entry by Intruders is one of the 29 HHSRS which is considered by officers as part of the HMO inspection programme. Every licensed property will be inspected at least once during its licence term. The licence fee is designed to cover the cost of Council resources in carrying out these inspections</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>A record of all hazards found during inspections will be reviewed, and that these are being monitored for compliance through the scheme.</p>

Housing - will it provide good quality homes?

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>Evidence suggests that approximately 1 in 3 HMOs in the city may have one or more serious hazards, making them unsafe for the occupants or visitors of the properties. The licensing scheme is aimed at proactively inspecting these properties, identifying the safety issues, and ensuring that the licence holder rectifies these in a timely manner.</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>Measures of the performance of the service, including the disrepair/safety issues identified and rectified will be measured and reviewed</p>

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

<p>Please expand on the impact your policy/proposal will have, and how you propose to mitigate any negative impacts?</p>	<p>There is significant body of evidence (Marmot Review) which demonstrates that there is a strong link between a residents health and poor housing, By raising the standard of housing in HMOs it is expected to have a positive impact on the health of HMO occupants.</p>
<p>How are you going to measure/check the impact of your proposal?</p>	<p>Measures of the performance of the service, including the disrepair/safety issues identified and rectified will be monitored and reviewed. The specific health outcomes for the occupants will not be possible to measure, but national research and data can be used to extrapolate the impact of this work.</p>

Income deprivation and poverty - will it consider income deprivation and reduce poverty?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Carbon emissions - will it reduce carbon emissions?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Energy use - will it reduce energy use?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Climate change mitigation and flooding - will it proactively mitigate against a changing climate and flooding?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Natural environment - will it ensure public spaces are greener, more sustainable and well-maintained?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Air quality - will it improve air quality?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Transport - will it make transport more sustainable and safer for the whole community?

This section is not applicable to my policy	<input checked="" type="checkbox"/>
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Waste management - will it increase recycling and reduce the production of waste?

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