

For and on behalf of Portsmouth City Council

The following provides our initial response in relation to our duty as a local housing authority to your letter dated 19th November 2022, and your subsequent letter dated 25th November 2022.

We have also received a letter dated 22nd November 2022 from the Regulator for Social Housing which we will respond to in our capacity as a social housing landlord by 19th December as requested.

Confirmation you have received and will pick up the request as outlined in the letter

We can confirm that we have received the request and are compiling the required information.

Set out how you are intending to prioritise addressing the issues of mould and damp for privately rented properties in your area, with specific reference to how you intend to meet the request set out above

Portsmouth City Councils Housing Regulations team inspect properties in the Private Rented Sector both reactively and proactively. Where higher scoring hazards (Typically Bands A-E) are identified this is prioritised and appropriate action taken to ensure they are addressed in line with our enforcement policy.

Reactive cases are typically received directly from tenants themselves. Where the landlord has failed to resolve the matter informally, the tenant can seek support via the local authority to inspect the property and where appropriate take steps to ensure hazards are remediated.

All inspections of properties are recorded on our case management system (IDOX Uniform), from which we are able to extract data on the hazards identified and other measures of enforcement activity. We intend to use this data to populate our response to you for the deadline of 27th January 2023.

Portsmouth City Council regulates Houses in Multiple Occupation (HMO's) through its mandatory licensing scheme. There are currently approximately 1,200 licensable HMO properties in Portsmouth which are required to hold a licence under the provisions of the Housing Act 2004, Part 2. The Council inspects these properties through the use of the Housing Health and Safety Rating System (HHSRS) risk assessment, with each property receiving at least one assessment during the term of its licence which can be granted for up to 5 years. In addition to this assessment, Portsmouth City Council also publish a set of standards to be applied to all licensable HMOs to ensure the space and amenities of HMOs are safe for occupants.

Portsmouth City Council recently announced plans to extend licensing for HMOs in the city. A designation has now been made for the introduction of an additional licensing scheme to include all HMOs city wide (estimated to be up to 6,000 in total), which will come into force on 1st September 2023. The scheme will also include

converted blocks of flats that are of poor building standard where Building Regulations 1991 are not met, as defined through section 257 Housing Act 2004. The reason for the decision to introduce additional licensing is based on evidence which indicates that 32% of HMOs in the city have one or more Category 1 hazards under the HHSRS (compared with the EHS findings of 13% of privately rented properties having Category 1 hazards nationally). The introduction of this scheme will allow the Council to proactively assess a higher proportion of its private rented sector housing stock, with a view to addressing hazards and improving overall standards and management of these properties.

Portsmouth City Council's Private Rented Sector Strategy 2021-2026 [Private Rental Sector Strategy for Portsmouth 2021- 2026](#) provides detail on how the Council aims to both regulate and work with the sector to achieve positive outcomes for tenants and landlords. The strategy outlines the approach towards compliance in the sector, with the council supporting good landlords whilst taking decisive action against those bad landlords who flout or dismiss their responsibilities and put tenants at harm.

Another objective of the strategy is to provide Officers with the training needed to effectively regulate non-compliance in the sector. Between September 2022 and September 2024 all officers working in the Council's Housing Regulations team will be given the opportunity to complete a Level 5 Private Sector Housing qualification with the University of Middlesex. This training program will allow the Council to increase its enforcement activity within the sector against bad landlords. The team also undertake CPD, with a specific seminar on assessing and understanding Damp and Mould undertaken by the team earlier this year.

A number of non-enforcement activities also contribute toward the Council's approach to support both tenants and landlords. The Council employs a dedicated landlord and tenant support Officer who delivers workshops, produces educational materials, a quarterly landlord newsletter, operates a tenant group and updates our council's website with a view to assisting tenants and landlords. Many of these activities have been aimed at damp and mould within the home, with specific workshops and material being provided for tenants, especially where these issues are linked to fuel poverty, lifestyle, and cost of living. Through the Council's "Switched on Portsmouth" program tenants and landlords are able to seek out grants and other assistance to improve the thermal efficiency of their homes or provide assistance with the costs of heating. [Switched On Portsmouth - Save Energy. Save Money. Save Carbon.](#) In addition to these measures, Portsmouth City Council has also launched a mediation service aimed at helping landlords and tenants to maintain and improve tenancies. We also work alongside and signpost to partnership agencies, such as local tenancy advice service (Advice Portsmouth) and the local landlord association.

The Council's Private Sector Housing enforcement policy has recently been updated. [Additional Licensing of HMOs - Appendix 3 - Private Sector Housing Enforcement Policy.pdf \(portsmouth.gov.uk\)](#) This policy sets out the Council's aim to offers an opportunity to work informally with landlords, agents, owners, and service users, by

providing a range of information and guidance. In cases where there has been a complaint about a private rented property, and where it is the first contact about property standards, the service will normally notify responsible parties and/or will provide an inspection report outlining breaches in legal requirements. The purpose of an informal approach is to enable responsible landlords, agents, and owners to comply with regulatory requirements and agree to undertake the works required by the authority in a short timescale. The underlying aim of these communications is to establish good management practices from the outset that ensure compliance with regulatory requirements for property standards and that this approach continues through each subsequent tenancy.

All powers available to the private sector housing service are used when appropriate to do so as outlined in the Councils enforcement policy.

Enforcement action can be separated into 3 stages. Where there is non-compliance with legal requirements, after an informal approach has been made (stage one), formal action will be taken such as serving formal notices (Stage 2 enforcement) and punitive action for non-compliance such as prosecution or Civil Penalty Notices (Stage 3 enforcement).

However, where there are serious breaches in legal requirements, the authority will take a formal approach in the first instance and will move immediately to stages two and three. Formal action will also be considered in the first instance, where the landlord or owner has previous history of non-compliance with legal requirements or has previously been made aware of their legal responsibilities through letters and reports for other properties.

For category 1 hazards identified through the HSSRS, Officers have a duty to ensure these are remediated within a reasonable time period, using the approach outlined in the Councils enforcement policy. In cases of less serious hazards, known as category 2 hazards, the Council has a discretionary power to act. In some cases of high scoring or progressive category 2 hazards, Officers will insist on works being completed similarly to those category 1 hazards. Where hazards are deemed low scoring, or for example damp and mould is identified due to condensation rather than a property defect, advice and support will be given to the tenant. This may also include signposting to other services, such as the councils Energy services team, Housing Needs, Advice and Support team, or free tenant workshops run by the Landlord and tenant support officer on how to manage damp and mould.

Any issues you envisage with completing the full response for 27 January and/or where further clarity from the department would be helpful.

We currently do not envisage issues with providing this information for the deadline. We understand from your letter of 25th November that a response form will be circulated. Once we receive this, we will seek clarity, if we require this.