

Public Document Pack

Cabinet

Tuesday, 14th July, 2015

at 4.30 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Simon Letts, Leader of the Council

Councillor Daniel Jeffery, Cabinet Member for
Education and Children's Social Care

Councillor Mark Chaloner, Cabinet Member for
Finance

Councillor Satvir Kaur, Cabinet Member for
Communities, Culture and Leisure

Councillor Jacqui Rayment, Cabinet Member for
Environment and Transport

Councillor Dave Shields, Cabinet Member for Health
and Adult Social Care

Councillor Warwick Payne, Cabinet Member for
Housing and Sustainability

Councillor Christopher Hammond, Cabinet Member
for Transformation

(QUORUM – 3)

Contacts

Cabinet Administrator

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BACKGROUND AND RELEVANT INFORMATION

The Role of the Executive

The Cabinet and individual Cabinet Members make executive decisions relating to services provided by the Council, except for those matters which are reserved for decision by the full Council and planning and licensing matters which are dealt with by specialist regulatory panels.

The Forward Plan

The Forward Plan is published on a monthly basis and provides details of all the key executive decisions to be made in the four month period following its publication. The Forward Plan is available on request or on the Southampton City Council website, www.southampton.gov.uk

Implementation of Decisions

Any Executive Decision may be “called-in” as part of the Council’s Overview and Scrutiny function for review and scrutiny. The relevant Overview and Scrutiny Panel may ask the Executive to reconsider a decision, but does not have the power to change the decision themselves.

Mobile Telephones – Please switch your mobile telephones to silent whilst in the meeting.

Use of Social Media

The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair’s opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council’s Standing Orders the person can be ordered to stop their activity, or to leave the meeting

Southampton City Council’s Priorities:

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Executive Functions

The specific functions for which the Cabinet and individual Cabinet Members are responsible are contained in Part 3 of the Council’s Constitution. Copies of the Constitution are available on request or from the City Council website, www.southampton.gov.uk

Key Decisions

A Key Decision is an Executive Decision that is likely to have a significant:

- financial impact (£500,000 or more)
- impact on two or more wards
- impact on an identifiable community

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Fire Procedure – In the event of a fire or other emergency, a continuous alarm will sound and you will be advised, by officers of the Council, of what action to take.

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Access – Access is available for disabled people. Please contact the Cabinet Administrator who will help to make any necessary arrangements.

Municipal Year Dates (Tuesdays)

2015	2016
16 June	19 January
14 July	9 February (Budget)
18 August	16 February
15 September	15 March
20 October	19 April
17 November	
15 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Cabinet, and its Executive Members, are set out in Part 3 of the Council's Constitution.

RULES OF PROCEDURE

The meeting is governed by the Executive Procedure Rules as set out in Part 4 of the Council's Constitution.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or

b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the “rationality” or “taking leave of your senses” principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, ‘live now, pay later’ and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES

To receive any apologies.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

EXECUTIVE BUSINESS

3 STATEMENT FROM THE LEADER

4 RECORD OF THE PREVIOUS DECISION MAKING (Pages 1 - 2)

Record of the decision making held on 16 June 2015, attached.

5 MATTERS REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE FOR RECONSIDERATION (IF ANY)

There are no matters referred for reconsideration.

6 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

There are no items for consideration.

7 EXECUTIVE APPOINTMENTS

To deal with any executive appointments, as required.

8 QUESTIONS FROM MEMBERS TO CABINET MEMBERS

To consider any questions to the Executive from Members of the Council submitted on notice.

ITEMS FOR DECISION BY CABINET

9 HMO ADDITIONAL LICENSING DESIGNATION FOR SHIRLEY, FREEMANTLE, BASSETT AND MILLBROOK WARDS □ (Pages 3 - 10)

To consider the report of the Cabinet Member for Housing and Sustainability detailing Cabinet results of the recent statutory consultation process, the data collated in relation to HMOs in the four wards and requesting approval of the designation of the proposed area for HMO Additional Licensing, attached.

10 AIR QUALITY SCRUTINY INQUIRY - FINAL REPORT & RECOMMENDATIONS □ (Pages 11 - 24)

To consider the report of the Cabinet Member for Environment and Transport detailing the response from Cabinet to the Air Quality Scrutiny Inquiry, attached.

11 EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM

To move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the following Item.

The confidential report contains information deemed to be exempt from general publication based on Category 3 (financial and business affairs) of paragraph 10.4 of the Council's Access to Information Procedure Rules. In applying the public interest test it is not considered to be in the public interest to disclose this information because it comprises financial and business information that if made public would prejudice the Council's ability to operate in a commercial environment and obtain best value during acquisition negotiations.

12 RELOCATION OF SERVICES FROM TOWN DEPOT □ (Pages 25 - 34)

To consider the report of the Leader of the Council providing details on the relocation of services from Town Depot, attached.

Monday, 6 July 2015

Head of Legal and Democratic Services

SOUTHAMPTON CITY COUNCIL
EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 16 JUNE 2015

Present:

Councillor Letts	Leader of the Council
Councillor Jeffery	Cabinet Member for Education and Children's Social Care
Councillor Chaloner	Cabinet Member for Finance
Councillor Kaur	Cabinet Member for Communities, Culture and Leisure
Councillor Rayment	Cabinet Member for Environment and Transport
Councillor Payne	Cabinet Member for Housing and Sustainability

Apologies: Councillors Shields and Hammond

1. EXECUTIVE APPOINTMENTS 2015/16

Cabinet approved the Executive Appointments set out in the published Register.

2. SALE OF LAND FOR DEVELOPMENT AT THE FRUIT AND VEGETABLE MARKET, SOUTHAMPTON

DECISION MADE: (Ref: 15/16 14901)

On consideration of the report of the Leader of the Council, Cabinet agreed the following:

- (i) To approve the sale of the Council's freehold interest in the land shown on the plan at Appendix 2 to Hampshire and Regional (F&V) Limited; and
- (ii) To delegate authority to the Head of Development Economy and Housing Renewal after consultation with the Leader of the Council or relevant Cabinet Member to agree detailed terms and conditions and to take any other actions required to give effect to this decision.

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Agenda Item 9

DECISION-MAKER:	CABINET		
SUBJECT:	HMO ADDITIONAL LICENSING DESIGNATION FOR SHIRLEY, FREEMANTLE, BASSETT AND MILLBROOK WARDS		
DATE OF DECISION:	14 JULY 2015		
REPORT OF:	CABINET MEMBER FOR HOUSING AND SUSTAINABILITY		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Janet Hawkins	Tel: 023 8083 2617
	E-mail:	Janet.hawkins@southampton.gov.uk	
Director	Name:	Mark Heath	Tel: 023 8083 2371
	E-mail:	Mark.heath@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

NOT APPLICABLE

BRIEF SUMMARY

Approval is sought for designating the area of Southampton known as Freemantle, Shirley, Bassett and Millbrook electoral wards as being subject to Additional Licensing of Houses in Multiple Occupation (HMOs), coming into effect on 20 October 2015 for a period of five years.

RECOMMENDATIONS:

- (i) To note the outcome of a full consultation, which has taken place in accordance with the Housing Act 2004; and
- (ii) To approve the designation of the area of Southampton known as Freemantle, Shirley, Bassett and Millbrook electoral wards as being subject to additional licensing, requiring all houses in multiple occupation (HMOs) to be licensed, apart from section 257 HMOs and buildings exempted by Schedule 14 of the Housing Act 2004, the designation to take effect on 20 October 2015 for a period of five years.

REASONS FOR REPORT RECOMMENDATIONS

1. The evidence shows that a significant proportion of HMOs in Freemantle, Shirley, Bassett and Millbrook wards are being managed ineffectively giving rise to problems for the tenants occupying them and/or members of the local community.
2. These problems include poor property conditions and antisocial behaviour, which are not being adequately addressed through the council's Mandatory Licensing Scheme (which covers HMOs comprising three or more storeys and occupied by five or more people) and other enforcement and regulatory

measures available.

3. The Council has considered other courses of action, including the use of existing powers under the Housing Act 2004, but has determined that these will not be as effective in dealing with the problems in question.
4. Making the designation would assist the council in dealing with the problems associated with HMOs. The Council has considered the possible negative impacts but has concluded that the proposed scheme will not increase homelessness or the number of empty properties in the area. This conclusion is based on the evidence it has, including that for the current additional licensing scheme covering the Bevois, Bargate, Portswood and Swaythling electoral wards. The introduction of a licensing scheme would give the council the resources it needs to robustly tackle problems and improve management and standards. In conjunction with other courses of action, it would also enable the council to focus on those areas with the most serious issues. The introduction of a scheme would be a proportionate response to addressing community concerns about the local impact of HMOs whilst ensuring safe, good quality privately rented accommodation is available to meet housing need.
5. Delegating authority to the Head of Regulatory and City Services for any changes required to the Council's HMO licensing policy or procedures, and undertake such actions necessary to enable the successful delivery of the scheme, subject to the appropriate consultation, will help ensure its smooth implementation from 20 October 2015. The Head of Regulatory and City Services, already has delegated authority under the Officer Scheme of Delegation to determine and alter as necessary a scale of reasonable fees for the licensing of HMOs, in consultation with the relevant Director.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. That the Council manages issues associated with HMOs without any Additional Licensing designations.
7. Section 57(4) of the Housing Act 2004 requires the council to consider alternatives to licensing that might provide an effective method of dealing with the problems identified. An evaluation of different options was carried out.

DETAIL (Including consultation carried out)

8. The Housing Act requires the Council to show evidence that a significant proportion of HMOs in the proposed area are being poorly managed giving rise to problems for either the tenants occupying them or members of the local community. This evidence collated includes information about the nature, condition and number of complaints received about this type of accommodation. Residents regularly complain about significant and persistent problems with noise nuisance, litter, waste, lettings boards and external conditions impacting upon the general character and amenity of the local area. The city has a higher than national average number of HMOs (approximately 9.3% against 2% nationally) and many have repair issues. Fire

safety is a big concern as well as the properties being well managed to reduce impact on neighbourhoods.

9. There have been over 2,500 applications for the existing designation in Bevois, Bargate, Portswood and Swaythling (estimated 4,500 HMOs). Over 2,000 licences have been issued. The HMO wardens are providing practical support at street level to work with tenants, landlords and residents to minimise issues including waste (over 200 cases) and letting boards (over 300 properties). Working together with other council services to ensure improvements are made that affect the overall area.
10. A consultation was approved by Cabinet in November 2014 and ran for twelve weeks from 27th January 2015. The consultation was well-publicised and had a strong response from a broad range of interested parties, including landlords, landlord associations, tenants, residents and residents groups. 503 questionnaires were completed, many with detailed comments and there were also 21 written submissions made. Approximately 100 people attended three drop in sessions, a consultation forum meeting (all arranged by the council) and two landlord forums.
11. The majority of respondents believed that the correct area had been selected to form the proposed scheme (82%) and almost everyone who responded thought that all HMOs should be included (92%). In terms of the proposed aims and objectives, there was broad support (90% agreed strongly or agreed). The majority of responses (79%) either agreed or strongly agreed that the proposals for the scheme would ensure landlords manage their properties well and also that the scheme proposals would improve the condition of HMOs in the area (80%).
12. The written submissions contained differing views, with strong support for the proposals from tenants, residents, resident groups and many landlords. The Southern Landlords Association have worked closely with the council as part of the Landlord Consultative Forum since the implementation of the first Additional HMO Licensing scheme in 2013. They have expressed support for the scheme proposals and to continue working with the council as part of the forum. The principal objections were from the National Landlords Association who expressed concerns about the impact of the proposed scheme on existing other council services, the housing market in the city being distorted as landlords either leave the HMO market or relocate their business to areas of the city where there is no licensing designation and also that the fees may be passed onto the tenants. The service needs to monitor the impact of the licensing schemes on the housing market, both designations would include the majority of HMOs estimated to be in the city. A number of written submissions from landlords questioned the timing of the proposed second designation and the ability of the council to continue seeking out and dealing robustly with non-compliant landlords in the existing area as well as starting work in the proposed new designation. The scheme is committed to identifying all HMOs in the existing designation with dedicated resources to do this; good progress has been made and three successful prosecutions have already been made with more likely to follow. The proposals for the new designation include adequate staff resource to fully deliver the scheme.
13. All representations made in accordance with the consultation were considered

and as a result, the proposed scheme was amended to remove s257 HMOs from being included (a building or part of a building converted into self-contained flats).

14. The scheme proposes the retention of the surveyor route for landlords to use. However, applications using this route would need to be made within 3 months of either the designation being made, a property becoming licensable or the acquisition of an HMO.
15. Section 57(3) of the Housing Act 2004 states that when making a designation, the council must also seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector. These have been incorporated into the Council's objectives for the proposed scheme as well as the existing scheme, to:
 - Keep occupants safe by ensuring the effective management of all HMOs;
 - Improve living conditions by ensuring that appropriate facilities are provided;
 - Improve housing standards and maintenance within HMOs, with a particular emphasis on security, fire safety and thermal comfort;
 - Ensure that landlords exercise appropriate management and supervision of their properties to help reduce any adverse impact of HMOs on the neighbourhood and local communities;
 - Build on and expand existing partnerships with landlords, managing agents, tenants, universities, community groups and others;
 - Encourage and support owners and managing agents of HMOs to work proactively with the council to achieve clearly defined standards and effective management;
 - Facilitate stable and integrated communities through policy and the proactive targeting of risk-based and proportionate interventions;
 - Reduce the number of complaints about HMOs received by the council and its partners, such as universities and the fire service;
 - Have no adverse effect on homelessness in the city;
 - Ensure there is not an increase in the number of empty properties.
16. There are an estimated 2000 HMOs in the Freemantle, Shirley, Bassett and Millbrook wards. With an estimated 4500 HMOs in the Bevois, Bargate, Portswood and Swaythling wards this equates to the majority of the estimated 7,000 HMOs across the city.
17. It is proposed that the designation will not apply to any building which is an HMO as defined by section 257 of the Housing Act 2004, relating to certain converted blocks of flats. Resident landlords with up to two lodgers are not defined as HMOs.
18. The report was considered by Overview Scrutiny and Management Committee on 11th June 2014 and the required recommendations were made:
 - (a) That the Cabinet Member considers including within the Cabinet report evidence that the HMO Additional Licensing Scheme demonstrates additional value. This is included within the detail of the report.
 - (b) That data on the contribution made by HMO Wardens is either

circulated to the Committee or incorporated within the Cabinet report. This has been included within the report.

19. A Health and Overview Scrutiny Panel enquiry was completed in 2014 looking at the impact of homelessness on the health of single people. The panel heard evidence from a wide range of witnesses and developed a series of recommendations; one of which was to undertake an evidence based review of the effectiveness of the HMO licensing scheme to ensure that standards of quality are maintained for all private sector tenants in the City and to support the decision making process for whether to expand the scheme to other wards in the city. This enquiry has been taken into account when compiling this report and its recommendations.

RESOURCE IMPLICATIONS

Capital/Revenue

20. There are no capital implications.
21. Section 63 of the Housing Act 2004 gives the council the statutory power to charge fees for HMO licensing, including additional licensing. In particular, section 63(3) states that the council may, “require the application [for an HMO licence] to be accompanied by a fee fixed by the authority.”
22. The HMO licensing fees would be set at a level that is reasonably expected to cover the costs of providing the service based on estimated officer time and associated costs involved in processing the applications, inspections, monitoring and enforcement as well as relevant overheads. The proposed fees are set out in Appendix 1. The fee levels will apply to all Licensing schemes across the city. They are structured to encourage good practice by rewarding landlords who comply with their requirements whilst assisting the council to target those who are non-compliant, and puts the scheme on a sustainable footing.

Property/Other

23. The most effective use of flexible working arrangements will be made for new and existing staff to reduce the impact on office accommodation. New staff will therefore be accommodated within the “hot desking” area in the Civic currently designated to Regulatory Services.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

24. A local Housing Authority can designate an area within its district for Additional HMO Licensing pursuant to Section 56 Housing Act 2004. For the scheme to be lawful the Local Housing Authority must comply with sections 56 to 59 inclusive of the Housing Act 2004 and also follow the Communities and Local Government guidance, entitled “Approval steps for additional and selective licensing designations in England”.
25. The legislation states that the authority must consider that a significant proportion of HMOs in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise to one or more particular problems either to those occupying the HMO or for member of the public. Before making the designation the authority must take reasonable steps to consult persons who

are likely to be affected by the designation, and consider any representations made.

Other Legal Implications:

- 26. Designation of the wards subject to additional licensing cannot come into force unless the designation has been confirmed by the Secretary of State, or falls within a general approval. The proposed designation falls within the 2010 General Approval. If a designation is made, section 59 of the Housing Act 2004 provides for publication of a notice confirming the fact of designation.

POLICY FRAMEWORK IMPLICATIONS

- 27. The proposal is consistent with the Council’s Housing Strategy 2011-2015 and in particular with its objective to focus on privately rented homes in the worst condition. The Private Housing Renewal Strategy 2011-2015 also states that resources should be focused on tackling properties in the worst condition and that licensing will be carried out in accordance with the Council’s HMO Licensing Policy.
- 28. In July 2012, the Housing Strategy Action Plan was updated to incorporate a commitment to bring forward an Additional Licensing Scheme for houses in multiple occupation in 2013, following consultation, to improve the management of this type of accommodation.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	SHIRLEY, FREEMANTLE, BASSETT & MILLBROOK
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SUPPORTING DOCUMENTATION

Appendices

1.	Proposed HMO Licensing Fee structure
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Documents In Members’ Rooms

1.	Evidence to Support Additional HMO Licensing
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out?	Yes
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at: Regulatory Services, Southampton City Council, One Guildhall Square, Southampton, SO14 7FP

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
None	

HMO licence fees

HMOs are an important part of housing provision in Southampton and through the licensing scheme we want to encourage fully compliant HMOs and timely applications. We have updated the HMO fee structure to better reflect the actual time involved with HMO Licensing. In addition we want to continue to provide landlords with a choice of who they employ to carry out an inspection of their property for the HMO licence process, whether that be an officer from Southampton City Council or an independent HMO surveyor.

<p>Southampton City Council HMO All Inclusive Rate This includes all costs payable by the applicant in order that the council can process your application</p>	<p>£820*</p>
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Compliant & Timely Applications (within 3 Months):

There are 2 types:

<p>Southampton City Council HMO All Inclusive Compliant Rate This includes all costs payable by the applicant in order that the council can process your application.</p>	<p>£560*</p>
<p>Landlord Independent HMO Surveyor Compliant Rate Where a HMO fully meets all relevant standards and the landlord arranges their own Certificate of Compliance from an independent surveyor registered with RICS or CIEH.</p>	<p>£250*</p>

**These charges are not subject to VAT*

In order to qualify for the compliant rate, SCC must receive your full and valid application:

- **Within 3 calendar months from the commencement of a designated Additional Licensing Scheme, or**
- **Within 3 calendar months of the property first being let as a licensable HMO, or**
- **Within 3 calendar months of becoming the person in control or manager of the licensable HMO, or**
- **Within 3 calendar months of the HMO Licence renewal date**

Please note that your application will be returned to you if it arrives outside this time period, or if it does not include all required certificates and the correct fee. You may then become liable to pay the higher fee.

The Council also offers pre-application advice to landlords:

Pre-application advisory visit & verbal report on site	£60*
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Explanation of Fee Levels

- **Southampton City Council HMO All Inclusive Rate** – All parts of the process are included. An officer of the council will contact the applicant to arrange the necessary property inspection, which will be carried out by the Council. If any improvements are required to reach current standards then they will be included as a licence condition and you will be given full details and a reasonable timescale to complete them. As far as possible, inspections will be grouped together for applicants with several properties.
- **Landlord Independent HMO Surveyor Rate** – To access this rate it is essential that the property is fully compliant with all HMO standards. Before making the application, landlords need to separately instruct an independent HMO surveyor who is a member of RICS or CIEH and who holds their own insurance. (Please see our guidance sheet below on how to choose an Independent HMO Surveyor). This independent HMO surveyor will provide the landlord with a Certificate of Compliance with current HMO standards. The applicant is then able to submit this certificate along with the application form, gas, electrical certificates and fee within 3 months of the property becoming licensable. * Please note that the application fee does not include the fee charged by the independent HMO surveyor for the inspection. * Please note that the council reserves the right to place any conditions on the licence which it deems necessary.* Please note SCC Criteria below for acceptance of Certificates of Compliance.

Downloadable documents

Icon	Name of file	Size	Download time
	Certificate of Compliance		
	Guidance on Selecting an Independent HMO Surveyor		
	Additional fees table		
	Criteria for SCC to accept Certificates of Compliance from Independent HMO Surveyors		

Link to download [Adobe Acrobat](#) if required

Contact information

- hmo@southampton.gov.uk
- 023 8083 3006
- Regulatory Services, Civic Centre, Southampton SO14 7LP

DECISION-MAKER:	CABINET		
SUBJECT:	SCRUTINY PANEL – AIR QUALITY INQUIRY FINAL REPORT AND RECOMMENDATIONS		
DATE OF DECISION:	14 JULY 2015		
REPORT OF:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Steve Guppy	Tel: 023 8091 7525
	E-mail:	steve.guppy@southampton.gov.uk	
Director	Name:	Mark Heath	Tel: 023 8083 2371
	E-mail:	mark.heath@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
A report into Air Quality in Southampton, produced by the Scrutiny Panel, was presented to Cabinet in April 2015. This report sets out the Cabinet’s response to the recommendations contained within that report.	
RECOMMENDATIONS:	
	(i) To approve the responses to the recommendations as detailed in Appendix 1.
REASONS FOR REPORT RECOMMENDATIONS	
1.	The actions set out in Appendix 1 to this report support the recommendations made by the Scrutiny Inquiry and can be achieved through existing work programmes being conducted across the Directorates.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	None
DETAIL (Including consultation carried out)	
3.	<p>On 10th July 2014 the Overview and Scrutiny Management Committee (OSMC) agreed the indicative terms of reference for an inquiry to develop understanding of the issues of air quality in Southampton and to identify what additional steps could be taken, if necessary, to improve it. The set objectives of the Inquiry were:</p> <ul style="list-style-type: none"> • To increase understanding of air quality issues within Southampton • To examine the causes and impacts of air pollution • To understand the actions being taken to reduce air pollution in Southampton • Learning from best practise, to identify ways of improving air quality in the city now and for future generations.

4.	The Inquiry was undertaken by the Scrutiny Panel with information presented at seven meetings from July 2014 to March 2015. The final report and recommendations were agreed at the meeting of the Overview and Scrutiny Management Committee on 16 th April 2015
5.	The final report contains 20 recommendations in total which if implemented the Panel believe will help improve air quality in Southampton now and for future generations.
6.	The recommendations are grouped under the following key themes: <ul style="list-style-type: none"> • Building on success – Ambition and vision • Leading by example • Traffic • Partnership Working • Communications
7.	The overview and scrutiny procedure rules requires the Executive to consider all inquiry reports that have been endorsed by the Overview and Scrutiny Management Committee and to submit a formal response to the recommendations contained within them. The report and recommendations were presented to cabinet on the 21 st April 2015.
8	A response to these recommendations is detailed in Appendix 1. Actions to deliver all recommendations, full or in part are detailed with timeframes.
9.	A response to the Final Report and Recommendations has been received by two local community groups, the Western Docks Consultative Forum and Transition Southampton.

RESOURCE IMPLICATIONS

Capital/Revenue

10.	The recommendations are based within existing work programmes. As such they are not considered likely to initially present any additional financial commitments. In practice future resource implications will be dependent upon whether, and how, each of the individual recommendations within the Inquiry report are progressed. In many cases progress will be dependent on identifying and securing appropriate grant funding, approval would be sought as required by financial procedure rules before any commitments are made.
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Property/Other

11.	None
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LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

12.	S.1 Localism Act 2011
13.	Part IV Environment Act 1995
14.	Part 2 & 3 Planning and Compulsory Purchase Act 2004
15.	Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.

Other Legal Implications:

16.	None
POLICY FRAMEWORK IMPLICATIONS	
17.	The proposals contained within the appended report are in accordance with the Council's Policy Framework.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Response to Air Quality Scrutiny Inquiry Recommendations

Documents In Members' Rooms

1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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Recommendation	Accepted by Executive (Y/N)	How will the recommendation be achieved? (Key actions)	Responsible Officer	Target Date for Completion
<p>(i) The Council continues to fully support modal shift initiatives through the My Journey campaign and related initiatives encouraging people to use alternative modes of transport.</p>	<p>Yes</p>	<p>The Council was successful in its LSTF extension bid allowing My Journey campaign to be funded for a 4th year (2015/16). The My Journey brand is now well established and through monitoring by Southampton University is delivering modal shift in key areas. The Council will seek future revenue funding to support the My Journey campaign beyond March 2016. And the Council will also consider contingency options to enable the My Journey legacy to be maintained without reliance on external funding.</p>	<p>Paul Walker</p>	<p>April 2015 - March 2016 deliver the My Journey programme.</p> <p>March 2016 onwards. Deliver future year(s) My Journey programme.</p>
<p>(ii) The Council, learning from best practice, develops a Low Emissions Strategy that articulates the vision for a low emissions city and provides strategic focus to the promotion of low emission technologies and improving air quality across Southampton. This should be overseen by the Health and Wellbeing Board.</p>	<p>Yes</p>	<p>Regulatory Services have secured funding from DEFRA and Ricardo AEA have been appointed to develop a LES for Southampton. This project was launched in May 2015 with a series of stakeholder workshops. The LES will form part of the cities Air Quality Action Plan by addressing the need to <i>reduce</i> emissions at source by introducing low emission technologies. The Action Plan will also look to <i>remove</i> sources of emissions, for example by identifying opportunities to optimise air quality improvements</p>	<p>Mitch Sanders</p>	<p>The LES project team is currently identifying and assessing options to include in the LES. Consultation on a draft strategy is scheduled for Sept 2015 and the implementation plan is due to cover Oct/Nov 2015 to Aug 2016.</p>

		<p>from activities developed through the sustainable transport projects.</p> <p>As part of the LES stakeholder engagement plan, a LES Board has been created. This is to be chaired by Mitch Sanders, is sponsored by Andrew Mortimore and will report to the Health and Wellbeing Board.</p>		
<p>(iii) The Council is to continue to seek funding opportunities and submit bids reflecting commitment to a step change in adopting ultra-low emission vehicles, alternative fuels and technologies that will be delivered alongside sustainable transport choices.</p>	Yes	<p>The emerging LES will identify the most effective options available to reduce emissions across the city, a plan for implementation and associated funding opportunities. This will assist teams in Transport Policy and Regulatory Services direct resources at appropriate applications over the short/medium term.</p> <p>The recently introduced Citylab project, being conducted in partnership with University of Southampton with EU funding, allows SCC to identify and share best practice ideas with other key European Cities. This in turn will put SCC in a strong position to identify likeminded partners to work with on future EU grant bids to deal with transport related air quality issues.</p>	Paul Walker/ Mitch Sanders	<p>See (ii) above. Anticipated funding opportunities likely to be pursued include:</p> <ul style="list-style-type: none"> • DEFRA Air Quality Capital Grant Scheme – Autumn 2015 • Low Emission Bus Fund –October 2015. • Expression of Interest submissions to the Solent LEP in September 2015. This may include bids associated with supporting the LES. <p>Other UK funding (bidding) opportunities will be subject to the outcome of the Government Spending Review July 2015.</p>
<p>(iv) The City Council adopts an ambitious green infrastructure planting programme, which is tied in with primary schools to teach children the importance of their</p>	Yes	<p>A programme of schools based biodiversity activities, linked to the National Curriculum and the annual Southampton Bioblitz, will be developed to give children an opportunity to learn about and</p>	Mitch Sanders	<p>Programme developed and trialled with selected schools – June 2016 Rolled out to other schools – Sept 2016</p>

<p>environment.</p>		<p>gain direct contact with their local green infrastructure. Children will be taught how to plant, manage and survey different types of green infrastructure.</p> <p>Subject to funding, the City Council's Trees for Life Initiative will continue to give families the opportunity to mark the birth of their children by planting a tree.</p>		<p>December annually</p>
<p>(v) The Councils Tree Team are to prioritise the re-planting/ planting of trees and other green infrastructure which are known for their pollutant absorbing capabilities.</p>	<p>Yes</p>	<p>Ability to reduce air pollution will be a key selection criteria for trees planted by the City Council's Trees Team.</p>	<p>Mitch Sanders</p>	<p>Introduced for the planting programme in April 2015. This will be subject to ongoing review and development as part of the Service Business Plan so that new guidance and best practice is considered as it emerges.</p>
<p>Planning Policy can help to improve air quality by reducing emissions through guiding patterns of development to locations served by public transport, and by mitigating emissions through 'on site' measures such as building layout, ventilation and types of building material; and 'off site' measures such as landscaping and green infrastructure. The Panel were informed of the approach followed by Bradford MDC where planning policy is a key component of their Low Emission Strategy and of examples of 'green landscaping' that can help improve air quality with little expenditure.</p>				
<p>(vi) The Council ensures that the aims</p>		<p>See (ii) and (vii). The LES Board</p>	<p>Mitch</p>	<p>The LES project team is currently</p>

<p>and objectives within the developing Low Emissions Strategy permeates into the decision making processes so that all relevant plans, policies and strategies give due consideration to air quality.</p>	<p>Yes</p>	<p>will be responsible for tasking and implementing the LES to ensure its aims and objectives are met and all opportunities within existing SCC policy, plans, strategies, advice and guidance are given due consideration.</p>	<p>Sanders</p>	<p>identifying and assessing options to include in the LES. Consultation on a draft strategy is scheduled for Sept 2015 and the implementation plan is due to cover Oct/Nov 2015 to Aug 2016.</p>
<p>(vii) The Council use the review of the Local Plan and the development of the Low Emissions Strategy to evaluate how planning policy can be more effective at reducing and mitigating emissions.</p> <p>To include working with Council's Tree Team, the Woodland Trust and others to identify preferred species of trees to absorb pollution, and with developers and partners to prioritise green infrastructure especially near pollution hotspots and green routes.</p>	<p>Yes</p>	<p>The emerging LES will identify planning policies and develop local planning advice and guidance to reduce emissions. The latter will be adopted where existing policies and plans allow. Otherwise it will be developed and embedded into SCC planning policies and procedures as they are updated.</p> <p>The council has started its review of the Local Plan and will be consulting on an issues and options paper this summer (July-October 2015). Although it does not include draft policies at this stage, the paper highlights air quality as an important issue to address.</p> <p>From autumn 2015 onwards, Planning Policy will hold a series of meetings to consider detailed issues. Opportunities to deliver air quality improvements using green infrastructure and green routes will be considered throughout this process. See (v) above.</p>	<p>Mike Harris/Mitch Sanders</p>	<p>The LES will identify outline proposals for planning policies, advice and guidance in summer 2015. These will be developed in 2015/16 and fed into the emerging Local Plan.</p> <p>Draft policies to be consulted on in summer 2016.</p> <p>The new Local Plan is expected to be adopted in late 2018.</p>
<p>The Council's Fleet Management Service sources vehicles for business</p>		<p>A comprehensive Fleet Management review is being</p>		

<p>units across the Council and spends more than £1m annually on fuel. To reduce fuel consumption and emissions the Panel recommends that:</p> <p>(viii) The Council follows the lead set by the bus companies and implements the driver monitoring equipment fitted to any light goods and refuse vehicles and recognises drivers who drive efficiently. This is to happen as soon as possible.</p>	<p>Yes</p>	<p>undertaken in order to generate efficiencies and substantial budget savings, and as a part of the Council's Transformation process in the next 3 years.</p> <p>A business case is being developed for the introduction of active driver management which would be subject to consultation.</p>	<p>Mitch Sanders</p>	<p>The business case and implementation plan is likely to be completed by April 2016.</p>
<p>(ix) Eco-Driver training is made mandatory for all employees who drive Council vehicles and existing staff members are to be trained as soon as possible.</p>	<p>Yes</p>	<p>ECO driver training is currently optional for service managers to nominate staff from a variety of providers (e.g. Blue Lamp Trust). It is suggested that mandatory CECO driver training is introduced for driver inductions, and regular refresher training.</p>	<p>Mitch Sanders</p>	<p>A plan for the Council could be developed for corporate implementation in April 2016.</p>
<p>(x) The impact on air quality is factored into the procurement decisions made by Fleet Management Services and the council looks at sourcing ultra-low emission Electric/ Hybrid Vehicles and retrofitting existing petrol and especially diesel vehicles with low-emission technologies. The default position being an ultra-low emission vehicle unless a business case shows otherwise.</p>	<p>Yes (in part)</p>	<p>The Council's current procurement policies include a requirement for low and ultra-low emission vehicles to be considered as replacement for conventional vehicles provided a suitable business case can be demonstrated.</p> <p>There are currently relatively few suitable vehicle models available with ultra-low emissions. This requirement is balanced against the other requirements for the vehicle (e.g. lifetime vehicle costs, refuelling sites etc.). There is currently a presumption that the vehicles procured represent the lowest emission vehicles. For</p>	<p>Mitch Sanders</p>	<p>The emerging LES will publish any proposals concerning procurement and fleet in late 2015, with implementation intended in 2015/16. A further review of the current procurement policies will be carried out as part of the corporate Fleet Review, to be completed by April 2016 and will be incorporated into the LES work plan as appropriate.</p> <p>It is proposed that any changes to the procurement procedure should not be made until this review is complete. However, the Inquiry recommendations will be given due consideration as part of this process including the proposals to make ultra-low emission vehicles the default choice..</p>

		<p>example, newly procured refuse fleet vehicles must meet the latest Euro 6 emissions compliance standard.</p> <p>The LES proposes to review SCC procurement policies to ensure low and ultra-low emission technologies are given appropriate weighting in the selection process and so that the Council remains in a position to respond to the fleet market and innovation in this respect.</p>		
<p>As the report highlights electric vehicle provision is pretty woeful in the council, both in the respect of internal adoption (fleet operations) and encouraging our residents to consider this option as opposed to polluting diesels and petrol. The public health benefits of Electric car ownership benefit everybody in the city with zero exhaust emissions from the car. The Council should recognise the current high cost of Electric Vehicles and help adoption by granting 2 hour free on street car parking throughout the city. This could easily be adopted by issuing a special coloured parking disk which would have to be displayed:</p> <p>(xi) To help encourage the adoption of zero emission vehicles in the city the Council should offer free 2 hour on-street parking to vehicles which emit zero emissions i.e. electric vehicles.</p>	<p>In part - The recommendation will be considered as part of emerging LES process</p>	<p>Opportunities to incentivise the uptake of ultra-low vehicles through subsidised parking charges will be considered as part of the emerging LES. See (ii) above</p> <p>The Council will work with partners to deliver innovative bids for a “step-change” towards electrical vehicles building on best practice in the area and a dynamic shift towards leading electric vehicle innovation to improve air quality in the city.</p>	<p>Paul Walker</p>	<p>Consultation on a draft strategy is scheduled for Sept 2015 and the implementation plan is due to cover Oct/Nov 2015 to Aug 2016.</p>

<p>(xii) Ensure that air quality is given due consideration during the current review of the ITS Strategy, (delivered by the Integrated Transport Board). As well as optimising traffic movements, traffic light signal plans, speed limits (including 20mph in areas where stop-start traffic is a problem) and other traffic management applications should be used to deliver improvements in air quality wherever possible.</p>	<p>Yes</p>	<p>ITS strategy is in first draft and does include options for addressing air quality and links with the Low Emission Strategy. This includes traffic signal technology that could be trialled in the city where traffic signals can adapt to AQ conditions and options for communication AQ levels to city residents including VMS.</p>	<p>Paul Walker</p>	<p>ITS strategy completion Autumn 2015.</p>
<p>(xiii) Re-evaluates the potential for Park and Ride sites for the city, factoring the public health costs of air pollution into the decision making process. To investigate with partners the ability to develop future sites through the Local Plan process identifying potential capital funding sources as well as commercially viable operation through partnerships with transport operators.</p>	<p>Yes</p>	<p>The Council is working in partnership with Highways England to review the potential for Park and Ride for the city. In addition the Council is working with neighbouring authorities including Hampshire County Council and Eastleigh Borough Council on a strategic transport infrastructure plan to support the EBC/ SCC Local Plans. The outcome of this work will inform the SCC emerging Local Transport Plan 4 policies.</p>	<p>Paul Walker</p>	<p>SCC & Highways England review of Park and Ride completion by Spring 2016.</p> <p>SCC/ EBC/ HCC strategic transport infrastructure plan completion by Spring 2016.</p> <p>LTP 4 Update Spring 2016.</p>
<p>(xiv) Prioritise the re-surfacing of cycle routes across the city, starting with main commuting routes, making cycling safer and more appealing through the revision of the Transport Assets Management Plan (TAMP) including seeking external funding to increase the scale and viability of such a programme. Consulting with cycling groups on new and existing routes.</p>	<p>Yes</p>	<p>Review of the Highways Asset Management Plan (HAMP) will include evaluating how cycle way maintenance is prioritised in relation to other road types in the city.</p> <p>The Council submitted a bid to the DfT Maintenance Challenge Fund for maintenance of the cities strategic cycle ways in February 2015. This was well received but</p>	<p>Paul Walker</p>	<p>HAMP adopted Spring 2016.</p> <p>Future funding bids from April 2016.</p>

		<p>was unsuccessful. A future bidding round is anticipated in 2016/17.</p> <p>A review of SCC's Cycling Strategy is underway and will include mechanism to engage with city cycling groups</p>		<p>Consultation to begin in Autumn 2015</p>
<p>(xv) Seek to influence the idling policies of key transport operators within the city, including port activity, trains, buses, taxis and HGVs, to minimise emissions caused by engines idling.</p>	<p>Yes</p>	<p>The emerging LES will consider opportunities to address idling vehicles through voluntary schemes and enforcement.</p>	<p>Paul Walker/ Mitch Sanders</p>	<p>See ii) above</p>
<p>(xvi) The Council work in partnership with key stakeholders to assess the feasibility and eventual introduction of shore power technology at the Port of Southampton.</p>	<p>Yes (pending stakeholder support)</p>	<p>It is generally accepted that shore side power is not currently feasible. Nonetheless, its eventual introduction must not be discounted. Regulatory Services propose that key stakeholders identify current obstacles and develop and agree to a set of criteria which would trigger a further review when met.</p>	<p>Mitch Sanders</p>	<p>To be devised and incorporated into the 2015/16 review of the Air Quality Action Plan and monitored by the Air Quality Working Group.</p>
<p>(xvii) The Council is to, with support from other Port cities, write to the MPs of the City and the DfT to encourage the adoption of shore power across the UK.</p>	<p>Yes</p>	<p>Having identified those obstacles presented to shore side schemes by (xvi) above, a letter for other Port cities will be drafted asking for their support on this subject.</p> <p>Response to be incorporated in to a further draft letter to MP's of the City and DfT.</p>	<p>Mitch Sanders</p>	<p>Draft letter to be presented to cabinet member for consideration in Dec 2015.</p> <p>Spring 2016</p>

<p>Use of the Sustainable Distribution Centre can reduce the number HGVs coming into the city, relieve congestion and lower emissions. It is recommended that: (xviii) The Council encourages partners to make greater use of the Sustainable Distribution Centre.</p>	<p>Yes</p>	<p>The current framework agreement runs until Dec 2017, with the option of each user to extend their use of the centre. All vehicles used are currently Euro VI's and there is the option in the framework for greener vehicles to be used if further funding becomes available. Continued promotion of the SDC is currently being undertaken through the DSP project.</p>	<p>Paul Walker</p>	<p>SDC operation – ongoing Applying for funding for use of greener vehicles – Beginning 2016 SDC promotion through DSP project – March 2017</p>
<p>(xix) The Council explore opportunities to integrate the Air Alert service with other information/messaging and health alert services, such as cold and heat alerts, and consider how user friendly air quality information can be communicated to a wider audience through existing channels such as Stay Connected.</p>	<p>Yes</p>	<p>Regulatory Services is undertaking a review of the service and opportunities to extend its coverage. Any potential improvements that cannot be accommodated readily and through existing funding will be presented to the Health and Wellbeing Board for consideration.</p>	<p>Mitch Sanders/ Andrew Mortimore</p>	<p>Review to be completed by Sept 2015</p>
<p>(xx) The Council looks at innovative ways to measure air quality across the city.</p>	<p>Yes</p>	<p>Regulatory Services have secured funding from DEFRA to obtain and test innovative, mobile, real time measuring technologies. Southampton University have developed a proposal to develop an innovative air quality monitoring and mapping technique. Regulatory Services have agreed to sit on the steering group for the project.</p>	<p>Mitch Sanders Mitch Sanders</p>	<p>A selection and trial programme is due to start in Autumn 2015 and run through 2016. A decision on funding is expected in autumn 2015.</p>

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