

FAREHAM

BOROUGH COUNCIL

AGENDA FOR THE EXECUTIVE

Date: Monday, 1 March 2021

Time: 6.00 pm

Venue: Microsoft Teams Virtual Meeting

Executive Members:

Councillor S D T Woodward, Policy and Resources (Executive Leader)

Councillor T M Cartwright, MBE, Health and Public Protection (Deputy Executive Leader)

Councillor F Birkett, Housing

Councillor Miss S M Bell, Leisure and Community

Councillor S D Martin, Planning and Development

Councillor M J Ford, JP, Streetscene

1. Apologies for Absence

2. Minutes (Pages 5 - 12)

To confirm as a correct record the minutes of the meetings of the Executive held on 26 January 2021 and 01 February 2021.

3. Executive Leader's Announcements

4. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

5. Petitions

6. Deputations

To receive any deputations, of which notice has been lodged.

7. References from Other Committees

To receive any references from the committees or panels held.

Matters for Decision in Public

Note: Where an urgent item of business is raised in accordance with Part 3 of the Constitution, it will be considered with the relevant service decisions as appropriate.

8. Housing

Key Decision

(1) Development Update at 28 Queen's Road (Pages 13 - 18)

A report by the Deputy Chief Executive Officer.

(2) Fareham Borough Council Social Housing Rents Policy (Pages 19 - 32)

A report by the Deputy Chief Executive Officer.

(3) Fareham Housing Regeneration Strategy and Menin House (Pages 33 - 60)

A report by the Deputy Chief Executive Officer.

9. Streetscene

Non-Key Decision

(1) Interim Arrangements for Floral Displays and In Bloom 2021 (Pages 61 - 68)

A report by the Head of Streetscene.

10. Health and Public Protection

Key Decision

- (1) **Building Control Partnership Agreement** (Pages 69 - 110)

A report by the Director of Planning and Regeneration.

11. Policy and Resources

Key Decision

- (1) **Southampton and Fareham Legal Services Partnership Review** (Pages 111 - 116)

A report by the Head of Democratic Services.

Non-Key Decision

- (2) **Future of 42/44 West Street, Fareham** (Pages 117 - 122)

A report by the Director of Planning and Regeneration.

- (3) **Citizens of Honour Nominations 2021** (Pages 123 - 132)

A report by the Director of Leisure and Community.



P GRIMWOOD
Chief Executive Officer

www.fareham.gov.uk

18 February 2021

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FAREHAM

BOROUGH COUNCIL

Minutes of the Executive

(to be confirmed at the next meeting)

Date: Tuesday, 26 January 2021

Venue: Microsoft Teams Virtual Meeting

Present:

S D T Woodward, Policy and Resources (Executive Leader)
T M Cartwright, MBE, Health and Public Protection (Deputy
Executive Leader)
F Birkett, Housing
Miss S M Bell, Leisure and Community
S D Martin, Planning and Development
M J Ford, JP, Streetscene

Also in attendance:



1. APOLOGIES FOR ABSENCE

There were no apologies for absence given for this meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

3. DEPUTATIONS

There were no deputations made at this meeting.

4. POLICY AND RESOURCES

(1) Local Restrictions Supports Grants (Open) Scheme

RESOLVED that:

- (a) the Local Restrictions Support Grant (Open) Scheme, attached as Appendix B to the report, is approved for adoption in Fareham; and
- (b) authority is delegated to the Deputy Chief Executive Officer, following consultation with the Executive Member for Policy and Resources, to approve and implement any further Covid-19 support schemes for businesses, which the government requests the Council to deliver, but which have a discretionary element as to who are the recipients of that support, and what support they receive.

Where the Deputy Chief Executive Officer considers it in the best interests of the local economy to deviate significantly from the government guidance on their preferences as to who are the recipients of that support, and what support they receive, the proposed scheme will first be reported to the Executive Committee for decision.

(The meeting started at 5.00 pm
and ended at 5.08 pm).

FAREHAM

BOROUGH COUNCIL

Minutes of the Executive

(to be confirmed at the next meeting)

Date: Monday, 1 February 2021

Venue: Microsoft Teams Virtual Meeting

Present:

S D T Woodward, Policy and Resources (Executive Leader)
T M Cartwright, MBE, Health and Public Protection (Deputy
Executive Leader)
F Birkett, Housing
Miss S M Bell, Leisure and Community
S D Martin, Planning and Development
M J Ford, JP, Streetscene

Also in attendance:

L Keeble, for item 8(1)
P J Davies, for item 8(2)



1. APOLOGIES FOR ABSENCE

There were no apologies for absence given for this meeting.

2. MINUTES

RESOLVED that the minutes of the Executive meeting held on 04 January 2021 be confirmed and signed as a correct record.

3. EXECUTIVE LEADER'S ANNOUNCEMENTS

The Executive Leader announced that Members would be aware that the Local Plan consultation closed just before Christmas, and that it was appropriate to update Executive Members and the general public on the topic, given a Government announcement on the standard methodology which was made in the final few days of our consultation.

The Executive Leader advised that the Council received over 300 responses to the consultation and there were over 1,300 visitors to the Virtual Exhibition, which was trialled for the first time. Officers have been through every response and are in the process of preparing a summary to publish, in line with the regulations governing Local Plan preparation. A summary of the responses will be shared with the Planning and Development Scrutiny Panel later this month.

The Executive Leader went on to explain that the Publication Local Plan, which Full Council approved as the version to submit to Government for examination, was based on a level of housing need in a proposed revised standard methodology that the Government consulted upon in August of last year. The Council acknowledged the risk of consulting on the proposed lower figure, and the Local Development Scheme is written in such a way to state clearly that submission to Government would only take place when the Government confirms any changes to the standard methodology. Had the Council not consulted on the proposed, new methodology, we would have been severely criticised for consulting on housing numbers that are much higher than the government appear to be requiring. On the 16th December, two days before our consultation closed, the Government confirmed the use of the existing standard methodology and relied on housing need figures from 2014 (7 years ago) rather than the most recent figures which should have been used when calculating the housing requirement for Fareham.

The Executive Leader stated that, in specific terms, the Borough's annual housing need is now confirmed as 508 homes per year, as opposed to the figure of 403 homes per year that the Publication Local Plan was based upon. The consequence of this is that Council must revisit the housing requirement, and the proposed sites required to meet this higher number in an amended version of the Publication Local Plan. Through this process we will also need to revisit the unmet need arising from neighbouring authorities now that their housing numbers are also confirmed. Amendments may be put forward both in light of the Government announcement on housing need but also the responses we have received to this consultation and the Council will carefully consider alterations in order to add greater certainty to the plan being found sound at examination.

The Executive Leader announced that the intention is that a further consultation takes place on changes to the Publication Local Plan in early summer after the necessary technical work has been undertaken. The Local Development Scheme will be revised accordingly. This will be presented to Members for pre-scrutiny, Executive approval and then Council sign off during late spring.

The Executive Leader stated that it is also appropriate to advise the Executive and all Members of the outcome of the Housing Delivery Test for the years April 2017 – March 2020 which were published last month. Each year the Test looks back at housing completions over the previous years against Government-set housing requirements for the Borough. 79% of the homes that we needed for that period were built in the Borough, with the housing requirement we are judged against rising over each of the three years. The Housing Delivery Test results mean that we need to apply a 20% buffer to our five-year housing land supply and prepare a Housing Delivery Action Plan.

This means that we will need to find sites for, and grant planning permission for, more homes that can deliver in the short-term. The Local Plan will play a key role in this frontloading of housing delivery and this is why delivering the Local Plan will be a focus of the Action Plan that we must produce for Government in the next six months.

At the same time as the Housing Delivery Test targets for Fareham are rising year-on-year, the Borough has been unable to respond to this challenge due to our inability to issue many residential permissions since February 2019 due to the concern identified as to the impact of development-related nitrates on the protected habitats in the Solent.

At its peak, we had almost 1400 homes tied up in planning permissions that could not be issued solely because of the nitrates issue. Against an annual housing requirement of around 500 homes this backlog is clearly highly significant. The Council has been at the forefront of nitrate mitigation solutions working with landowners, developers, the Hampshire and Isle of Wight Wildlife Trust, Natural England and other local authorities to develop solutions that mean we can now issue permissions but still there is no single long-term solution at present time and work to ensure a continued supply of mitigation options and 'nitrate credits' continues.

Going forward, we know that due to the backlog of permissions that we have not been able to lawfully issue over the last three years, we face a difficult period over the next few years because of our likely poor performance against the 'backward-looking' Housing Delivery Test.

That is why we continue to lobby hard both through PFSH and separately as Fareham Borough Council to raise this issue with Government to ensure that they support us in the position that, despite our best efforts to issue planning permissions and proceed with the Local Plan, we are being penalised by events out of our control. I hope to be able to report some favourable outcomes from those discussions at a future meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. PETITIONS

There were no petitions submitted at this meeting.

6. DEPUTATIONS

There were no deputations made at this meeting.

7. REFERENCES FROM OTHER COMMITTEES

Licensing and Regulatory Affairs Committee – 14 January 2021

Minute 9 – Review of Statement of Licensing Policy

Members received a report by the Head of Environmental Health which presented a revised, draft Statement of Licensing Policy for consideration following a 12-week period of consultation.

It was noted and agreed that at paragraph 2.9 of the revised draft policy, the planned date for the first homes to be occupied at Welborne should be checked with the Planning department and amended if it is no longer correct.

During the discussion of this item, it was agreed that at paragraph 5.9 of the revised draft policy the term “Coronavirus” should be replaced with “Covid-19” and that, in the same paragraph, the phrase “is still an issue” should be reworded to provide greater clarity of meaning.

It was discussed and agreed that at paragraph 5.16 of the revised draft policy, the reference to “plastic” drinking vessels should be reworded to say “non-glass drinking vessels” so that the use of non-sustainable materials is not promoted.

RESOLVED that, having considered the representations arising from the statutory consultation exercise and subject to the amendments outlined above, the Licensing and Regulatory Affairs Committee recommends to the Executive that the revised draft Statement of Licensing Policy 2021-2026 be approved and referred to Council for adoption.

This item was listed for consideration at item 8(4) of the agenda.

8. POLICY AND RESOURCES

- (1) Finance Strategy, Capital Programme, Revenue Budget and Council Tax 2021/22

At the invitation of the Executive Leader, Councillor L Keeble addressed the Executive on this item.

A revised page 11 of the agenda pack was tabled at the meeting to show a corrected estimate figure of £2,731,105 for retained business rates and grants; a corrected total amount of £7,456,402 due from the council tax payers; and the correct date of the February Council meeting. A revised page 21 of the agenda pack was also tabled to include the corrected figure of £7,456,402 at Appendix A of the report.

A revised page 16 of the agenda pack was tabled at the meeting to confirm that the net rates payable from National Non-Domestic rates for 2021/22 (after transitional arrangements and reliefs) is £ 43,985,447.

RESOLVED that the Executive approves and recommends to the meeting of the Council to be held on 26 February 2021:

- (a) the capital programme and financing of £53,902,000;
- (b) an overall revised revenue budget for 2020/21 of £9,606,500;
- (c) a revenue budget for 2021/22 of £10,271,900;
- (d) a council tax for Fareham Borough Council for 2021/22 of £170.22 per band D property, which represents a £5.00 increase when compared to the current year and is within referendum limits; and
- (e) an unchanged Council Tax Support scheme for 2021/22

(2) Housing Revenue Account 2021/22

At the invitation of the Executive Leader, Councillor P Davies addressed the Executive on this item.

RESOLVED that the Executive approves and recommends to the meeting of the Council to be held on 26 February 2021 that:

- (a) rents be approved for Council Dwellings as set out in paragraph 21 of the report with effect from 01 April 2021;
- (b) rents for Council garages be increased by 1.5% with effect from 01 April 2021;
- (c) the revised budget for 2020/21 be approved; and
- (d) the base budget for 2021/22 be approved.

(3) Treasury Management Strategy 2021/22

A revised page 53 of the agenda pack was tabled at the meeting to correct the net rate of return on commercial investments, as detailed in the table provided at paragraph 77 of the report.

RESOLVED that the Executive:

- (a) endorses the draft Treasury Management Strategy and Investment Strategy for 2021/22, attached as Appendix A to the report; and

(b) agrees to submit the report to Council for approval.

(4) Review of Statement of Licensing Policy

The comments of the Licensing and Regulatory Affairs Committee were taken into account in considering this item.

RESOLVED that the Executive:

(a) agrees the updated Licensing Policy, as detailed in Appendix A to the report; and

(b) recommends the policy to Council for adoption.

9. EXECUTIVE APPOINTMENTS

RESOLVED to appoint Executive Members to the following bodies for the remainder of the current municipal year:

(i) Portchester Crematorium Joint Committee – Councillor M J Ford, JP;
and

(ii) Joint Member Shared Coastal Management Board – Councillor S D Martin.

(The meeting started at 6.00 pm
and ended at 6.36 pm).

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 March 2021

Portfolio:	Housing
Subject:	Development Update at 28 Queen's Road
Report of:	The Deputy Chief Executive Officer
Corporate Priorities:	Providing Housing Choices

Purpose:

To update the Executive on the progress of the redevelopment at 28 Queens Road and to seek approval for the funding arrangements.

Executive summary:

This report outlines the progress made on the development of two 3bed houses at 28 Queens Road.

Extensive work has been undertaken to ensure that the properties meet the original criteria of being disabled accessible and incorporate green solutions.

Further details of the funding arrangements, including the total estimated cost are provided in the confidential Appendix A attached to this report.

Recommendation:

It is recommended that the Executive:

- (a) notes the updates made to the scheme; and
- (b) agrees the funding mechanisms, as outlined in the confidential Appendix A to the report.

Reason:

To ensure the funding arrangements are acceptable and to enable a time efficient process to deliver the scheme if/when a formal planning consent is available on the site.

Cost of proposals:

The total estimated cost to deliver the scheme at 28 Queens Road is outlined in the accompanying confidential Appendix A. This has been established in liaison with the Council's Finance team.

Appendices: **A:** Funding arrangements (confidential)

Background papers:

Reference papers: **A:** Affordable Housing Strategy (2019)

B: Housing Disposals and Re-developments at 28 Queens Road and 15 & 17 Crossfell Walk - 11 June 2020
Executive Member for Housing Briefing Paper

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	01 March 2021
Subject:	Development Update at 28 Queen's Road
Briefing by:	The Deputy Chief Executive Officer
Portfolio:	Housing

INTRODUCTION

1. At its 11 June 2020 meeting the Executive Member for Housing considered a report outlining the intention to redevelop the former St John Ambulance site at 28 Queens Road. This report was originally intended for full Executive, but due to the Covid-19 pandemic, decisions were delegated to individual Executive Members. The Executive Member for Housing approved the funding mechanisms for delivery of the scheme and agreed delegated authority to the Deputy Chief Executive Officer to award the appropriate contracts.
2. The redevelopment of this site would seek to deliver 2No. 3 bed social rent homes. These will be designed to reflect the character of the area, with accessibility features such as wheelchair access. The scheme will also incorporate greener solutions; contributing to the Council's commitment for carbon neutrality and deliver on the Housing Department's Greener Policy (2019).

DESIGN

3. The report of the 11 June Executive Member for Housing introduced the design concepts for the two properties. It is still the intention to deliver 2No. 3 bed, accessible homes designed to reflect the character of the area, with accessibility such as wheelchair use, accounted for. This also includes allowing for the conversion of one of the ground floor rooms to an accessible bedroom, should the need arise. These features will allow for greater flexibility and provide homes for households that typically have a longer wait time.
4. Further work has been undertaken since the 11 June report to understand what greener solutions could be incorporated into the design. Part of the feasibility work included an eco-specification cost/benefit analysis. This outlined the possibilities for the scheme, outlays and detail of whether any element would result in additional costs for our tenants.
5. When looking at energy efficiency within buildings, a 'fabric first' approach is used. The design of the two properties incorporates this by ensuring that unnecessary heat is not

lost through the walls. A Passiv house is specifically designed to minimise this loss by incorporating thicker walls, a heat recovery ventilation system, air tightness and quad glazing. A Passiv design was explored, and although this style would achieve carbon neutrality the costs in comparison to the size of the development were excessive.

6. The chosen solution modelled a 70% reduction of CO₂ emissions, compared to a standard build. In order to achieve this the property will be electric only. An air source heat pump will provide heating and to ensure that there are no extra costs to the residents, solar panels will generate the electricity. Any excess electricity produced will utilise a solar PV diverter. A PV diverter moves the excess electricity to other areas so it is not wasted. One example of where electricity could be diverted to is the heating for hot water.

RENTS

7. The Council offers two main types of rent to those allocated to our housing properties; social rent and affordable rent. The 11 June report originally advised that the properties will be at an affordable rent and grant funding would not be possible on this scheme. However, subsequent talks with the Wayfarer Partnership / Homes England has resulted in an application for grant funding being made possible. Grant funding will mean that a social rent could be charged at these properties. This lowers the rental payments further for our tenants and is much needed for larger, accessible homes.

TIMELINE

8. Timings for delivery of this project remain approximate and are dependent on a number of external factors. The planning application has now been submitted and will go to the Planning Committee for consideration. Following this, the technical drawings will need to be completed and the tender process started. It is expected that construction on site will begin in early 2022.

Enquiries:

For further information on this report please contact Fleur Allaway (Ext 4304).

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 March 2021

Portfolio:	Housing
Subject:	Fareham Borough Council Social Housing Rents Policy
Report of:	The Deputy Chief Executive Officer
Corporate Priorities:	Providing Housing Choices

Purpose:

To seek approval of the draft Fareham Borough Council Social Housing Rents Policy.

Executive summary:

In February 2019 the Government issued a Direction to the Rent Standard and a Policy Statement on Rents for Social Housing. These have enabled Local Authorities to be able to increase rents from 1 April 2020 by CPI +1%.

In order to bring the legislation together, continue the delivery of affordable housing and provide transparency on how the Council sets rent for its properties, the Housing Department has produced a draft Social Housing Rents Policy.

The Housing Scrutiny Panel considered the report on 4 February 2021 and had no comments for the Executive.

An EIA has been undertaken and has not identified any impacts for the protected characteristics.

Recommendation:

It is recommended that the Executive approves the draft Fareham Borough Council Social Housing Rents Policy, as provided in Appendix A to this report, for publication.

Reason:

To detail how the Council sets rent levels for its social and affordable housing properties.

Cost of proposals:

The cost of publication is covered in the existing Fareham Housing operational budget.

Appendices: **A:** Fareham Borough Council Social Housing Rents Policy
 B: Equalities Impact Assessment

Background papers:

Reference Papers: Affordable Housing Strategy (2019)
 1 February Executive Report – Housing Revenue Account
 2021/22 Briefing Paper
 4 February 2021 Housing Scrutiny Panel Minutes

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	01 March 2021
Subject:	Fareham Borough Council Social Housing Rents Policy
Briefing by:	The Deputy Chief Executive Officer
Portfolio:	Housing

INTRODUCTION

1. At its meeting of 3 February 2020, the Executive considered a report on the Housing Revenue and Account Budget. The report outlined the changes to the Government's *Direction on the Rent Standard* which permits an annual rent increase on social and affordable housing. Previously the Council had to apply an annual reduction of 1%.
2. The Government's Direction to the Rent Standard 2019 and subsequent Policy Statement on Rents for Social Housing permits an annual rent increase on both general needs and sheltered housing properties. This is for both social and affordable rent and the increase is up to CPI + 1% from April 2020 for a period of at least five years. This rent charge increase will also continue to apply to shared-ownership properties.
3. At the meeting of the 1 February 2021 the Executive considered a report from the Deputy Chief Executive and Section 151 Officer outlining the Housing Revenue Account 2021/22. The report sought approval to apply an increase in rents for Council dwellings by CPI +1%. This increase reflects what is contained within the Fareham Borough Council Social Housing Rents Policy.

THE FAREHAM BOROUGH COUNCIL SOCIAL HOUSING RENTS POLICY

4. The Fareham Borough Council Social Housing Rents Policy (hereafter referred to as 'the Policy') seeks to clarify how social and affordable housing rent is set. The language, charges and legislation around affordable housing can often be confusing. The Policy explains what each rent type is and how the charge is calculated, simplifying the legislation governing it.
5. The amount of rent charged differs depending on whether the property is social, affordable or shared ownership. Service charges may also apply at some properties; the Policy details where and why these will be applied. The Policy also acts as a guide to determine how rent will be calculated for new builds, detailed further on in this report.
6. The Government's Policy Statement on Rents for Social Housing does not allow for an increase in existing rents by more than CPI plus 1 percentage point in any given year.

The Policy reiterates this position, which applies to both social and affordable properties, ensuring that rents cannot increase above inflation.

7. The Council seeks to ensure that no-one is negatively affected by the Policy. Affordability is carefully considered prior to allocation from the Housing Register into an affordable/social rent property. Tenants are also advised well in advance of any increase.

NEW HOUSING

8. The Affordable Housing Strategy commits to both building more affordable homes and purchasing private market housing. When properties are purchased, typically, the Council will use Right to Buy Receipts. The Policy states that where this is the case, these properties will have rent set at an affordable level. This is under agreement with the Ministry of Homes, Communities and Local Government and will help to offset any losses from Right to Buy.
9. Affordable rent was introduced in 2011 to allow delivery of quality homes at sub-market rent. In accordance with this principle, tenants of new build Council housing may be charged an affordable rent (80% of the property's market rental value, but where possible, set to the LHA cap). However, the Council may continue to charge social rent in areas of where need is highest, and it is feasible to do so.
10. The Affordable Housing Strategy commits to delivering more sheltered housing for older people. As with general needs accommodation, the Policy states that an affordable rent below 80% of the rental value may be charged at the new builds. The sheltered schemes currently charging social rent will remain as social rent unless they are subject to redevelopment.
11. Providing good quality, affordable homes for those in need is a key priority. A social rent level would be the idyllic situation for all of the Council's housing. However, in order to progress more development and maintain/improve existing stock an affordable rent will often need to be charged. The recently completed Oak Tree Close development was only feasible through charging affordable rent. Even with grant funding, delivery would not have been possible if a social rent was applied on this site.

SHARED OWNERSHIP

12. Shared ownership allows the tenant to own a proportion of the property and rent the remaining share. Residents also have the option to 'staircase up' and buy the remaining shares in the property.
13. In order to align with other social housing providers, any new shared ownership properties or those who are staircasing will have the rent calculated based on the unsold equity. Prior to the Policy, rent for shared ownership was based on equivalent properties within the Council's portfolio. The charge was worked out by removing a percentage based on typical repairs costs from what the monthly rent would be as a social housing property.
14. Existing shared ownership tenants will not see a change in their rent. Exceptions are the annual rent increase (CPI +1%), or if additional shares are purchased. When this occurs, the tenant will be advised of the new amount prior to sale.

GARAGES

15. The Council provides the opportunity for all residents to rent a garage. This includes Council tenants, named leaseholders, and private residents. Rents for Council garages are not covered by the Government's Rents Standard and in recent years have had weekly rent increase by 50p per annum.
16. The Policy now states that annual increase in rent will be CPI plus 1 percentage point, to align increases with dwelling rents. This year will see garage rents for 2020/21 increase by 20p per week.

HOUSING SCRUTINY PANEL

17. The Housing Scrutiny Panel considered the Policy at the 4 February meeting. The Panel were provided with a report by the Deputy Chief Executive Officer that gave an overview of the Social Housing Rents Policy and a copy of the draft Policy. Members of the Scrutiny Panel were invited to put forward any comments for the Executive to consider in any subsequent decisions about the document. No comments were made.

EQUALITY IMPACT ASSESSMENT

18. An Equality Impact Assessment (EIA) has been undertaken of the Social Housing Rents Policy. This is included as Appendix B to this report. The EIA has not identified any detrimental equality impacts as a result of the proposed policy.

RISK ASSESSMENT

19. There are no significant risk considerations in relation to this report

CONCLUSION

20. The Policy brings together existing legislation and explains how the Council sets rent in its social housing stock. It is designed to provide transparency and act as a guide for how rents are set in new and existing Council homes.
21. The Policy is an important document to assist in ensuring solvency of the HRA; which is key in continuing delivery, improvement and maintenance of affordable properties for those in need. The Executive is invited to comment and approve the document.

Enquiries: For further information on this report please contact Fleur Allaway (Ext 4304)

APPENDIX A

THE FAREHAM BOROUGH COUNCIL SOCIAL HOUSING RENTS POLICY

1. Aims of the Policy

1.1 The purpose of this policy is to provide a framework for how Fareham Borough Council sets and reviews the rent levels of its properties. Through the standards set out in this policy and adherence to legislation, the Council will be able to ensure that:

- The rent charges reflect the amenities of the property
- Tenants are aware of the rental weekly charges at the start of their tenancy and any changes that may be implemented in April of each year
- Fareham Housing is able to plan future housing development and further invest in its existing property

2. Background

2.1 From April 2016, the Welfare Reform and Work Act 2016 has required social landlords to reduce their rents by 1% each year for four years. From April 2020 Government policy permits annual rent increases on both social rent and affordable rent properties of CPI (Consumer Price Index) plus 1 percentage point, for a period of at least five years.

2.2 This policy is laid out in accordance with the following legislation and Government policies/guidance:

- Housing Act 1985
- Local Government and Housing Act 1989
- MHCLG Rent Policy Statement 2019
- Regulator of Social Housing Rent Setting Guidance
- The Housing and Regeneration Act 2008
- Regulator of Social Housing Rent Standard
- Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016
- Welfare Reform and Work Act 2016
- Equality Act 2010
- Human rights Act 1998

3. Types of Rent

3.1 The Council currently operates two types of rent:

- Social Rent – where rent is set at a proportion of the market value using a calculation known as ‘formula rent’, as set by Government
- Affordable Rent – are set at less than 80% of market rent but typically higher than social rent with the intention of enabling additional investment in new affordable housing

3.2 The Council also has a number of shared ownership homes. This is where the tenant owns a proportion of the property and rents the remaining share. Further details on shared ownership rents are set out in paragraph 10.

4. How Rent is Calculated

4.1 *Social Rent*

Since 2001, social rents have been set based on a formula stipulated by Government. This is known as 'formula rent', with the aim of ensuring that similar rents are charged for similar properties. The calculations for formula rent take into account the following:

- The condition and location of the property
- Local earnings
- The property size, specifically the number of bedrooms

4.2 An increase or decrease for inflation (CPI) is then applied to the figure to calculate the final rent amount. This figure must not exceed the rent cap set by Government and is the maximum amount of rent that can be charged for a property of that size and type. Where this is the case, the rent cap amount is instead used.

4.3 *Affordable Rent*

The Government stipulates that rent for affordable housing must not exceed 80% of the equivalent market rent. The Council sets its affordable rent levels at this rate or below 80% by using the Local Housing Allowance (LHA). LHA rates are used in the calculation of housing benefit or housing support within Universal Credit, if the rent exceeds the LHA then the benefits will not meet the additional cost.

5. Service charges

5.1 Service charges may be applied at some properties to cover the costs of estate management. The charges include, but are not limited to:

- Sheltered Housing Management Charge
- Sheltered Housing Support Charge
- Heating Charge
- Water Rates Charge
- Laundry Charge
- Mobility Scooter Storage Charge
- Cleaning Charge
- Grounds Maintenance Charge

5.2 The service charge covers both the direct and indirect costs of the services. The rates are calculated based on the average charge, dependant on the service, and the fees from the previous year. For example, the electricity charge in sheltered housing communal areas would use the previous years' metering and apply any increased rate (per kWh) from the supplier. The costs are then apportioned equally amongst the properties.

5.3 Some service charges are eligible for Housing Benefit or Universal Credit. In general terms, the charge must be for a housing related service, rather than a personal service. A housing related service includes, but is not limited to:

- Fuel, water and sewage for communal areas
- Communal window cleaning
- Emergency alarm systems in certain accommodation
- Provision of a heating system
- Communal grounds maintenance
- Maintenance of a communal lift

5.4 Where service charges are implemented, they will be considered as part of the overall rental cost. This will ensure that the final rent value will not be in excess of the Local Housing Allowance, formula rent (subject to rent flexibility level) or 80% of gross market rent, whichever applies to the property. Service charges will be set out in the tenancy agreement.

5.5 The Council has a number of leaseholders that are also eligible for service charges. Information on these service charges can be found in the Leaseholders Handbook (2017).

6. Existing Tenancies

6.1 In accordance with the Government's Policy Statement on Rents for Social Housing, the Council will not increase existing rents by more than CPI plus 1 percentage point in any given year. This limit will apply to both social and affordable rent.

6.2 The Council offers Flexible Tenancies to all Introductory tenants housed in family sized accommodation. The flexible tenancies last for 5 years and are reviewed approximately 12 months before the end of the fixed term. As part of this review Officers will consider the tenant's current and predicted circumstances. Evidence on whether an affordable rent may now be reasonable will be taken into account before a further flexible tenancy is offered.

6.3 Tenants will be given at least 28 days notification of any changes to their rent, in accordance with their tenancy agreement and legislation.

7. Purchase of Housing

7.1 When Council tenants purchase their property under the Right to Buy scheme, the Council retains a proportion of the receipt to purchase and/or build new properties. Under agreement with the Ministry of Homes, Communities and Local Government, any property purchased with Right to Buy receipts will have rent set at an affordable rent level (80% of market value) in accordance with paragraph 4.

8. New Build Housing

8.1 Affordable rent was introduced in 2011 to allow delivery of quality homes at sub-market rent. In accordance with this principle, tenants of new build Council housing may be charged an affordable rent which will not exceed the current LHA cap. However, the Council may continue to charge social rent in areas of specific need.

9. Sheltered Housing

9.1 The Council's sheltered housing accommodation is designed to enable older people to maintain their independence and sense of community in secure accommodation. The rent charged at these schemes is either a social rent or an affordable rent. Where affordable rent is charged, it is below the LHA cap.

9.2 There is a demand for sheltered housing in Fareham and charging an affordable rent can help enable future provision and further improve existing sites. Therefore, as with general needs accommodation, affordable rent may be charged at new build properties.

- 9.3 The sheltered schemes currently charging social rent will remain as social rent.
- 9.4 Shared ownership may also be explored at some new build schemes. Where this occurs, the details set out in paragraph 10 will come into effect.

10. Shared Ownership

- 10.1 Shared ownership allows the tenant to own a proportion of the property and rent the remaining share. Residents also have the option to 'staircase up' and buy the remaining shares in the property.
- 10.2 Historically, the Council calculated the rent for shared ownership based on equivalent properties within its portfolio. The charge was worked out by removing a percentage based on typical repairs costs from what the monthly rent would be as a social housing property.
- 10.3 In order to align with other social housing providers, any new shared ownership properties or those who are staircasing will have the rent calculated more simply. The calculation will be based on the unsold equity and as follows:

$$\text{Rent per month} = \frac{(\text{Unsold equity amount} \times 2.75\%)}{12}$$

- 10.4 No changes will be made to existing tenant's rent, with the exception of the annual increase, unless additional shares are purchased. When this occurs, the tenant will be advised of the new rent amount prior to any sale.
- 10.5 The annual increase in rent will continue to be CPI plus 1 percentage point.

11. Garages

- 11.1 The Council provides the opportunity for all residents to rent a garage. This includes Council tenants, named leaseholders, and private residents. The rent for Council tenants is exclusive of VAT, unless they live more than 1 mile away from the garage. In this instance, VAT will apply.
- 11.2 The annual increase in rent will be CPI plus 1 percentage point. This is to align increases with dwelling rents.

12. Review

- 12.1 This policy will remain a working document and be reviewed as and when new legislation or guidance is published.

Equality Impact Assessment

APPENDIX B

This document is intended to act as a guide and point of reference. There is no requirement to use this document as part of the policy development or decision-making process; although it may help.

Name	Claire Benfield	Date	January 2021
Job title	Leisure and Community Officer		
What are you thinking of changing or implementing?			
<p>Fareham Borough Council's draft Social Housing Rent Policy establishes a clear direction for the setting and review of the rent levels for the Council's properties over the next four-year period. The aim of the Policy is to bring together existing legislation, to ensure that rent charges are reflective of the amenity of the property and that tenants are fully aware of the weekly charges. The Policy also enables Fareham Housing to plan for improvements to its housing stock.</p> <p>In February 2019, the Government released a policy setting a new standard for registered housing providers, effective from April 2020. The Government policy permitted annual rent increases on both social rent and affordable rent properties of CPI (Consumer Price Index) plus 1 percentage point, for a period of at least five years. However, it is important to put this into the context of the Welfare Reform and Work Act 2016, which required social landlords at that time to reduce their rent to 1 percentage point below the CPI.</p> <p>In reality, then, the proposed 1 percentage point increase equates to a 2 percent increase in real terms. Despite this increase, it is important to note that the calculation takes into account the Government's 'rent standard cap' which ensures the rent cannot exceed a recognised level for affordability. In addition, all recipients of Housing Benefit or the Housing element of Universal Credit will have their entitlements increased by the same amount as the rent increases.</p> <p>Once approved, this policy will be published on the Council website and copies will be made available at the Civic Offices.</p>			
What is the expected or anticipated impact of this change?			
<p>The draft Social Housing Rent Policy is proposed to be applied equally to all tenancies. In this respect, there is no intention to impact certain sectors of the community more than others. However, due to certain sectors' limitations on their income, the proposed increase has the potential of having a greater impact.</p> <p>On a positive note, an increase to rent levels will enable the Council to improve the Housing stock and enable delivery of new, affordable homes, thereby helping to effectively meet the housing needs of a greater number of residents.</p>			
Protected characteristic: Age (including children and young people)			
Points to consider:			
<ul style="list-style-type: none">• How have you considered the potential impact on people with this protected characteristic?			

- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

Fareham has a statistically high number of older residents when compared to both regional and national levels. In 2018, 23 percent of Fareham's population were over 65 years old and this figure is projected to rise to 31 percent by 2036.

Fareham Borough Council has 26 sheltered housing complexes, offering a variety of support for the increased needs posed by this ageing demographic.

The Council's Allocations Policy lists certain criteria for applications to live in sheltered housing, including: The applicant must have insufficient financial resources to secure accommodation that meets their particular housing needs in the private market. As a result, the majority of tenants of the sheltered housing schemes, or other forms of social housing in the Borough, rely on their State Pension as their only means of income.

The Government has confirmed that, from April 2021, State Pensions will increase by 2.5 percent. This increment will help to ensure that the proposed rental increases result in no overall reduction in the disposable income of tenants in receipt of their State Pension. Furthermore, the identified increase in Housing Benefit will prevent any negative impact being experienced by those of this protected characteristic who are financially vulnerable.

As a result, the potentially negative impact on tenants of pensionable age has been mediated.

Protected characteristic: Disability (including physical and those with mental health conditions)

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

Almost one in five people in the UK has a disability, with mobility being the most common impairment. The 2011 Census revealed that the proportion of Fareham residents whose day-to-day activities were 'limited a lot' due to disability is above the average for Hampshire.

People with a registered disability are able to access either Disability Living Allowance (DLA) or, more often, Personal Independence Payments (PIP), to ensure that they receive an income despite the limitations that they face in accessing paid work. Unlike State Pensions, DLA and PIP will only be increased by 0.5 percent in 2021.

The 'rent standard cap' will ensure that the revised rent is at an affordable level for this protected characteristic. In addition, the increase in Housing Benefit will prevent the potential impact on the disposable income of the most financially vulnerable of those with disabilities.

As a result, the proposed increase in rent will have no impact for disabled tenants.

Protected characteristic: Gender reassignment

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

Protected characteristic: Marriage and civil partnership

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

Protected characteristic: Pregnancy and maternity

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

Protected characteristic: Race

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

Protected characteristic: Religion or belief

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?

- What steps or action is planned to mitigate any negative impact?

No impact identified.

Protected characteristic: Sex

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

Protected characteristic: Sexual orientation

Points to consider:

- How have you considered the potential impact on people with this protected characteristic?
- What, if any, is the expected impact on people with this protected characteristic?
- What steps or action is planned to mitigate any negative impact?

No impact identified.

Socio-economic status

Although not technically one of the protected characteristics, those residents of a low socio-economic status have a limited ability to adapt to changes which increase their costs, as they are often unable to offset this by increasing their income. As a result, the draft Social Housing Rent Policy has the potential to negatively impact on this sector.

Universal Credit, the most common form of unemployment benefit, is set to increase by 0.5 percent in 2021. This raise will not balance the proposed rental increases.

The ‘rent standard cap’ will ensure that the revised rent is at an affordable level for this protected characteristic. In addition, the increase in Housing Benefit (or the Housing element of Universal Credit) will mediate any potential loss in disposable income for this sector.

The proposed increase in rent will have no impact for those of a lower socio-economic status.

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 March 2021

Portfolio:	Housing
Subject:	Fareham Housing Regeneration Strategy and Menin House
Report of:	The Deputy Chief Executive Officer
Corporate Priorities:	Providing Housing Choices

Purpose:

To seek approval to adopt the Fareham Housing Regeneration Strategy which provides improved transparency and information on how redevelopment and regeneration opportunities of Council housing stock will be identified and progressed.

To also agree the principle to seek a redevelopment of Menin House in North West Fareham, as detailed in Appendix B to this report.

Executive summary:

The draft strategy details the factors that will be considered when identifying and progressing housing regeneration opportunities. Individual site-specific appendices will be produced for consideration by the Executive over time, the first of which (Menin House) is included in Appendix B to this report.

The draft strategy is clear that there is no 'one size fits all' approach when it comes to identifying a project. The factors that will typically be considered are detailed in the draft strategy; this provides a framework and improved transparency on how regeneration and redevelopment sites will be identified and selected.

The adoption of a Fareham Housing Regeneration Strategy will be an important step toward the replacement of some of the Council's poorer quality housing stock.

Recommendation/Recommended Option:

It is recommended that the Executive agrees:

- (a) to adopt the Fareham Housing Regeneration Strategy as provided in Appendix A;
- (b) the principle of seeking a redevelopment of Menin House (to include adjacent garages/land) to provide new and improved affordable housing; and

(c) to include the site specific Menin House appendix (Appendix B to this report) with the Fareham Housing Regeneration Strategy.

Reason:

To ensure the content of the Fareham Housing Regeneration Strategy is acceptable and that the principle to seek a redevelopment of Menin House is appropriate.

Cost of proposals:

There are no direct costs associated with the content of the Fareham Housing Regeneration Strategy.

Estimated project costs for the redevelopment of Menin House are provided in the accompanying confidential Appendix C. Initial costs will be incurred for architecture services and any necessary technical reports. A further report will be provided to the Executive when a developed design for the redevelopment has been produced and more accurate overall project costs are understood.

- Appendices:**
- A:** Draft Fareham Housing Regeneration Strategy
 - B:** Appendix A to the Fareham Housing Regeneration Strategy (Menin House redevelopment)
 - C:** Menin House – Estimated costs of redevelopment project (Confidential)

Background papers: None

Reference papers: Corporate Strategy 2017-2023
Affordable Housing Strategy 2019

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	01 March 2021
Subject:	Fareham Housing Regeneration Strategy and Menin House
Briefing by:	The Deputy Chief Executive Officer
Portfolio:	Housing

INTRODUCTION

1. The need for a Fareham Housing Regeneration Strategy was identified in the adopted Affordable Housing Strategy (2019). The 2019 overarching strategy included an action to 'identify and progress regeneration and redevelopment opportunities on existing Fareham Housing land'.
2. The majority of Council housing stock is over 45 years old and in some instances the costs and benefits from remedying structural issues and updating the property (or properties) is such that redevelopment may be a more appropriate and worthwhile consideration. This is particularly relevant where redevelopment can increase the number and quality of affordable homes in an area of high affordable housing need.
3. The draft Regeneration Strategy is not site specific. The intention is that individual site-specific appendices to the strategy will be produced over time and the first of these, for Menin House, is included with this report. The approval of the Executive is sought for the principle to redevelop of Menin House.
4. 'Condition', 'Cost', 'Land Factors' and 'Opportunity' are the key guiding factors that will be considered when identifying specific regeneration or redevelopment opportunities. Every potential site/property will have subtle differences in how these factors apply, as a result a 'one-size fits all' approach is not appropriate.
5. Menin House in North West Fareham presents some significant challenges in relation to the current structural condition of the building. At the same time there is available land adjacent to the flats that would make a slightly larger redevelopment possible. A redevelopment of Menin House will secure a greater number of modern affordable homes in a high need area for affordable housing.

PRINCIPLE AND GUIDING FACTORS FOR REDEVLEOPMENT

6. The draft Fareham Housing Regeneration Strategy identifies the four key factors that will be used to identify regeneration or redevelopment opportunities: -

- Condition
- Land Factors
- Opportunity
- Cost

7. A detailed overview of these four guiding factors and why they are important is provided in the draft strategy (Tables 1-4 of Appendix A). Each potential regeneration or redevelopment opportunity would be considered against these factors. Should it be deemed an appropriate and achievable opportunity then Officers will seek approval to a site-specific appendix to the Regeneration Strategy. After the Council's Executive has agreed the principle of any site-specific regeneration/redevelopment projects, further detailed work will progress and over time appropriate tenant and community consultation will take place. All matters will then be progressed aimed at ultimately seeking the delivery of the project.

IMPACT TO THE COMMUNITY & PROPERTY OCCUPANTS

8. The draft Regeneration Strategy recognises the community impact from regeneration/redevelopment, particularly for those occupants whose homes will be directly affected. The practical side of any displacement of existing occupants is acknowledged in the strategy, including different approaches depending on whether they are a Council tenant or a leaseholder/freeholder. In all cases it will be dealt with and managed as sensitively as possible.
9. Once a project is formally identified as an appendix to the Regeneration Strategy then nothing will immediately change at the affected properties or for their occupants. The subsequent steps will need to include architectural drawings, land assembly, community consultation and the planning process before there is likely to be any requirement for the properties to be vacated.
10. The draft Regeneration Strategy also includes information about the likely suspension of Right to Buy. This will be necessary to prevent any additional hurdles to redevelopment.

OTHER MATTERS

11. In most normal circumstances Council owned properties which do not warrant consideration for redevelopment/ regeneration (based on their assessment against the guiding factors in the strategy) will still be included in the ongoing planned maintenance programme for the Council's housing stock.
12. The draft strategy also recognises that redevelopment or regeneration can positively contribute toward the Fareham Housing Greener Policy. Newer homes tend to be far more energy efficient and can have greener measures incorporated within the design from the outset.

MENIN HOUSE

13. Appendix B to this report relates specifically to Menin House. It provides an overview of the building in relation to the four guiding factors contained in the draft Fareham Housing Regeneration Strategy; those being condition, land factors, opportunity, and cost.
14. The condition of the existing property is extremely poor. This is further reflected in it becoming increasingly hard to let Council flats in the block. There are issues with the

internal soil and vent pipes, the heating system is inefficient, and there are significant issues associated with the cement rainwater goods which have damaged the steel re-enforced bars that form part of the buildings structure. Although it presents no immediate danger it will cost in the region of £600,000 over the next 30 years to address the various problems and upgrade fixtures and fittings. The Council will then still be left with bedsit accommodation and flats that do not all meet modern standards and expectations on layout and size.

15. There is adjacent land to Menin House, including the underused garage/parking area to the west of the flats. This means there is an opportunity to provide a greater number of new affordable homes if the site were redeveloped.
16. In the region of 30-50 homes could be built to replace the existing 24 properties. The final amount would depend on the mix of houses and flats, and the final design approach.
17. Fareham north is also an area with a higher need for additional affordable homes. Redevelopment here will add to the 'right homes in the right places' approach contained in the adopted Affordable Housing Strategy.
18. Indicative costs and initial financially feasibility work (undertaken on a cautious approach) indicate that a redevelopment could be viably achieved at this site. Further information and detail on the costs considered are included in Confidential Appendix C to this report.
19. As explained in Appendix B the decision to seek a redevelopment of Menin House, and the costs associated with a redevelopment, cannot be considered in isolation. If the building were retained then (a) over a 30 year period significant money will need to be spent on the property; (b) we would still have less favourable bedsit accommodation; (c) there could still be increasing difficulties in letting the flats (and potential associated loss of rent); and (d) undertaking the appropriate remedial works to the building might still require the properties to be vacated during works. Points (a) and (d) would also have cost and disruption implications for leaseholders at the property.

RISKS

20. At this stage there are no direct risks identified. Further risks may need to be considered as any individual site project progresses.

CONCLUSION

21. The draft Fareham Housing Regeneration Strategy provides a positive step forward in how the Council will identify suitable projects. It provides increased transparency in the factors that will be considered when identifying projects and in time not only will this facilitate the replacement of some of the Council's poorer quality housing stock but also provide a greater number of affordable (and greener) homes in the right places, for those in need of affordable housing.
22. Menin House is an example of some of the Council's poorer condition housing stock. There would be substantial costs to retain the building. In comparison a redevelopment could provide a greater number of good quality, sustainable and greener affordable homes at the site. This would be to the benefit of more individuals/families in need of affordable homes in the Borough.

Enquiries:

For further information on this report please contact Robyn Lyons (Ext 4305)

Fareham Housing Regeneration Strategy 2021-2036

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Draft

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Appendices – Site Specific Regeneration Opportunities

Appendix A – Specific Project A (tbc 2021)

This document was adopted by the Council’s Executive on the XXXX 2021.

Individual appendices relating to site specific redevelopment or regeneration opportunities will be approved individually (and dated accordingly) by the Council’s Executive.

1. Introduction

- 1.1 Fareham Borough Council are the principal social housing provider in the borough; owning and managing approximately 2,400 homes. Approximately 65% of Council owned homes are over 45 years old. This can contribute to several challenges: -
- Remediating and addressing structural matters associated with the age of the properties and/or the original construction techniques
 - Layouts of properties failing to meet modern expectations and standards
 - Keeping fixtures and fittings to an acceptable standard
 - Ensuring homes are suitably energy efficient (having regard to the Council's 'Fareham Housing Greener Policy')
 - Funding any works required.
- 1.2 In addition to the age of the housing stock there are around 120 Council homes that were built using non-traditional construction methods. Some of these homes were classified as defective in the 1985 Housing Act due to the nature of the construction technique. Although they are safe to live in, many of the challenges identified above apply to these homes.
- 1.3 The Council intend to remain a key provider of affordable housing in the Borough by maintaining and improving existing Council homes. The Council also intend to continue to build more new affordable homes to help address the ongoing need.
- 1.4 In October 2019 the Council adopted a new Affordable Housing Strategy. 'Actions' within that strategy include the following: -

We will identify and progress regeneration and redevelopment opportunities on existing Fareham Housing land as part of a Fareham Housing Regeneration Strategy

(Extract of some Actions from the adopted Affordable Housing Strategy, 2019)

- 1.5 Decisions to redevelop/regenerate existing Council stock will be bespoke to the individual property or building(s). In many cases it will not be appropriate or feasible to consider redevelopment/regeneration; instead improvement works may be more appropriate as part of the Council's on-going planned maintenance programme. In some other cases demolition and redevelopment may be appropriate and feasible, particularly where it will allow a greater number of new affordable homes to be provided and replace poorer housing stock with modern, good quality, housing.

2. Regeneration Opportunities

- 2.1 There is a need for further affordable homes in the Borough and limited funding available to provide them. Land acquisition can present a significant cost as part of any new build scheme. Opportunities on existing Council land are therefore an appropriate and logical way to increase the number of affordable homes for those in need, whilst often providing an opportunity to replace poorer quality housing.
- 2.2 Any redevelopment of existing poorer quality Council housing will instead provide modern and improved homes. Newer homes are normally more comfortable and cost effective for residents (lower heating bills for example). They can also more easily include 'greener' measures, be adaptable for different accessibility needs, and they will often have lower maintenance and repair costs for the Council over the medium/long term.
- 2.3 Regeneration and redevelopment opportunities should therefore be considered where they have the potential to replace existing poorer quality housing stock and where they can also ideally increase the number and quality of affordable homes.
- 2.4 Site specific redevelopment/regeneration opportunities will be identified and an individual appendix (to sit alongside this strategy) will be produced for each. This will be on-going work over several years and not all projects are identified at this stage. All redevelopment/regeneration opportunities will be identified and selected based on the 'Principles and Guiding Factors for Redevelopment' identified in Section 3.

3. Principle and Guiding Factors for Redevelopment

3.1 Sites for regeneration and/or redevelopment should be identified based on a balance between several factors: -

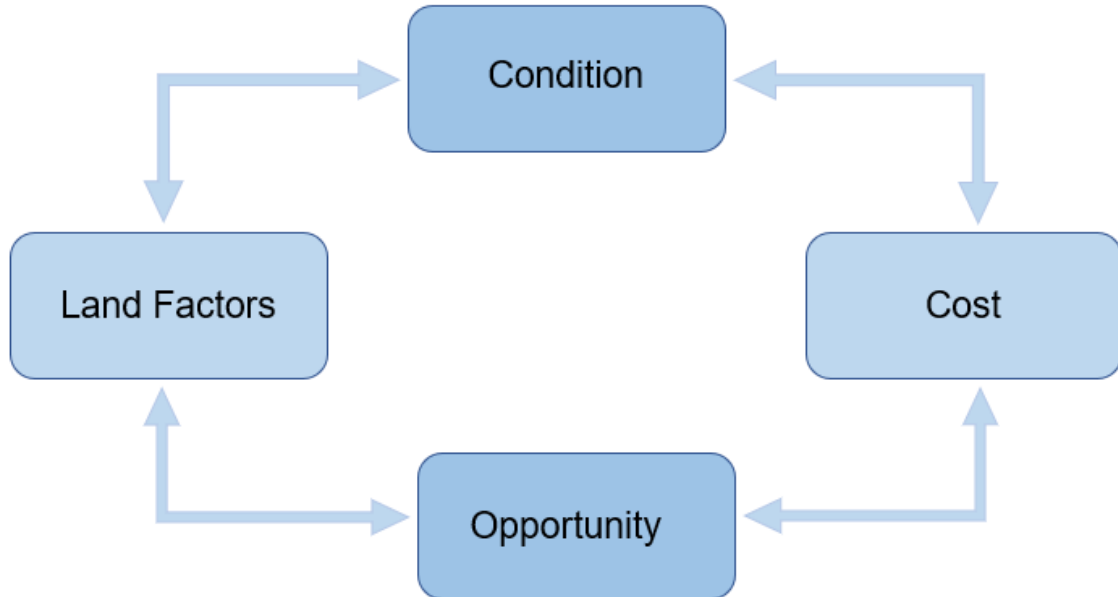


Figure 1

3.2 These guiding factors, and why they are important, are explained in more detail below.

Condition

	Factor	Why is it important?
Condition	What is the condition of the existing property structurally, and fixtures and fittings?	If the property requires significant works then this will need to be considered alongside the potential opportunities for redevelopment that the site could offer (i.e. land factors). If structural repairs were made, and refurbishment undertaken, then will this then provide quality and sustainable homes for the future, considering the cost involved?
	Can the property be easily adapted to a more modern standard (e.g. disabled accessibility, layouts improved, avoiding bedsits etc.)?	Some properties could be refurbished, have some structural repairs and modifications, but still be unable to provide homes that meet modern expectations. For instance, narrow corridors and poor layout can sometimes be difficult to adapt/correct.

Table 1

Land Factors

	Factor	Why is it important?
Land Factors	Does the Council own adjacent land that could offer a larger redevelopment opportunity and provide a net increase in affordable homes?	If there is an opportunity for more new affordable homes to be provided, then this would be positive. It is also likely to make the project more feasible in a financial sense.
	Are there many leaseholders/other landowners? (land assembly)	If there are a significant number of leaseholders then the likely cost and disruption of acquiring these homes may render the site undeliverable in a financial sense, or increase the risk associated with the potential need of Compulsory Purchase Orders to secure the land or buildings required.
	If concerning garage courts/parking areas, are many garages privately owned? (land assembly)	If there are a significant number of privately-owned garages (or other land types), then the cost and practicalities of acquiring all parcels of land may increase the risks and costs associated with delivering a redevelopment project.

Table 2

Opportunity

	Factor	Why is it important?
Opportunity	Is the redevelopment opportunity in a high affordable need area?	Matching new affordable housing provision to the need (i.e. right homes in the right places) is an important consideration. Higher need areas for affordable housing will be a priority for redevelopment/regeneration schemes.
	Is there an opportunity to provide a net increase in new homes and to what extent (either increasing building height and/or incorporating neighbouring Council owned land)?	Any opportunities should ideally contribute to a net increase in affordable homes. A larger quantity of homes will improve the financial feasibility of redevelopment, provide more affordable homes for those in need, and provide opportunities to cross subsidise the cost through mixed tenures.
	Is there an existing stigma or anti-social issues with the existing property/area?	If there were known significant anti-social issues and/or negative stigma associated with a property/building this can often be linked with the original design or condition of the homes. A new and refreshed development can set a new tone for how the development is used by tenants and perceived by others.
	Are there any constraints or other conditions that may hinder the redevelopment potential?	Separate to land constraints there may be other planning constraints to consider such as protected trees, impact to neighbouring homes etc. This will need to be considered when identifying and understanding opportunities.

Table 3

Cost

	Factor	Why is it important?
Cost	What are the approximate costs to remedy the property/building? Would this then provide quality housing stock and reduce/prevent the need for further significant expenditure in the medium/long term?	If the costs to remedy or repair existing issues with a property are extensive then this will need to be considered alongside any potential benefits a redevelopment may offer. Redevelopment may be more favourable on balance.
	Can the site be delivered in a financial sense? This should take account of all likely project costs.	All Council redevelopment projects would normally be expected to have an acceptable Net Present Value. This effectively means the redevelopment/regeneration project should not have a detrimental cost/impact to the Council's Housing Revenue Account. The Council's Finance Team will be involved in any potential redevelopment project.

Table 4

- 3.3 Redevelopment decisions and opportunities will not be a 'one size fits all' approach and opportunities will have to be considered on a case by case basis. It is possible that two blocks of flats of the same original design may not suit the same approach. For instance, one might have fewer leaseholders and more surrounding developable land than the other, making it more appropriate for redevelopment.
- 3.4 Specific opportunities will be identified considering the above guiding factors.
- 3.5 Once a redevelopment/regeneration opportunity is assessed as offering potential then a project (site specific) appendix to this strategy will be produced. Each appendix will provide details about the site, the type of redevelopment, why it has been identified and potential timeframes for the project. Once agreed by the Council's Executive the appendix will then formally become part of the overall Regeneration Strategy and further work relating to the project will commence.

4. Community Impact

- 4.1 Redevelopment and regeneration schemes can inevitably and regrettably cause distress for occupants whose homes may or will be affected. It can also impact the wider community. For this reason, an outline of the measures and approach that will be taken in relation to community impact and involvement will be provided for each site-specific proposal.
- 4.2 In all redevelopment and regeneration opportunities it will need to be acknowledged that short term disruption and change will be necessary. Ultimately projects would have been identified in the interest of securing better affordable homes for the future, and to address more of the affordable housing need in the Borough.

5. Impact to Existing Occupants

- 5.1 Any displacement of Council tenants as a result of a regeneration or redevelopment project will be carefully managed. This would include a 'Decant Policy' for the regeneration or redevelopment scheme. The relevant Decant Policy would consider the needs of the tenants, an overview of the rehousing arrangements, and an outline of the financial offsetting provided to tenants such as removal costs being met and, depending on tenancy type, a Home Loss Payment.

Leaseholders

- 5.2 Leaseholders relevant to this strategy are those that typically reside in home that was historically a Council owned flat. If the property were required as part of land assembly then negotiations to purchase the property would be made in the first instance. If an acceptable position could not be reached between the parties, then the Council may have to consider seeking a Compulsory Purchase Order for the property.

Freeholders

- 5.3 Freeholders are the owners of a home and its grounds. This will typically be houses that were historically a Council home. This may be where Right to Buy has previously been exercised on the property. If the property were required as part of land assembly then negotiations to purchase the property would be made in the first instance. If an acceptable position could not be reached between the parties, then the Council may have to consider seeking a Compulsory Purchase Order for the property.
- 5.4 As identified in Table 2, the Council are less likely to pursue a regeneration or redevelopment opportunity should it affect multiple leaseholders or freeholders. This would likely present an unacceptable land assembly challenge, associated cost and risk.

6. Other Matters

Suspension of Right to Buy

- 6.1 Right to buy typically applies to most Council tenants. It allows them to purchase their Council home at a reduced rate (subject to various criteria).
- 6.2 There are some (limited) exception to the Right to Buy scheme. At the point at which the Council's Executive approve the principle of a site specific redevelopment or regeneration opportunity, which engages one of these limited exceptions, then the Council's Legal team will be involved in utilising powers to cease/prevent those properties within the redevelopment area from being purchased via the right to buy. These Statutory Exemption powers, for example, when it is necessary to issue Initial Demolition Notices or protect homes for occupation by certain elderly or disabled residents etc, will be used as appropriate in order to ensure additional barriers or costs are not placed upon the intended projects. Without this it may be possible that a tenant then pursues their Right to Buy (acquiring the home at a reduced rate) with the intention to prevent or delay the intended redevelopment, or with the intention to maximise the property's value through a market value sale back to the Council.

Improving and Maintaining Existing Stock

- 6.3 Where regeneration and redevelopment are not considered appropriate or feasible those properties will continue to feature as part of the Council's planned maintenance programme. Planned maintenance can include various matters from kitchen replacement to major structural repairs.

A greener approach

- 6.4 The Fareham Housing Greener Policy (2019) identifies that the Council will continue to look at ways to lower the CO2 emissions from its housing stock. This will make a positive contribution towards mitigating the effects of climate change and potentially reduce energy costs for Council tenants. Where possible/appropriate this will apply to new build projects (including regeneration schemes) and existing Council homes.
- 6.5 Work around a greener approach will be on-going as part of the Council's carbon reduction objectives; the Council will investigate the most appropriate greener measures for existing Council homes and new build projects. As part of this the Council will maximise and actively explore grant funding opportunities and try to direct this to the homes that would benefit most from improvements.

7. Conclusion

- 7.1 This strategy recognises that the redevelopment and regeneration of some Council housing stock may be necessary and appropriate over the next 15 years or more. It provides a framework to guide those decisions, whilst recognising there is no 'one size fits all' approach.
- 7.2 The long-term intention to provide good quality affordable Council homes remains at the core, whilst also sensitively recognising the needs of tenants and other residents who may be affected.

Draft

Appendix A

APPENDIX B

Menin House, Privett Road

This Appendix to the Fareham Housing Regeneration Strategy was adopted by the Council's Executive on the XXXX 2021.



Menin House

Address Privett Road (PO15 6SG & PO15 6SQ)
Housing Area Fareham North
Ward Fareham North West
Site Size 0.37ha

X: 455100 **Y:** 106930

Current Use: 24No. flats (3-storey), 14No. garages, parking areas and grassed areas.

The Site



Current Stock Condition

Built in 1966, Menin House is a traditional brick cavity constructed building with concrete floors and cantilevered balconies. During the early 1990's the structure was 'wrapped' with external wall insulation. The original flat roof was converted to a pitch in approximately 2000.

The dwellings are evenly split between bedsit accommodation and one-bedroom flats. The bedsits are harder to let and in some flats the kitchen layouts do not meet Decent Home Standard expectations.

The internal soil and vent pipes are asbestos cement. This causes significant maintenance problems that are very difficult to rectify.

The asbestos cement rainwater goods that penetrate the concrete structure are beginning to fail causing damage to the concrete and steel re-enforcement bars. As these form part of the buildings structure there is no simple means to correct the issue without substantial expense and upheaval for current residents.

The heating and water systems are electrical but, due to the age of the equipment, are inefficient.

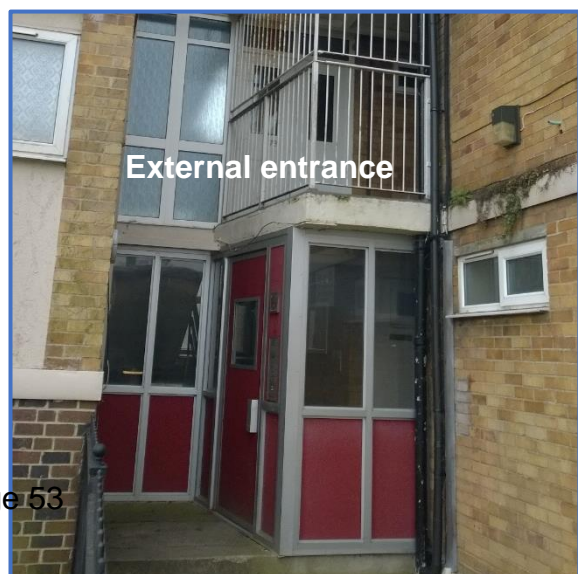
30-year forward planning costs indicate around £600,000 would need to be spent on the property to address the essential structural issues and update fixtures and fittings in the Council owned flats. The figure would likely be far greater for a complete modernisation.



Spalling concrete in stairwell



Asbestos cement rainwater goods built into structure



External entrance

Land Factors

Current ownership at the site:

- 5No. garages (of the 14) are privately owned
- 3No. of the 24No. flats are leasehold
- The remaining properties, remaining garages and the surrounding land is owned by the Council

Menin House has relatively few leaseholders and most of the garages to the west of the building are still owned by the Council. A number of these garages remain unlet.

The existing Council ownership in and around Menin House means a redevelopment (utilising the adjacent garage area and some open space around the building) could achieve a greater number of affordable homes whilst still providing space for replacement/additional parking. Providing more affordable homes at the site will help address housing need in the Borough; it is also necessary to ensure the redevelopment project is viable.

The more sensitive areas around the mature trees to the south of the site would be avoided. Car parking (some of which is used by other nearby properties) will be carefully considered to ensure that enough parking is provided for the new development whilst considering the parking needs of the existing/remaining properties in the immediate vicinity of the site.

Opportunity

Affordable Need:

Menin House is in one of the highest areas of affordable housing need in the borough. All sizes/types of homes are needed in this location, particularly the tenures of Social Rent and Affordable Rent homes.

Existing perception:

Current residents of Menin House and the wider community will likely have different perceptions and opinions on the existing building. From a Council Housing perspective, it can be very difficult to let some of the homes in Menin House due to their condition and/or perception. Bedsits are generally unpopular and less flexible to different affordable needs.

Development Potential:

The building already differs from the surrounding built form which is predominately two storey terrace housing.

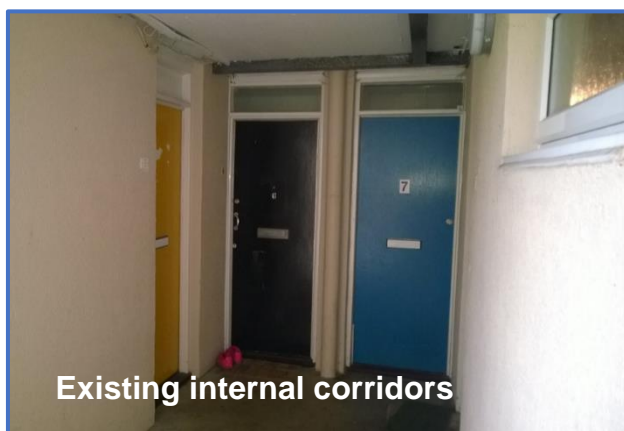
There are no insurmountable planning issues that cannot be addressed through the careful design of any redevelopment. This includes avoiding the mature trees to the south of the site and addressing car parking requirements.



External appearance

A public sewer and gas pipe run through the potential site; these can be considered and avoided through any design process.

The site has the potential for 30-50 units to be provided (6-26 net new homes). The final number will depend on the design approach, for example whether a redevelopment was predominately flats, houses or a mix of the two.



Existing internal corridors

New build properties also provide an opportunity for increased energy efficiency and greener measures to be incorporated from the outset. This can reduce typical energy costs for occupants in a way that is harder to achieve retrospectively on existing buildings.

Cost

The potential costs to deliver a redevelopment at the Menin House site have been considered in conjunction with the Council's Finance Team. When taking all potential costs into account, together with how the scheme might be funded, it would seem a redevelopment can be viably achieved at the site.

This has considered the following areas of cost/funding: -

- Achieving full land ownership (buying back garages and flats)
- Costs associated with displacement of Council tenants (including Home Loss Payments where applicable)
- Demolition costs
- Loss of rental income whilst redevelopment occurs
- Redevelopment/new build costs (including associated project on-costs)
- Borrowing costs associated with financing the works
- The potential for Homes England grant toward any net increase in dwellings (a lower grant amount assumed to ensure this is not overestimated)

It is also important that the cost of a redevelopment project is not considered in isolation. The likely costs to the Council if the building were retained, and the potential for future difficulties in letting the flats, also needs to be considered.

A significant amount of money would need to be spent on Menin House over the next 30 years and the Council will still be left with a building that may not meet modern standards or expectations. In this instance, due to the surrounding land and extent of Council ownership, redevelopment is a viable and positive alternative.

The costs to address issues with the building may also have implications for current leaseholders in the property who would need to contribute toward many of the remedial and improvement works if the building were retained.

Impact to Existing Occupants

The Fareham Housing Regeneration Strategy provides an overview of how the impact to existing occupants varies depending on whether they are a Council tenant or a leaseholder.

Contact will be made with occupants at key appropriate stages in the process. Early on the Council will seek to open-up dialogue with leaseholders in relation to the project and what it means for them. It will be important to reiterate that nothing will notably change for any occupants for some time following the identification of the site as a regeneration project.

As the redevelopment project progresses a Decant Policy will be formulated for existing Council tenants to provide them with clarity as to how they will be rehoused and what financial assistance they would be entitled to.

Community Impact/Engagement

Initial concept plans will be formulated for the redevelopment of Menin house and the current occupants, occupants of nearby properties, and the wider community will be consulted to gather their thoughts and opinions on the potential redevelopment. This may include some different options, for example predominately flats or a mix of housing and flats.

This engagement process will help to inform the final design of the redevelopment before the Council submit a planning application. The statutory consultation process to the planning application will then provide a further opportunity for the public to make comments on the proposal.

Right to Buy Suspension

The Fareham Housing Regeneration Strategy (Section 6) provides some information about the suspension of Right to Buy on sites that will be subject to redevelopment/regeneration.

Fareham Borough Council's Legal Services will be involved to ensure that this is undertaken when the relevant Statutory Exemption powers are applicable for the Menin House regeneration project.

Summary of Key Points

- The current building has significant maintenance problems that are very difficult to rectify
- The asbestos cement rainwater goods that penetrate the concrete structure are beginning to fail causing damage to the concrete and steel reinforcement bars
- Correcting the issues with the property will be at substantial expense and upheaval for current residents
- 30-year forward planning costs indicate around £600,000 will need to be spent on the property to address the structural issues and update fixtures and fittings.
- The site is in one of the highest areas of affordable housing need in the borough
- It can be very difficult to let some of the existing homes in Menin House due to their condition and/or perception
- The current building includes bedsits which can be unpopular and less flexible to different affordable needs
- A redevelopment of the site has the potential to provide 30-50 new homes (6-26 net new homes)
- When taking all potential costs into account it is considered that a redevelopment can be achieved at the site
- A Decant Policy will be formulated for existing Council tenants in Menin House to provide them with clarity as to how they will be rehoused and what financial assistance they are entitled to
- The current occupants, the occupants of nearby properties and the wider community will be consulted to gather their thoughts and opinions on the potential redevelopment. This will inform the design subsequently taken through the planning process.

Conclusion

The Council's Housing Revenue Account will incur significant costs to maintain and retain the Menin House building. Upgrades and remedial works would still not address the less favourable bedsit provision and would be disruptive for all occupants in the building.

The surrounding land and extent of Council ownership provide an ideal regeneration/redevelopment opportunity. Redevelopment of the site can replace poorer quality Council homes with a greater number of modern, high quality and 'greener' properties in what is a high affordable need area.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 March 2021

Portfolio: Streetscene
Subject: **Interim Arrangements for Floral Displays and In Bloom 2021**
Report of: Head of Streetscene
Corporate Priorities: Protect & Enhance the Environment

Purpose:
To agree interim arrangements for the planting of floral displays and, South East in Bloom and Fareham in Bloom competitions, in 2021.

Executive summary:

As a result of the pandemic that struck in the Spring of 2020, the planting of floral displays was suspended, Fareham in Bloom took place as a virtual competition and there was no entry in South East in Bloom.

Although there is hope of returning to normal in 2021, the continued uncertainty and impact of the pandemic, presents difficulties in planning and implementing the traditional arrangements for floral displays and organisation of the In-Bloom competitions.

In view of the current situation, consideration has been given to interim arrangements for 2021 that take account of the need to protect employees and volunteers, adhere to Government guidance and the constraints on the Council's grounds maintenance team.

Proposals for the interim arrangements for floral displays, South East in Bloom and Fareham in Bloom competitions in 2021 are set out in this report.

Recommendation/Recommended Option:

It is recommended that the Executive agrees the interim arrangements for floral displays, South East in Bloom and Fareham in Bloom competitions in 2021, as set out in the report.

Reason:

To ensure effective deployment of staff resources and to safeguard the health of volunteers and employees against the risks presented by the Covid-19 Coronavirus.

Cost of proposals:

The cost of the proposals in the report can be met from within existing Streetscene budgets. Any savings resulting from the service changes will help to reduce the pressure on the Council's budget arising from the consequences of the COVID-19 pandemic.

Appendices: None

Background papers: None

**Reference papers: Covid-19 Public Spaces Recovery Plan – Executive 3
August 2020**

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	01 March 2021
Subject:	Interim Arrangements for Floral Displays and In Bloom 2021
Briefing by:	Head of Streetscene
Portfolio:	Streetscene

INTRODUCTION

1. As a result of the pandemic that struck in the Spring of 2020, the planting of floral displays was suspended, Fareham in Bloom took place as a virtual competition and there was no entry in South East in Bloom. The hope was there would be a return to normal in 2021 and this would enable the resumption of the In-Bloom activities and planting of floral displays.
2. Unfortunately, the consequences of the Coronavirus pandemic and the continuation of associated restrictions, means there remains uncertainty about the situation in the spring and summer of 2021.
3. Arrangements for the floral displays and In Bloom activities need advanced planning, which is difficult given the constraints outlined. Therefore, consideration has been given to interim arrangements for 2021, that take account of the need to adhere to Government guidance and the constraint on resources.
4. This report sets out proposals for interim arrangements for South East in Bloom and Fareham in Bloom annual competitions and planting of floral displays for 2021.

BACKGROUND

5. The COVID-19 pandemic has had an unprecedented impact on the Council and the local community. In 2020, immediate response efforts were required to maintain key Council services and to rapidly adapt to new requirements which helped to support residents and businesses in the Borough.
6. After the first national lockdown, to guide the on-going recovery process following the lockdown, a COVID-19 Recovery Framework was devised to focus on key areas of recovery. This was approved by the Executive at the meeting on 3 August as was the Public Spaces Recovery Plan which included elements of the Streetscene services.
7. The grounds maintenance team was impacted by staff shortages during the first lockdown period with over a third of staff unavailable for work because they were

shielding. This meant that services had to be prioritised and some suspended to make sure that the most essential tasks carried out by the service could continue.

8. The most recent guidance for shielding has enabled some Operatives to return to work. However, there are currently members of the grounds maintenance team that have been classified as extremely clinically vulnerable and need to self-isolate at home. This situation looks likely to continue, at least into the spring growing season, adding further uncertainty and pressure on the service.
9. As a result of the guidance on social distancing, there are restrictions on the number of Operatives that can travel in a vehicle. In the case of most of the ground's maintenance vehicles, only one Operative can occupy a vehicle at a time. These restrictions constrain the number of tasks that can normally be undertaken by the team.
10. This is particularly challenging in the spring and summer growing season when the demand on the service reaches its peak. In addition to the grass and hedge cutting, throughout the growing season additional scheduled tasks are undertaken that draw resource from the teams work programme.
11. Organisation and preparation of the In-Bloom competitions relies on assistance from many support volunteers who help with events, open their gardens and liaise with the wider community.
12. Understandably COVID-19 has had an impact on people's personal lives, priorities and interests. As a result, the indication is that the volunteer network will reduce with some of the more senior volunteers no longer able to continue.
13. However, there are volunteers that are keen to support In-Bloom in some way going forward, although to what degree will be defined in time as things return to some degree of normality. At present there is ongoing concern over transmission of the virus, and many are understandably reluctant to return to community work until such time as it is safe to do so.
14. Local businesses have continued to support the sponsored roundabout initiative throughout the pandemic. The company who sponsor the Segensworth roundabout had raised concerns about their level of sponsorship going forward. However, they were pleased with the new sustainable bedding and have now decided to continue the arrangement with the Council.
15. Although the level of floral displays has reduced, the relevant signage displaying the sponsors name and logos has remained in a prominent position on the key strategic roundabouts in the Borough. This has helped the Council to maintain the level of income received from sponsorship.

FLORAL DISPLAYS

16. Bedding and other floral display features are designed each season by the Council's Horticultural Officer and the plants purchased under a tendered contract to a supplier.
17. The current seasonal bedding schemes require removal and re-planting twice a year. There is a display team of three Gardeners whose job is to maintain all the floral displays in the Borough. When the summer bedding is being planted, three additional Gardeners are moved from duties in the grounds maintenance team to make a display

team of six for a five-week period. This team then reduces to five for a further eight to ten-week period to cover the watering of the bedding displays, which is dependent on the weather conditions.

18. The traditional floral displays in Civic Gardens, Sensory Gardens and Westbury Manor Gardens are either equipped with a dedicated irrigation system or have on site water points. This means that there is no requirement for bowser irrigation and therefore less resource intensive.
19. In December 2020, 70,000 bulbs were machine planted on Segensworth roundabout and herbaceous planting in the cemeteries, as part of sustainable bedding trial. The bulbs will provide a biodiverse mix of 14 colour species which are pollen and nectar rich, helping to support early season insect life and provide display from March until May.
20. The herbaceous plants and bulbs planted remain in situ permanently, require no watering and produce annual seasonal display. Therefore, the maintenance regime is much less intensive which also means a reduction in carbon emissions.
21. The results of the trial will be reported to the Streetscene Scrutiny Panel later in the year and if successful could provide a sustainable alternative to traditional floral bedding which will help to reduce the Council's carbon footprint.
22. Hanging baskets and troughs are traditionally erected throughout the Borough each summer. Two Gardeners are re-deployed from existing grounds maintenance team for three weeks to erect the baskets and troughs at the start of the season and then a further two weeks at the end of the season to take them down.
23. An additional staff resource is required to maintain and water the displays which means operatives performing other grounds maintenance functions must be redeployed at a busy time when grass and vegetation is growing prolifically.
24. Watering is undertaken during the evenings and at night due to the need to avoid peak traffic flows, as the features are usually located alongside carriageways, and to ensure evaporation is reduced to allow maximum water to reach the plants.
25. Floral towers are hired for a period of around twenty weeks from mid-June. They are placed predominantly in Fareham West Street pedestrianised area. The hire company places the units in position, maintains and waters them. They also come with insurance, so should they fail or suffer significant vandalism they would be replaced.

SOUTH EAST & FAREHAM BLOOM

26. Along with all other Council events, Fareham in Bloom in 2020 was cancelled due to restrictions and concerns about the pandemic and there was no entry in the South & South East in Bloom competition.
27. Several of the In-Bloom volunteer group were required to shield and were unable to leave their homes so were unable to participate in the coordination of activities in the community. The vulnerability of the volunteers who play such a big part in the organisation and success of the In-Bloom activities was a big concern and continues to be so in the current environment.
28. A virtual Fareham in Bloom 2020 was launched as an alternative competition. Residents

uploaded photos of their entries online and the most 'liked' photos were shortlisted with the winner being selected by a panel of judges. This proved a great success in enabling residents to participate in the competition with over 100 entries received.

29. Over recent years there has been a growing number of independent entries into South East In Bloom from Fareham community groups and businesses. In 2020, Titchfield In Bloom, Portchester Memorial Gardens, Portchester Crematorium, Wynton Way Horticultural site, Red Barn Allotments, Fareham Allotment & Garden Association and Burnham Wood Residents Association submitted their own entries. The indication is that these groups intend to submit independent entries again in 2021.
30. It has not been possible to hold the community gardening and horticultural events over the past year which make a significant contribution to the presentation of Fareham's main South East In Bloom entry in the 'small city' category.
31. All the related events require lead in time from inception of an idea through to planning, promotion and ultimate delivery. Therefore, it is not now feasible to deliver a programme of events before the judging period in July, being mindful that it is likely some form of restrictions and the need to maintain social distancing will remain.
32. The Council has established good relationships with several business sponsors which enhance the delivery of the In-Bloom competition entries as well as providing financial support. This includes funding for elements of the judging day and wider activities, as well as their support for events and promotion which has been a key part of Fareham's success.
33. The indication is that these businesses wish to continue that support. However, with so much still unclear and with no defined timelines on when or what can be delivered going forward, then it is not realistic for them to commit at the current time.

PROPOSAL FOR FLORAL DISPLAYS

34. The constraints on the Streetscene Grounds Maintenance team and the ongoing uncertainty presented by the Coronavirus pandemic, means effective planning for the planting of floral bedding for spring and summer 2021 is difficult.
35. In order to ensure efficient deployment of staff resources and avoid budget being spent on displays that cannot be effectively maintained, interim arrangements for floral displays in 2021 have been developed.
36. In addition to the sustainable bedding that has been planted as part of the trial at Segensworth roundabout and the beds in the cemeteries, the proposal for floral displays in 2021 is as follows:
 - a) Spring and Autumn floral bedding will be planted in the Civic Gardens, Westbury Manor and the Sensory Gardens only.
 - b) All other floral beds in the Borough will be planted with wildflower meadow seed which will provide a burst of vibrant colours when the plants bloom in the summer.
 - c) There will be no hanging baskets or floral troughs erected in the Borough but there will be several floral pyramids located in West Street, Fareham town centre shopping area.

PROPOSAL FOR IN BLOOM COMPETITIONS

37. At the time of writing the report, the South East in Bloom organisation is accepting entries to the 2021 competition. However, they have not decided whether the judging will be virtual online or live attendance by the judges.
38. The traditional centre piece for the Fareham entry is the small city category which requires advanced preparation of the route and attendance by different community groups on judging day. Given the logistical challenge of preparing and organising the entry for judging, the proposal is to not enter in the small city category.
39. There will be entries for the sites listed below which require limited preparation and minimal social contact for judging. In addition, local businesses and neighbourhoods that enter independently will also be encouraged to enter again where possible:
 - a) Sensory, Civic and Westbury Manor Gardens;
 - b) Coldeast and Portchester Common conservation entries;
 - c) Warsash Common large conservation area entry;
40. With regards to the Fareham In Bloom competition for 2021, the proposal is to continue with the successful virtual Fareham In Bloom competition that involved residents sending photos of their entries for judging.
41. There will be no presentation evening that has traditionally been organised to present the Fareham In Bloom winners with their awards.
42. Entry into the Flag Award for Holly Hill Woodland Park and Sensory Gardens will continue as it did in 2020.

CONCLUSION

43. As a result of the pandemic that hit in the Spring of 2020, the planting of floral displays was suspended, Fareham in Bloom took place as a virtual competition and there was no entry in South East in Bloom.
44. The preparation and maintenance of the extensive traditional seasonal floral displays and competition entries are very resource intensive and place pressure points of demand on the ground's maintenance service during times of the service's peak seasonal workload.
45. Although there is hope of returning to normal in 2021, the continued uncertainty about the impact of the pandemic presents a challenge to planning for the arrangement of floral displays and entries for the South East in Bloom and Fareham in Bloom annual competitions.
46. There is also a need to safeguard volunteers and Council employees from the risks associated with the COVID-19 virus and to ensure that all relevant Government guidance is followed.
47. In order to ensure effective deployment of staff resources and to safeguard the health of Council employees and volunteers, the proposal is to implement interim arrangements for floral displays and In Bloom activities in 2021.

48. Consideration will be given to future arrangements, post pandemic, and more detailed proposals will be brought forward when things hopefully return to normal.

Enquiries:

For further information on this report please contact: Mark Bowler] (Ext 4420)

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 March 2021

Portfolio:	Health and Public Protection
Subject:	Building Control Partnership Agreement
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Strong, safe and inclusive and healthy communities Dynamic, prudent and progressive Council

Purpose:

To seek Executive approval for the Council to agree to an updated Deed of Delegation and Memorandum of Association for the joint provision of Building Control services.

Executive summary:

The Partnership legal agreement and Memorandum of Understanding have been updated to reflect the current operation of the partnership and to formalise a streamlined and more efficient financial management system.

Recommendation:

It is recommended that the Executive agrees that the Director of Planning and Regeneration sign an updated Deed of Delegation and Memorandum of Association for the joint provision of Building Control services.

Reason:

To ensure the legal documentation for the Partnership is up to date and reflective of current practices.

Cost of proposals: The current cost of the of the change to the agreement will be contained within the existing partnership budget. The apportionment of costs will be reviewed annually and built into the overall budgets for the respective councils.

Appendices: **A:** Updated Deed of Delegation for the joint provision of Building Control services

B: Updated Memorandum of Understanding

Background papers: Existing Deed of Delegation for the joint provision of Building Control services

 Existing Memorandum of Understanding

Reference papers: None

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	01 March 2021
Subject:	Building Control Partnership Agreement
Briefing by:	Director of Planning and Regeneration
Portfolio:	Health and Public Protection

BACKGROUND

1. The legal agreement and underlying Memorandum of Understanding (MOU) to form the Building Control Partnership (BCP) was originally signed by Fareham Borough Council and Gosport Borough Council in 2002.
2. The BCP currently operates under the legal agreement and MOU signed on 4th February 2016 to reflect Portsmouth City Council Building Control service joining the Partnership.

INTRODUCTION

3. The existing legal agreement is now over five years old and needs updating to reflect current operational practices, changes to financial arrangements and to improve clarity.
4. As part of a financial opportunities review of the Partnership, the existing financial system used for the partnership has been reviewed and found to be outdated and inefficient.
5. The success of the Partnership has led to annual surpluses being generated, which in accordance with the Building Regulation charging regulations, have been held as a business reserve for the purpose of investment in the service and for contingency funding in the event of a deficit being made. The legislation governing charging under the Building Regulations stipulate that fees should only be set to cover expenditure or investment and should not be used to cross subsidise other service areas.
6. The BCP Business Reserve currently stands at £332,000 and although planned investment in service improvement, such as funding the Vanguard process have been completed and others planned, the reserve has continued to grow to a level that risks a challenge.
7. BCP income is made up of approximately 75% fee-earning work generated mainly from Building Regulation applications and 25% from funding for non-fee earning work covering mainly statutory services such as dangerous structures, demolitions,

enforcement, postal address management and administering initial notices. The charging regulations mean that non-fee earning work must be funded by the three partnership authorities.

8. The basis for assessing and re-charging non-fee earning work for the partnership authorities has been via information from timesheets which were filled in on a daily basis by all BCP staff members. The time sheet system was found to be cumbersome, inaccurate, and resulted in charges to partners that did not wholly reflect the level of activity carried out on behalf of each partner. The system also resulted in a disproportionate amount of financial invoicing and reconciliation between partners on a monthly and annual basis.

CHANGES TO THE LEGAL DOCUMENTATION

9. The changes to the legal agreement and MOU are either:
 - cosmetic in terms of updating definitions, terminology and improving wording.
 - or to
 - reflect the improvements made to the financial system.

CHANGES TO THE FINANCIAL SYSTEM

10. The new financial system will create a non-surplus model which will be based on BCP fee earning income being subtracted from overall expenditure. The difference will represent the cost of non-fee earning work and will be funded by the partnership authorities as set out below. Under this system, all partnership authorities will benefit from a lowering of cost for non-fee earning work as BCP fee-earning income levels increase. Annual surpluses will not be generated in the future under this system.
11. Instead of the time sheet system, the apportionment of the non-fee-earning expenditure will now be based on the fee-earning income percentages generated by each authority over a 3-year rolling period. This will be subject to an annual review to ensure the level of charging to each authority is still appropriate.
12. The new system will result in charges to individual authorities being a more accurate and a fairer reflection of the work carried out by BCP staff.
13. The new agreement documents that the Partnership will hold a Downturn Reserve of an initial sum of £150,000 which may be authorised by the BCP Client Manager Panel following consultation with the BCP Member Panel in the event of a loss of income or to fund other costs associated with adverse economic conditions. The initial cost of the Downturn Reserve will be funded from the existing BCP Business Reserve.
14. An annual adjustment of the Downturn Reserve will be determined by The Partnership Finance Officer to account for operational costs and inflation.
15. The level of the Downturn Reserve will be reviewed, as a minimum every 3-years, by BCP Client Manager Panel following consultation with the BCP Member Panel.
16. A three-year investment plan has been developed to facilitate ongoing improvement of the Partnership and to allow the Partnership to meet the costs associated with the new Building Control system detailed in the draft Building Safety Bill that is currently passing through parliament. The remainder of the existing Business Reserve has been allocated

to fund this plan.

17. The updated legal documentation has been agreed in consultation with all three partners' legal teams and will be taken through formal decision-making processes at all authorities.

CONCLUSION

18. The updated and amended legal agreement and MOU will improve the resilience and the productivity of the BCP and result in a fairer charging system, whilst ensuring the partnership authorities can benefit from future success and growth of the BCP.

Enquiries:

For further information on this report please contact John Shaw, Head of Building Control Partnership 01329 824450 or mobile 07769 881460

FAREHAM BOROUGH COUNCIL

AND

GOSPORT BOROUGH COUNCIL

AND

PORTSMOUTH CITY COUNCIL

DEED OF DELEGATION

JOINT PROVISION OF BUILDING CONTROL SERVICES

This DEED is made the

2021

BETWEEN

FAREHAM BOROUGH COUNCIL of Civic Offices, Civic Way, Fareham, Hampshire P0167PU

and

GOSPORT BOROUGH COUNCIL of Town Hall, Gosport, Hampshire, P012 1EB

and

PORTSMOUTH CITY COUNCIL of Civic Offices Guildhall Square Portsmouth P01 2PX (collectively referred to as "the Councils" and the term "Council" shall refer to any one of the Councils acting individually as the context permits)

WHEREAS

- (1) The Councils are local authorities within the meaning of the Local Government Act 1972 ("the 1972 Act").
- (2) The Councils wish to provide building control services jointly under the terms of this Deed
- (3) In exercise of the powers under sections 101,102, 103, 111 and 113 of the Local Government Act 1972, sections 19 and 20 of the Local Government Act 2000, section 1 of the Localism Act 2011 and all other relevant enabling powers, the Councils wish to commission each other to deliver the building control functions of the Councils through the Partnership and to delegate the provision of the building control functions to each other and to the Partnership to the extent and in accordance with the arrangements herein provided.

IT IS HEREBY AGREED AS FOLLOWS

1. Definitions

1.1 In this deed

- (a) "The Fareham Representative" means the Senior Officer for the time being of Fareham Borough Council having managerial responsibility for the Building Control service.
- (b) "The Gosport Representative" means the Senior Officer for the time being of Gosport Borough Council having managerial responsibility for the Building Control service.

- (c) "The Portsmouth Representative" means the Senior Officer for the time being of Portsmouth City Council having managerial responsibility for the Building Control service.
- (d) "Head of Building Control Partnership" means the Building Control Manager designated by the Councils for the purposes of this Agreement
- (e) "The Partnership Finance Officer" means the officer designated by the Councils for the purpose of this agreement
- (f) "The Agreed Performance Standards" means those standards set out in the Memorandum of Understanding
- (f) "The Memorandum of Understanding" means the document entitled Fareham, Gosport and Portsmouth Building Control Partnership – Memorandum of Understanding signed by the Councils and amended from time to time in writing between the Councils or otherwise setting out the objectives of the Partnership and the governance and joint working arrangements and as may be amended from time to time as provided therein
- (g) "The Partnership" means those officers employed by the Councils to discharge the Building Control Functions and known as the Building Control Partnership
- (h) "The Building Control Functions" means those functions listed in Schedule 1 hereto
- (i) "The Officer Group" means a group comprising Head of Building Control Partnership, the Fareham Representative the Gosport Representative and the Portsmouth Representative and The Partnership Finance Officer
5.4 hereof
- j) "The Panel" means the group comprising one elected member from each of the Councils, and the Officer Group
- (k) "The Building Control Service" is the performance by the Partnership of the Building Control Functions
- (l) "Working Day" means days on which banks in the City of London are open to the public

- 1.2 In this Deed, unless the contrary intention appears:
- 1.2.1 words importing the masculine gender include the feminine gender.
 - 1.2.2 words in the singular include the plural and vice versa.
 - 1.2.3 clause headings are for ease of reference only and do not affect the construction of the deed: and
 - 1.2.4 any reference to any Act of Parliament or to any Order, regulations, Statutory instrument or the like shall be deemed to include a reference to any amended enactment or re-enactment of it.

2. Memorandum of Understanding

- 2.1 The Councils have entered into the Memorandum of Understanding which may be amended from time to time by the Councils in writing and agree that this Deed shall be construed to give effect to any such Memorandum of Understanding as may be in force from time to time.

3. Term

- 3.1 This Deed shall commence on xxxxxxxx and shall continue unless brought to an end by either party under the provisions of Clause 10 hereof

4. Functions

- 4.1 The Councils agree that each of them and / or the Partnership shall discharge within their own administrative areas and each within the administrative boundaries of the other the Building Control Functions to the Agreed Performance Standards.
- 4.2 Each Council hereby delegates to the other and the Partnership power to exercise the Building Control Functions on its behalf and for the avoidance of doubt this includes the management of resources used in the exercise of such functions.
- 4.3 The Councils agree that for the duration of this Deed the Partnership will undertake on their behalf the Building Control Functions together with any additional functions which shall be agreed in writing between the Councils

5. Management

- 5.1 The Head of Building Control Partnership will manage the Building Control Service and will report to and be accountable to:
- 5.1.1 the Fareham Representative in respect of the performance of the Building Control Functions in the Borough of Fareham
 - 5.1.2 the Gosport Representative in respect of the said functions in the Borough of Gosport.
 - 5.1.3 the Portsmouth Representative in respect of the performance of the Building Control function in the City of Portsmouth
- 5.2 The strategic management of the Partnership shall be undertaken by the Panel which shall meet at least twice a year.
- 5.3 The Panel's terms of reference shall be to provide strategic oversight and direction to the Partnership by: -
- identifying opportunities for improving efficiency and reducing costs.
 - reviewing management arrangements.
 - reviewing arrangements for the management of risk.
 - reviewing performance and budgets
- 5.4 The Fareham Representative, the Gosport Representative and the Portsmouth Representative shall set up the Officer Group and shall ensure that it meets at least quarterly to monitor the performance and development of the Partnership and resolve any issues arising.

6. Staff

- 6.1 Fareham Borough Council will be the employer of the staff delivering the Building Control Functions of the Partnership.
- 6.2 Any recruitment to the Partnership shall be in accordance with Fareham Borough Council's normal staff recruitment policies. Fareham Borough Council shall employ sufficient properly trained, careful, skilled, honest, competent officers to ensure the Building Control Functions are provided at all times and in accordance with this

Deed.

- 6.3 Fareham Borough Council will provide sufficient management and supervisory staff to ensure the staff employed in the provision of the Building Control Functions are at all times:
- 6.3.1 Adequately supervised and properly perform their duties in accordance with this deed.
 - 6.3.2 Sufficiently trained and instructed with regard to all relevant policies, rules, procedures, and standards of the council forming the Partnership.
 - 6.3.3 Sufficiently trained and instructed with regard all relevant rules and procedures concerning health & safety at work legislation and able to identify risks or potential safety hazards.
 - 6.3.4 Sufficiently trained and instructed in the use of any specialist equipment required for the provision of the Building Control Functions and in the moving and handling of equipment and people.
- 6.4 Fareham Borough Council assumes full responsibility for its staff and for the actions of such staff while performing the Building Control Functions pursuant to this Deed and shall be solely responsible for their supervision, daily direction and control, payment of income including income tax, insurance contributions and levies of any kind, relating to or arising out of the employment of any person employed by Fareham Borough Council and shall fully and promptly indemnify the other Councils in respect of any liability of Fareham Borough Council in respect thereof, subject always to any other provisions within this Deed or Memorandum of Understanding approved under this deed which specifically provides to the contrary.

7. Accommodation and equipment

- 7.1 Suitable office accommodation sufficient for the provision of the Building Control Service will be provided by the Councils at The Depot Offices, Broadcut, Fareham, for the majority of the staff and at Gosport Town Hall and Portsmouth City Council for such visiting staff as the Head of Building Control Partnership considers appropriate or such other site as agreed in writing by the Officer Group
- 7.2 All assets will remain in the ownership of the Council who purchased the same unless and until transferred under the provisions of clause 11.4 and the Head of Building Control Partnership shall compile and maintain a record of all assets

acquired for use by the Partnership.

8. IT services

- 8.1 Fareham Borough Council will provide IT systems, secure network, internet access, software, secure data / information storage, telephone and printing facilities and support to the Partnership and will ensure such systems are linked to and available to officers of the Partnership attending at Gosport Town Hall, and Portsmouth Civic Offices.
- 8.2 Gosport Borough Council and Portsmouth City Council will provide IT support to officers of the Partnership working at Gosport Town Hall and Portsmouth Civic Offices and all necessary support to Fareham Borough Council to maintain the availability of the IT systems provided by Fareham Borough Council to officers of the Partnership working at Gosport Borough Council and Portsmouth City Council through the link referred to above in 8.1 or otherwise.

9. Financial provisions

- 9.1 Financial arrangements arising from the exercising of the Building Control Functions will be as set out in Schedule 2

10. Review / Variation

- 10.1 The Councils may agree at any time to vary this Deed or associated Memorandum of Understanding provided always that each Council agrees to the proposed variation and such variation is executed jointly in writing and in accordance with each Councils Constitution by the Fareham Representative, the Gosport Representative and the Portsmouth Representative collectively on behalf of the Councils.
- 10.2 The Councils agree to review the operation of this Deed and associated Memorandum of Understanding regularly and in any event not less than every three years. Such review to be carried out by the Officer Group and reported to the Panel for recommendation to the Councils accordingly under their normal decision-making functions.

11. Termination

- 11.1 Any Council may bring this Deed to an end by giving to the other Councils not less than 12 months' notice in writing expiring on 31 March in any year.
- 11.2 Notwithstanding 11.1 above, this Deed may be terminated at any time if the Councils unanimously agree to terminate this Deed.
- 11.3 Within four weeks of such notice being given pursuant to clause 11.1, the Officer Group shall meet to agree the steps necessary to place each Council in a position to continue the performance of the Building Control Functions to the Agreed Performance Standards after the termination of this Deed. The Representative of the Council giving notice shall make a written report setting out the steps agreed at the meeting of the Officer Group referred to above to the next scheduled meeting of the Panel, or if that would not be within 4 weeks of the meeting referred to above, shall convene a special meeting of the Panel within that time for that purpose.
- 11.4 During the period between the giving of notice under this paragraph and the termination of the agreement all Representatives/Senior Officers shall ensure that any information reasonably requested of their respective Councils by the other Councils is supplied promptly and in any event within 10 Working Days. Each Council shall provide all reasonable assistance to the other Councils to enable the other Councils to be in a position to continue the performance of the Building Control Functions to the Agreed Performance Standards.
12. On termination of this Deed the assets used in the provision of the Building Control Service will be apportioned between the Councils in the same proportion as the income and costs of the provision of the Building Control Service have been apportioned under the provisions of Schedule 2 to this Deed in the last financial year of the Deed. Unless otherwise provided the following provisions shall also apply;
- 12.1.1 The Councils will return all documents pertaining to outstanding work in the area of each of the other Councils reasonably required to enable them to deliver their Building Control Functions.
- 12.1.2 If an agreement under clause 11.5 cannot be reached any of the Councils may refer the matter direct to adjudication under the provisions of clause 15.

13. Insurance

13.1 Adequate insurance shall be effected and maintained by each Council in respect of their individual and collective liability arising from the discharge of the functions referred to in this Agreement and for a period of fifteen years after it ends

PROVIDED that

12.1.1 Fareham Borough Council will maintain an Employers Liability policy for such staff as may provide advice, support and assistance to the Partnership throughout the term of this Agreement sufficient to cover all its own posts working with and to support the Partnership

12.1.2 (i) Sufficient Public Liability insurance shall be maintained by each of the Councils relating to the Building Control Functions and
(ii) Each Council shall maintain such insurance as it considers necessary to accord with good risk management practice in respect of financial loss arising from the performance of the Building Control Functions.

13 Limitation of Liability & Indemnities etc.

13.1 Save as otherwise specifically provided for in this Deed, no provision of this Deed shall be construed as making one Council liable for any part of any and all acts or omissions of any other Council and each Council (the "Indemnifying Council") hereby indemnifies the others (the "Indemnified Councils") against all actions proceedings cost claims and demands made against any Indemnified Council arising from any act, omission or other default of the Indemnifying Council and whether arising before or after the date of this Deed.

13.2 During the period of this Deed and for a reasonable period after its termination the Fareham Borough Council shall hold Professional Indemnity insurance to a minimum value of £5 million, the Councils shall each bear the cost of indemnifying the other Councils against any actions proceedings costs claims or demands made by any third party against the Councils and due to any actual or alleged act or omission (including negligent or deliberate acts or omissions) of the Councils in carrying out the delegated functions.

13.3 All claims or potential claims received by a Council will be notified to the other within two working days.

13.4 Each Council will afford all reasonable assistance to the other Council and its insurers in defending any claim.

14 Complaints

14.1 Complaints relating to the manner in which the Councils undertake the Building Control Functions shall be referred to the Head of Building Control Partnership who will carry out, or arrange the carrying out of, an investigation of such complaint in accordance with the complaints procedure of the relevant Council which may result in the escalation of the complaint through the complaints process of the relevant Council

14.2 A record shall be maintained of all complaints made concerning the activities of the Partnership or the conduct of any matter undertaken by the Partnership, together with details of steps taken to resolve or otherwise deal with the complaint.

15 Disputes & Adjudication

15.1 If any difference or disagreement arises between the parties as to any matter under this Deed it shall be referred to the Officer Group and the Chief Executives of all the Councils who shall, acting in good faith, endeavor to resolve it by negotiation within a period which they consider to be reasonable (but not exceeding 20 Working Days).

15.2 If any dispute which arises out of this Deed cannot be resolved after referral in accordance with clause 15.1, the dispute shall be referred to, and finally resolved by, arbitration under the rules of the Chartered Institute of Arbitrators which rules are deemed to be incorporated by reference under and pursuant to this clause.

15.3 Save for an award relating to the Budget or other financial matters affecting the carrying out of the Building Control Functions (which the Councils hereby agree to accept without recourse to further action) if any of the Councils remain dissatisfied with the outcome of any dispute determined in accordance with clause 15.2, it may serve notice to terminate this deed pursuant to clause 11.1.

16 Access to Information

16.1 The Partnership shall keep and maintain adequate and comprehensive records

relating to the carrying out of the Building Control Functions.

16.2 In carrying out the requirements of clause 16.1 above the Partnership shall have regard to the policies and procedures of each of the Councils relating to Access to Information, Freedom of Information, Environmental Information Regulations and Data Protection including compliance with the GDPR (as applied in UK domestic law) and Data Protection Act 2018 requirements of the Councils.

16.3 The Partnership and each Council shall provide each other Council all reasonable assistance it may need in order to comply with its statutory duties obligations and responsibilities and other best practice or good practice in relation to Access to information, Freedom of Information, Environmental Information Regulations and Data Protection

17 Miscellaneous provisions

17.1 Any notice to be served under this Agreement on a Council shall be in writing and sent by recorded delivery post or delivered by hand. In the case of service on Fareham Borough Council it shall be addressed to the Chief Executive Officer (or to the officer who is the Council's Head of the Paid Service) at the Civic Offices above, in the case of service on Gosport Borough Council it shall be addressed to the Chief Executive (or to the officer who is the Council's Head of the Paid Service) at the Town Hall above and in the case of Portsmouth City Council on the Chief Executive at the Civic Offices.

17.2 Reference in this deed to any statutory provisions shall include reference to any statutory modifications or re enactment

IN WITNESS WHEREOF the parties hereto have executed this Agreement as a deed by affixing their respective Common Seals the day and year first above written

Schedule 1

**SCOPE OF FAREHAM (FBC) GOSPORT(GBC) AND PORTSMOUTH(PCC)
BUILDING CONTROL SERVICES**

	FBC	GBC	PCC
1.0 Statutory services open to competition			
• Fee earning -Building Regulation application, plan examination and site inspection	√	√	√
• Non-fee earning Disabled exempt Building Regulation applications	√	√	√
2.0 Non fee-earning Statutory services not open to competition			
• Building Regulation enforcement, including all enforcement relating to the services set out below	√	√	√
• Administering Initial Notices	√	√	√
• Dangerous structure services	√	√	√
• Demolitions	√	√	√
• Road naming and numbering (1)	√	√	X
• Applications for relaxing or dispensing with Building Regulations	√	√	√
• Regularisation applications	√	√	√
•			
• Competent Person submissions	√	√	√
3.0 Non fee earning Ancillary Services			
• Land Charge search Building Regulation enquiries	√	√	√
• Licensing consultations/ inspections	√	√	√
• General advice on building matters	√	√	√
• Pre-submission Building Regulations advice	√	√	√
• Access Officer for the disabled	√	√	X
• Energy rating service	√	√	X

• Party Wall Act third Surveyor	√	√	√
• Public sewer enquiry service	√	√	√
• Safety at Sports Grounds	√	√	√
• Member of Safety Advisory group			
4.0 Service features			
ISO 9000 Quality Assurance registration	√	√	√
• Computerised application system	Ocella	Ocella	Ocella

(1) Gosport Borough Council and Fareham Borough Council charge for the administrative functions associated with Road naming and numbering

Schedule 2

FINANCIAL PROVISIONS

1. Financial Records

- 1.1. Full audit trail and detailed analysis of all financial transactions will be maintained by each Council and made available to the other Council's upon request. The full financial status of the Building Control Service will be subject to audit as set out in the Memorandum of Understanding.
- 1.2. Gosport Borough Council and Portsmouth City Council will raise a monthly payment and detailed analysis to Fareham Borough Council for the gross income that they have received. On a monthly basis a detailed schedule of expenditure and invoice will be sent to Fareham Borough Council for payment.
- 1.3. Fareham Borough Council will raise a quarterly invoice for non fee-earning work carried out by the Partnership for Gosport Borough Council and Portsmouth City Council.
- 1.4. Fareham Borough Council will produce a trading account at the end of each monthly accounting period, showing the current position including the distribution of non-fee earning expenditure to be shared between the Councils.
- 1.5. Information in respect of income, costs and recharges will be provided within 10 Working Days of each Fareham Borough Council accounting period. The trading account will be provided within 15 Working Days of each Fareham Borough Council accounting period. Draft figures may be used where the accounting periods of the authorities differ.

2. Share of Income and Expenditure

- 2.1. Income arising from Fee Earning work will be allocated in accordance with the administrative boundaries of Fareham Borough Council, Gosport Borough Council and Portsmouth City Council. The analysis of income received will be generated from the Ocella system(s).

- 2.2. Income arising from other fees and charges payable by each Council will be allocated in accordance with the administrative boundaries of Fareham Borough Council, Gosport Borough Council and Portsmouth City Council.
- 2.3. The allocation of costs within the fee earning account will be in the same proportion as the actual income generated within the Fareham Borough Council, Gosport Borough Council and Portsmouth City Council administrative boundaries. The basis will be reviewed if there is any material change in the ratio of fee-earning work.
- 2.4. The apportionment of the non fee-earning expenditure will be based on the fee-earning income percentage over a 3-year rolling period which will be reviewed annually by The Officer Group following consultation with The Panel to determine if the approach is still appropriate.
- 2.5. The Partnership will hold a Downturn Reserve of an initial sum of £150,000 which will be used by The Officer Group following consultation with The Panel to offset loss of income or contribute towards redundancy costs should there be a need as a result of economic conditions. Other measures will be explored before the reserve is called upon.
- 2.6. The basis of contribution from each Council will be by the same formula as used in 2.4 of this schedule.
- 2.7. An annual adjustment of the Downturn Reserve will be determined by The Partnership Finance Officer to account for operational costs and inflation.
- 2.8. The level of the Downturn Reserve will be reviewed, as a minimum every 3-years, by The Officer Group following consultation with The Panel.

3. Estimates

- 3.1. Draft estimates for the Building Control Service compiled by the Head of Building Control Partnership and finance officers of all three Councils are to be presented to the Panel prior to approval by each Council.
- 3.2. It is the responsibility of the Head of Building Control Partnership to ensure that actual expenditure, including support service costs, keeps within the approved estimates, and that income levels are monitored. Any significant variations in either income or expenditure are reported to the Panel. Changes to the Partnership Scheme of charges for Fee Earning activities set out in paragraph 1 of Schedule 1 will be presented to the Panel for review prior to implementation. The level of fees and charges for the next financial year will be compiled by the Head of Building Control Partnership and finance officers of all the Councils

and presented to the Panel for consideration as part of the budget setting process.

INCOME

4. External Fees and Charges

- 4.1. Billing for external fees and charges will be through the Fareham Borough Council debtor system, based on information from the Ocella system.
- 4.2. All billing, including the raising of debtors and debt collection issues will be performed by Fareham Borough Council.

Customers will be encouraged to make payments to Fareham Borough Council, although all Councils can accept any Building Control Service income. Gosport Borough Council and Portsmouth City Council will forward the monies and detail of any income received at Gosport Borough Council and Portsmouth City Council as set out in 1.2 above. The reconciliation of all income will be maintained at Fareham Borough Council.

5. Internal Charges made for Fee Earning Work

- 5.1. Where the fees and charges for fee-earning work are to be charged to Fareham Borough Council, an invoice will be raised through the internal billing system.
- 5.2. Where the cost is payable by Gosport Borough Council or Portsmouth City Council, Fareham Borough Council will raise a sundry debtor.
- 5.3. These charges must be made within 15 Working Days of the end of each accounting period in respect of work for Fareham Borough Council and on commencement of the relevant work for Gosport Borough Council or Portsmouth City Council. The information from Gosport Borough Council and Portsmouth City Council must be included in the income analysis sent to Fareham Borough Council.

6. Internal Charges made for Other Services

- 6.1. Work carried out for other services will be charged at cost. The charges will be generated by the formula determined in 2.4 of this schedule
- 6.2. It is anticipated that all three Councils will continue to use the Partnership for non-fee earning work as detailed in Schedule 1. Any material change to the volume of time spent in these services will be reviewed, and any necessary steps taken to ensure that there is no detrimental effect.
- 6.3. Charges to Gosport Borough Council and Portsmouth City Council will be

charged to a holding account within Fareham Borough Council which will be cleared by raising an invoice, with payment made each month.

- 6.4. Each Council within the Partnership will continue to be responsible for the cost of non-fee earning work carried out for or on behalf of its individual Council and should

ensure that satisfactory budgetary provision is made to cover the cost of these works. The costs of the non fee earning work (which is net of income received as referred to in paragraph 2.2 above) will be monitored throughout the year and any potential overspend will be highlighted by the officer representing that Council on the Officer Group. The officer, working with its Council, will arrange to cover the cost of the non fee earning works from the budget of that Council including any overspend and the other Council's that form the Partnership will take no responsibility or expected to

take any responsibility for the costs of the non fee earning work including any overspend. In subsequent years the Council in which the overspend has occurred will make arrangements to have sufficient budget in place to ensure that the full extent of

non fee earning works are covered in their budget. FOR THE AVOIDANCE OF DOUBT each Council is responsible for the cost of non fee earning work undertaken by the Partnership in respect of their administrative area and shall make payment of such costs in accordance with the provisions of this Agreement.

EXPENDITURE

7. Employees

- 7.1. Employees will continue to be paid by their employer. This may be reviewed subject to any future change to the legal status of the Partnership.
- 7.2. The analysis of staff time will be determined in accordance with the formula set out in paragraph 2.4 of this schedule.
- 7.3. The distribution of costs in relation to material costs that have not been anticipated e.g. severance payments will be agreed between the Councils if they arise.

8. Supplies & Services

- 8.1. The supplies and services costs relating to fee earning work will be shared between the Councils as set out in this schedule.
- 8.2. Where possible purchase orders for the Partnership should be raised through Fareham Borough Council.

9. Internal Recharges made to the Partnership

- 9.1. The costs of internal recharges relating to fee earning work will be shared between the Councils as set out in this schedule.
- 9.2. Internal recharges to the Building Control Service from the Councils are based on their respective recharge processes. The detailed analysis will be maintained by the Councils and the actual charges will be monitored. Any significant variations will need to be justified and approved by the Head of Building Control Partnership and the Panel.
- 9.3. Any support services provided to the Partnership that are no longer required by the Partnership will reduce their costs on a phased basis, as agreed by the Officer Group to avoid any detrimental effect to the finances of the Council affected.

10. Statement of Accounts

10.1 Fareham Borough Council will produce a year end statement of the Partnership's trading account which will be presented to the Panel.

The Common Seal of FAREHAM
BOROUGH COUNCIL was affixed
to this deed in the presence of:

Authorised Signatory

The Common Seal of GOSPORT
BOROUGH COUNCIL was affixed
to this deed in the presence of:

Authorised Signatory

The COMMON SEAL of
PORTSMOUTH CITY COUNCIL
was hereunto affixed in pursuance of
a resolution of the Council passed at
a meeting duly convened and held: -

Authorised Signatory

BUILDING CONTROL PARTNERSHIP (BCP) MEMORANDUM OF UNDERSTANDING 2021

APPENDIX B

Executed on xxxxxxxxx 2021

This is the Memorandum of Understanding ('MOU') referred to in the Deed of Delegation dated xxx xxxxxxxxx 2021 between Fareham Borough Council, Gosport Borough Council and Portsmouth City Council ("the Deed") for the joint provision of building control services and is intended be read in conjunction with that Deed.

The Councils recognise that this is a living document and is subject to amendment by agreement between them at any time.

All other Memorandums of Understanding dated prior to the last executed version of this MOU shall be superseded and deemed null and void.

1.0 Objectives for the Partnership

1.1 The Building Control Partnership (BCP) between Fareham Borough Council, Gosport Borough Council and Portsmouth City Council ("the Partnership") shall have the following objectives:

- (a) To provide flexible, effective, and efficient, customer focused services that exceed customer expectation and actively contribute to the achievement of the corporate aims and objectives of the constituent Councils.
- (b) To generate sufficient income to maintain self-financing status for fee earning services
- (c) To develop alternative income streams and focus efficiencies to maintain non-fee earning statutory and ancillary service budgets at 2015 levels or below, without reducing service levels.
- (d) To develop and maintain a flexible workforce plan that ensures staff resources and succession plans are matched to meet workload demands, performance targets, available budget, and customer expectation
- (e) To train and develop the BCP workforce, maximise their potential and to ensure the necessary skills, knowledge and expertise is always available to constituent councils and clients.
To introduce and maintain an appropriate number of training grade surveying posts
- (f) To maintain Quality assurance registration to ISO9001.
- (g) To fully support and actively contribute to the major development and regeneration programs of all constituent authorities
- (h) To ensure that all services are provided in a manner that makes best use of technology and staff resources to improve performance, maximise productivity and build capacity.

BUILDING CONTROL PARTNERSHIP (BCP) MEMORANDUM OF UNDERSTANDING 2021

- 1.2 These objectives will be kept under review and may be amended from time to time by agreement between the parties.
- 1.3 Purpose statement
- (a) To ensure an accessible, safe, sustainable, and healthy environment in and about new, altered, or extended buildings.
 - (b) To ensure building works` meet the standards laid down in The Building Act, The Building Regulations and associated legislation within the required self-financing regime.
 - (c) To use regulatory powers in a fair and consistent manner in accordance with the BCP enforcement Policy to ensure the health and safety of people in and around all types of new and altered buildings.
 - (d) To ensure all Building Control functions are provided in accordance with statutory requirements and the agreed Performance Standards.
 - (e) To ensure community safety through efficient and timely provision of enforcement, demolition, and dangerous structure services.
 - (f) To provide advice and inspection services for the safety certification of sports grounds under the Safety of Sports Ground Act 1975 and supporting Sports Ground Safety Authority guidance
 - (g) To be a standing member of Safety Advisory Groups for all constituent Partnership authorities
 - (h) To ensure Gosport and Fareham Borough Councils fully meet their obligations to ensure all new and existing properties are provided with effective postal addresses.
 - (i) To work with Local groups, businesses, and individuals within Gosport and Fareham to promote good standards of access to services and to ensure that relevant access and disability advice is available.
 - (j) To provide appropriate, coordinated, and defined services to other internal sections of the constituent Councils.

2.0 Performance

- 2.1 All Partnership services and functions to be provided in accordance with the Partnership Charter (see Appendix 1) and the Quality management system registered to ISO 9001 with the British standards Institution.

**BUILDING CONTROL PARTNERSHIP (BCP)
MEMORANDUM OF UNDERSTANDING 2021**

2.2 The Agreed Performance Standards are the following:

	Service	Statutory	Local	Quality assurance
1.	Full Plans applications	Formal decision within 5 weeks or 8 weeks of receipt if agreed by applicant	Examine and contact applicant as soon as reasonably possible with a measure against 15 working days from receipt	
2.	Building notices	None	Acknowledge as soon as reasonably possible with a measure against 15 working days from receipt	
3.	Building Regulation site inspection	24/48 hours' notice to make inspection, depending on type of inspection	Same day visit if notified by 10.30am Completion certificates issued within 5 working days of satisfactory final inspection All live sites visited within 9 months	AM - notification: PM - inspection As local performance standard
5.	Demolition applications	Issue notice within 6 weeks of Submission	Examine and contact applicant as soon as reasonably possible with a measure against 15 working days from receipt	
6.	Approved Inspectors notices	Automatically accepted if not formally rejected within 5 working days	All notices registered and examined within 5 working days of receipt	
7.	Property address service	None	All new properties to be allocated address prior to occupation	Not yet covered by system
8.	Land charge service	Reply within 10 working days of receipt	Reply within 10 working days of receipt	Not yet covered by system
9.	Enforcement of Building control functions	To meet minimum requirements of applicable legislation	In accordance with the BCP enforcement policy and Good Enforcement Concordat	

**BUILDING CONTROL PARTNERSHIP (BCP)
MEMORANDUM OF UNDERSTANDING 2021**

	Service	Statutory	Local	Quality assurance
10.	Competent person notifications		To compile and maintain register of all notifications	
11.	Pre-submission and other advice	None	Written reply within 10 working days of receipt. Technical advice to be available throughout office hours	

3.0 Service performance measurement and reporting

- 3.1 The Partnership will carry out its functions in accordance with the Building control performance standards published by the DCLG and will aim for upper quartile performance measured against the reported results
- 3.2 Business and performance monitoring data/reports will be generated using the Ocella application system and the Management information system and presented to BCP panel meetings

4.0 Operational framework

4.1 Formal decisions

- 4.1.1 Reports requiring a formal decision will be sent to the relevant formal decision-making body using the normal procedures of the respective Councils.

4.2 The BCP Panel

- 4.2.1 All formal decisions requiring Council approval will first be presented in report format to the Panel for consideration and recommendation. Panel meetings are programmed to occur as a minimum twice annually and are formally minuted. The Panel has overview responsibility to receive reports, review, monitor and make recommendations as appropriate to the Constituent Councils/BCP Officer group in respect of the following:

	Responsibilities	Frequency
1.	Strategic direction and priorities	At each meeting
2.	Objectives, policy and annual review	On-going/Annually
3.	Business plan, action/service plan	Annually
4.	Financial position	At each meeting
5.	Business and performance targets	At each meeting
6.	Budget and charge setting	Annually
7.	Risk registers/actions plans	At each meeting
8.	Health and Safety Policy	Annually

BUILDING CONTROL PARTNERSHIP (BCP) MEMORANDUM OF UNDERSTANDING 2021

4.3 The Officer Group

4.3.1 Officer Group meetings are arranged to suit operational management with agreed actions minuted. The Group has responsibility to consider and agree Partnership actions in respect of the following

- (a) Financial report
- (b) Staffing issues
- (c) Workload issues/other service requests
- (d) Operational issues and risk management
- (e) PCC/GBC/FBC corporate tasks/issues
- (f) E-government initiatives and progress/business transformation board
- (g) Partnering/new work areas
- (h) Audit recommendations
- (i) Health and Safety issues
- (j) Any other business

4.4 Office management

4.4.1 Monthly programmed office meetings involving all Partnership staff will be used to cascade necessary information up and down the management framework. The frequency of this meeting may be adjusted to suit operational requirements.

5.0 Employment and Staff Resources

5.1 The Partnership will maintain an administrative and reception function at its main office located at The Depot, Broadcut, Fareham, or such other site as agreed in writing by the Officer Group. Agreed hot desk working facilities will be provided at each constituent council main office.

5.2 Fareham Borough Council will maintain and keep filled the established posts required to deliver the Partnership unless otherwise agreed.

5.3 Each employee is bound by the terms of their own contract of employment and the employment policies of their employer, subject to clause 6.1 of the Agreement

5.4 New staff will be recruited using the recruitment policies and procedures applicable to Fareham Borough Council or as otherwise agreed in writing by the Councils.

5.5 The Partnership has its own Health and Safety Policy linked to the Fareham Borough Council corporate Health and Safety Policy.

5.6 The Head of Building Control Partnership will use the Performance Development Review (PDR) system operated by Fareham Borough Council for the Partnership.

**BUILDING CONTROL PARTNERSHIP (BCP)
MEMORANDUM OF UNDERSTANDING 2021**

- 5.7 An agreed training plan for all Partnership staff will be developed from the output of the PDR system and administered in accordance with the procedures documented in the BCP quality system.
- 5.8 The Out of Hour's Dangerous Structure service will be based on the Gosport Borough out of hours system using stand-by contractors as required for emergency action.
- 5.9 Statistical information in respect of personnel matters will be generated as applicable from the Fareham Borough Council personnel systems.

6.0 Financial

- 6.1 The Partnership will adhere to the Financial Regulations of Fareham Borough Council.
- 6.2 The spending authorisation limits for the Head of Building Control Partnership and other officers of the Partnership exercising managerial responsibilities shall be those approved by Fareham Borough Council.
- 6.3 Authorisation for sums above the limits of the Head of Building Control Partnership shall be by the Fareham Representative and then by the other agreed signatories within Fareham Council (see table below). Any sums above this authorisation will be authorised by the statutory officer of Fareham Borough Council or referred to the Panel.

Designation	Authorisation of Orders and Invoices	GPC cards	Authorisation of subsistence, travelling, overtime payments etc.
Director	No limit	£5000	Any claim from a post holder who reports to them
Head of Building Control	£100000	£2000	
Area Team Manager	£10000	£1000	

- 6.4 The Partnership will adhere to the Contract Standing Orders of Fareham Borough Council

7.0 ICT Services

- 7.1 All Partnership staff must comply with all security policies applicable to the system being used.

**BUILDING CONTROL PARTNERSHIP (BCP)
MEMORANDUM OF UNDERSTANDING 2021**

7.2 ICT services will be provided to the Partnership in accordance with costed service and support agreements with individual constituent authorities.

8.0 Risk Management and Assurance

8.1 Risk management and assurance for the Partnership will be in accordance with the agreed protocol (see appendix 2)

9.0 Non-statutory Building Regulation Fee Earning Work

9.1 Legal responsibility for this type of work, including maintaining appropriate insurance cover, will rest with Fareham Borough Council. In the event of the Partnership being terminated, any work currently being undertaken will be completed by Fareham Borough Council. Responsibility for new work after termination will be determined by the client in conjunction with the constituent authorities.

9.2 All cost incurred in the provision of this type of work and all income generated will be apportioned under the provisions of Schedules 2 of the Deed of Delegation.

PARTNERSHIP CHARTER

The Building Control Partnership has been formed by Fareham Borough Council, Gosport Borough Council and Portsmouth City Council with the aim of providing customers with services that are efficient, friendly and represent good value for money. We operate under a quality management system registered under ISO9001 and externally audited by the BSI.

We will continue to ask our customers what level of service they want from us. This Charter contains details of our services and the standards we will guarantee to customers.

Our Staff

When customers talk to us, they will find our staff friendly, courteous, and at all times ready to offer common sense, down-to-earth practical advice when dealing with building projects.

We are highly qualified, impartial, and publicly accountable so customers can rely on the information we give them. We also enjoy a close liaison with all other Local service providers, so if we can't help, we often know someone who can.

The Services we provide

The main services include:

- Building Regulations: - Plan examination and Site Inspection
 - Dangerous Structures
 - Demolitions
 - Road Naming and Postal Numbering*
 - Access Officer for the Disabled*
- *not in Portsmouth

The Building Control Partnership is committed to achieving the following levels of service which greatly exceed those normally expected or required by legislation.

CUSTOMER CARE

- All letters of enquiry will be answered within 5 working days of receipt.
- Staff will always wear name badges when in the office.
- A professional Surveyor will always be available during the working day, either in person or over the telephone, to provide general information and advice.
- We will respond to any complaints within 10 working days.
- All our letters and documents will be in plain language.
- All telephone calls received within Building Control during BCP office hours (08.45-17.15) will be answered promptly, normally within 6 rings.

- We will always be pleased to arrange timed appointments at your convenience.

BUILDING REGULATION SERVICES

- All Full Plans applications will be examined within 15 working days. Every application will be acknowledged within 5 working days and the Surveyor dealing with your application identified.
- All Building Notice applications will be acknowledged together with, if necessary, a request for additional information within 15 working days.
- Pre-submission consultancy will always be available.
- Site inspection visits requested up to 10.30 a.m. will be carried out the same day. PM requests are booked for a visit a.m. or as required the next day.
- Surveyors will always be contactable through the Building Control Office during the normal working day.
- In the case of an unforeseen problem, we will aim to have a surveyor visit within 1 hour.
- An out of hour's service will always be available by arrangement.
- A completion certificate will be issued within a maximum of 5 working days of the project being satisfactorily completed.

DANGEROUS STRUCTURES

- All sites reported and assessed as dangerous will be inspected on the same day as the notification is received.
- All immediately dangerous structures will be either made safe or adequately fenced-off without delay.

DEMOLITIONS

- All statutory notices will be processed within a maximum of six weeks.
- A Notice will always be issued to the applicant listing all necessary conditions.
- Site inspection and monitoring will be carried out when notification is received.

STREET NAMING AND POSTAL NUMBERING (within Fareham and Gosport)

- 90% of all properties will be issued with postal addresses prior to occupation.
- The remaining 10% will be issued within 3 months of occupation.

All the above standards are the minimum you should expect from us. Our aim is to exceed these wherever possible.

VALUE FOR MONEY

Our services are continually assessed to ensure they offer the highest levels of quality and efficiency.

Building Regulation charges are set at a level to cover expenditure.

RAISING THE STANDARDS

It is our intention to ensure our customers are always fully satisfied with the services we provide.

It is only by listening to our customers, that improvements can be made. We positively encourage contact from any customer who is not totally satisfied with the service we have provided or can offer suggestions as to possible improvements.

The Building Control Partnership has a comprehensive complaints procedure in place. If a customer has a complaint, we will investigate the matter immediately and make an initial response within 10 working days.

All constituent authorities also operate a Council wide complaints procedure. Information outlining these procedures is available from Gosport Town Hall, Fareham Civic Offices or Portsmouth Civic offices (or via each Council's website).

Finally, customers are able to contact their local Councillor or the Local Ombudsman to further investigate any complaint if they are not satisfied with our response.

We are continually trying to raise standards where possible and any comments will always be treated very seriously and acted upon where possible.

**Building Control Partnership Key Assurance Processes for the 3 Councils
As at September 2020**

Governance Requirement	Which Authority's Process to be Used	Outline of the Process
Risk Management	Fareham BC	<p><u>FBC System as at September 2020</u></p> <p>The Head of Service attends a 2-hour mandatory Risk Management Interview every year. During this interview examples and evidence is being sought to demonstrate effective risk management in the service. Any risks which had been highlighted where actions were still needed in the previous interview were also followed up.</p> <p>The interviewers take notes during the interview and after the interview, they list the risks and opportunities that were discussed. They also chose 2-4 risks which are then written up fully in that the risk is defined and the actions completed or in progress are listed. The risks are then classified as:</p> <ul style="list-style-type: none"> • Examples of new actions taken anticipating risks or opportunities • Examples of actions taken reacting to risks or incidents • Risks noted where further actions are still needed <p>The full write ups (and the risk list) then feed into the next 6 monthly risk management assurance report which is presented to the Senior Management Team and the Audit and Governance Committee.</p> <p>The Risk management interview write up will also be shared with the Chief Internal Auditors at Gosport BC and Portsmouth BC for expansion to fit the local schemes where necessary.</p>
Internal Audit Assurance	Portsmouth CC	<p>Service classified as High Risk in the Audit Universes. It will therefore be audited at a minimum every 5 years. Next audit is scheduled for 2021/22.</p> <p>If any high-risk action is identified as a result of the audit, then a further audit will automatically be undertaken in the following year.</p> <p>Audit to include formal sign off of previous actions arising, testing of fraud risks and testing of the accuracy of Performance measure reported to the Panel.</p> <p>The other Chief Internal Auditors to be consulted as to the scope of the audit before it commences.</p> <p>The other Chief Internal Auditors to be provided with a copy of the final report.</p>

Governance Requirement	Which Authority's Process to be Used	Outline of the Process
		Results of audit to be reported to the Partnership Panel.
Recommendation Implementation Monitoring	Fareham BC	<p>Actions arising from the audit will be fed into the FBC Action Management system and an updated status obtained from the Building Control Manager each year.</p> <p>The other Chief Internal Auditors to be provided with the annual statistics on the level of recommendations implemented and outstanding.</p> <p>Formal audit follow-up of agreed actions and sign off will be to be undertaken as part of the planned audit work (by Portsmouth CC).</p>
Counter Fraud and Bribery Assurance	Portsmouth CC	<p>Fraud risks are maintained on the Portsmouth CC Fraud Risk Register. This also now recognises bribery risks for this service</p> <p>Periodic fraud assurance updates are carried out – and are covered in the planned Internal audit pre-audit research and testing.</p>
Performance Management	Portsmouth CC	<p>The service maintains Quality Assurance accreditation which is independently assessed each year by BSI and subject to bi-annual quality audits (last inspection October 2020).</p> <p>Performance Targets are set out in the partnership Memorandum of Understanding and Customer Charter. Performance against performance indicators are reported to the Building Control Partnership Panel.</p> <p>The accuracy of the measures will be covered in internal audit assurance work.</p> <p>Service plan requirements to follow the process at Portsmouth CC, which is currently as part of the Planning and Economic Growth portfolio. This will be adapted to meet the needs of the Gosport BC process.</p>
Partnership Governance Assurance	Gosport BC	Lead officer annual summary of the governance and effectiveness of the partnership submitted to the collating service, for partnership presentation to Senior Management Team and Audit Committee. Gosport BC to implement a new process to achieve this assurance and provide the assurances to the nominated officers at the other 2 councils.
Service Assurance Statements Policy compliance survey	None	No longer required by any of the 3 authorities

Signed on Behalf of Fareham Borough Council

Authorised Signatory

Date:

Signed on Behalf of Gosport Borough Council

Authorised Signatory

Date:

Signed on Behalf of Portsmouth City Council

Authorised Signatory

Date:

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 March 2021

Portfolio:	Policy and Resources
Subject:	Southampton and Fareham Legal Services Partnership Review
Report of:	Head of Democratic Services
Corporate Priorities:	Dynamic, Prudent and Progressive Council

Purpose:
This report provides an update on the Southampton and Fareham Legal Services Partnership and asks the Executive to consider extending the existing arrangements for an interim two-year period.

Executive summary:
Due to the success of the Partnership and following detailed discussions between senior officers of both Councils, it is proposed that the Southampton and Fareham Legal Services Partnership be extended. Following the resource challenges experienced by both Councils during 2020 in response to the Covid-19 pandemic, it is suggested that a full review of the partnership be carried out during the two-year period, which may result in a revised and updated Deed of Delegation, should the recommendation be to continue with the partnership.

Recommendation
It is recommended that the Executive agrees:

- (a) to continue the partnership arrangements for the Southampton and Fareham Legal Services Partnership for an interim period of two years, with a full review of the partnership to be carried out by March 2023, which may result in a revised and updated Deed of Delegation; and
- (b) to delegate authority to the Chief Executive Officer following consultation with the Executive Leader to enter into such arrangements as are necessary and on such terms as are reasonable.

Reason:
To continue to provide a robust and resilient legal service at an affordable cost to Fareham Borough Council.

Cost of proposals:

The partnership is delivered within the existing budget set for the delivery of a legal service.

Background papers:

File of correspondence * Exempt from publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Reference papers:

Report to Executive 11 October 2010 – Financial Pressures Facing the Council

Report to Executive 8 March 2011 – Proposed Shared Provisions of Legal Services with Southampton City Council

Report to Executive 7 March 2016 – Southampton and Fareham Legal Services Partnership

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	01 March 2021
Subject:	Southampton and Fareham Legal Services Partnership Review
Briefing by:	Head of Democratic Services
Portfolio:	Policy and Resources

INTRODUCTION

1. At its meeting on 8 March 2011, the Executive resolved to enter into a shared service arrangement with Southampton City Council to share a Solicitor to the Council and a comprehensive legal service for a period of five years with the option to extend this for a further five years.
2. Following a review carried out in 2016, the Executive resolved to extend the partnership by the additional 5 years and included additional review/break clauses be added to the agreement:
 - (a) Change of personnel by Southampton City Council resulting in a change of Solicitor to the Council. As this post is a Chief Officer position with the current incumbent employed by Southampton City Council, Fareham's Chief Executive Officer would expect to be consulted should this arise, albeit it is not anticipated in the near future. It is recognised that ultimately it is an operational appointment matter for Southampton's elected members but it is considered only reasonable that Fareham be consulted regarding such a key senior officer appointment; and
 - (b) Affordability clause enabling Fareham to reduce the number of hours of committed spend in the event of extreme financial pressures affecting Fareham's ability to meet its budget requirements. Whilst this situation is unlikely to arise it would be prudent in a time of unprecedented change to include it. Should this scenario arise there may be TUPE (Transfer of Undertakings - Protection of Employment) implications.
3. With the current agreement reaching the end of the approved period, it is necessary to consider the appropriate next steps for the partnership.

PERFORMANCE OF THE PARTNERSHIP

4. This partnership continues to operate extremely well and has proven to be of financial and operational benefit to Fareham Borough Council.

5. The ability of the partnership to support FBC's major projects such as Welborne, Daedalus and the remodelling opportunity for Ferneham Hall to provide a busy community arts and entertainment centre has given added resilience and assurance to the strategic development of these major projects, including the affordability and expedient access to counsel advice and external legal expertise when needed.
6. The work of the Southampton and Fareham Legal Partnership has been integral in driving forward the success of these major projects for Fareham Borough Council and will continue to provide the reliable and crucial legal advice to enable these complex work streams to deliver successful outcomes.
7. As part of the initial agreement, It was originally envisaged that a solicitor or senior legal officer would be present at the Civic Offices in Fareham on a daily basis to provide legal information, advice and guidance being provided on a rota basis with different specialist advice being available on various days of the week.
8. With the challenges faced by both Councils during the Covid-19 pandemic and especially during the periods of lockdown, the working arrangements have necessarily been modified to enable as much flexibility as possible with solicitors attending virtual meetings via Microsoft Teams and being available for consultation by telephone and email. Throughout this remote working, Solicitors continue to attend meetings, including Council, the Executive, Licensing and Planning Committees as and when required.
9. The Southampton and Fareham Legal Services Partnership has received a number of plaudits and awards during its 10 years. It was "Highly Commended" at the Lawyers in Local Government (LLG) Annual Legal Awards in November 2015 in the Development of the Legal Team category. In 2017, the partnership was named Project Team of the Year at the LLG annual awards in recognition of the work carried out in supporting innovative projects such as Welborne Garden Village.
10. In 2018, the partnership won the coveted title of National Legal Team of the Year in the top award at the LLG annual awards. At the same event, the legal team was also awarded Runner Up in the Litigation Team of the Year category. And in 2020, the partnership was again shortlisted as a finalist in the top category of National Legal Team of the Year.

COST EFFECTIVENESS

11. For the financial year 2010-11, the cost of providing an in-house legal service was £322,600. The predicted cost to Fareham Borough Council for the first year of the partnership in 2011-12 was forecast to be £239,000. The actual comparable cost (excluding counsel fees, additional external solicitors' fees and disbursements) was £228,205.
12. Since then, the fees for each year have been monitored and occasionally adjusted with an uplift to cover rising costs in salary and are based on an expected number of chargeable hours. Whilst all authorities have been subject to budget reductions, Fareham Borough Council is guaranteed to receive the service by virtue of having the partnership agreement in place.
13. The costs over the last five years can be seen in the table below:

Year	Amount
2019-20	£378,509
2018-19	£366,467
2017-18	£296,835
2016-17	£278,750
2015-16	£282,608

14. Over the last five years of the partnership, the actual number of resource hours requested by Fareham has increased due to the complexity of some of the projects being worked on and the volume of work being carried out. In response to this, the Chief Executive's Management Team identified additional budget to cover two extra FTE (full time equivalent) posts which were recruited to work within the partnership. Southampton City Council remain the employer for these additional posts with the Service Level Agreement being adjusted to reflect the equivalent additional hours being devoted to cover Fareham work.
15. The costs given in the table at paragraph 13 do not include legal fees associated with work instructed directly to external solicitors, which is arranged via the legal partnership. Payments for this work are monitored separately and there is an ongoing focus to reduce the external fees by bringing that legal work back in house to be dealt with by the legal partnership, resulting in an overall reduction in costs.

PROPOSED EXTENSION OF THE PARTNERSHIP

16. Section 101 Local Government Act 1972 permits authorities to delegate to another authority the ability to lawfully carry out functions on its behalf.
17. The Deed of Delegation agreement will be subject to the review proposed to be carried out over the next 2 years and the outcome of the review will be reported to the Executive.

CONCLUSION

18. In the view of the Chief Executive Officer and key Fareham Borough Council officers it is recommended that the partnership be extended for an interim two year period.
19. It is an exemplar of joint working, is efficient, cost effective and achieves the Council's corporate objectives.

Enquiries:

For further information on this report please contact Leigh Usher (01329 824553)

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 March 2021

Portfolio:	Policy and Resources
Subject:	Future of 42/44 West Street, Fareham
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Providing Housing Choices Maintain and Extend Prosperity Dynamic, Prudent and Progressive Council

Purpose:

To seek approval for the marketing of 42/44 West Street (“the Property”) on the basis of a Freehold as well as a Leasehold disposal depending on interest received to ensure best value is obtained for the Council.

Executive summary:

The Property comprises retail accommodation on the ground floor and offices on the upper floors. The ground floor has been vacant since the end of 2019 and the Leasehold interest in the ground floor has been advertised since mid-2019. The upper floors are currently let on a monthly tenancy agreement.

Recommendation:

It is recommended that the Executive agrees to:

- (a) commence marketing the Property on a Freehold basis as well as continuing to advertise the Leasehold interest in the Property; and
- (b) delegates authority to the Director of Planning and Regeneration, following consultation with the Executive Member for Policy and Resources, to complete a Freehold or Leasehold disposal of the Property in the event of receiving an acceptable offer.

Reason:

The Property is management intensive and not considered to be a strong investment property on a Leasehold basis, particularly in the current economic climate. A better value could be achieved in the current market by disposing of the Freehold. If authority is given to market the Freehold interest in the property as well as the Leasehold interest then it enables the Council to ensure that best value is obtained. If a Freehold disposal is completed, then the capital receipt achieved from

the sale of the Property will contribute towards future projects in the Council's capital programme.

Cost of proposals:
Outlined in the Confidential Appendix A.

Appendices: Confidential Appendix A: Options Appraisal

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	01 March 2021
Subject:	Future of 42/44 West Street, Fareham
Briefing by:	Director of Planning and Regeneration
Portfolio:	Policy and Resources

INTRODUCTION

1. 42/44 West Street (“the Property”) is an Edwardian double fronted character building, which has a Net Internal Area of approximately 2,465 square feet and is arranged over three floors. It occupies a prominent location in West Street opposite Fareham Shopping Centre and between Beal’s estate agents and The Crown Inn.
2. The Property was acquired by Fareham Borough Council (“the Council”) in the late 1980s/early 1990s in connection with the Market Quay redevelopment scheme. However, the Property was not utilised as part of that scheme and has subsequently been retained by the Council as part of its portfolio.

CURRENT POSITION – GROUND FLOOR

3. The ground floor of the Property was most recently leased by a nail bar. The tenant did not renew their lease when it expired in November 2019.
4. The Council has been marketing the ground floor via an external commercial letting agent since mid-2019 and has had limited interest from retail occupiers.
5. Over this period only two parties have expressed an interest in the ground floor. Neither proposals have yet proceeded as far as agreeing Heads of Terms.

CURRENT POSITION – FIRST AND SECOND FLOORS

6. The first and second floors of the Property are currently occupied by Nexus Independent Financial Advisors under a monthly tenancy agreement.

OPTIONS AND FINANCIAL IMPLICATIONS

7. A confidential Appendix A to the Executive report contains details of options for the future of the Property and estimated capital values.

CONCLUSION

8. This Property was originally acquired to potentially form part of the Market Quay

development and not as a long-term investment. It is not considered to be a strong investment property because of the impacts of the Covid-19 pandemic on small businesses, the macroeconomic challenges faced by the retail sector and the officer time involved in its management. The best value for the Council may be achieved through a Freehold sale, although a Leasehold disposal should still be considered if an appropriate offer is received. The Freehold sale of property requires the approval of the Executive.

9. Whilst it is still possible that a suitable offer for the Leasehold interest be received it should be noted that the Property is likely to be management intensive even if new leases can be granted for the ground and upper floors. The Council is likely to incur costs in future relating to liability for empty property rates, building insurance and ad-hoc repairs.

Enquiries:

For further information on this report please contact Alex Duggan (Ext 4578) or Grant Hobday (Ext 4320).

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 01 March 2021

Portfolio:	Policy and Resources
Subject:	Citizens of Honour Nominations 2021
Report of:	Director of Leisure and Community
Corporate Priorities:	Strong, safe, inclusive and healthy communities

Purpose:

As a direct response to the unprecedented events caused by the Covid-19 Pandemic, this report proposes an alternative to the annual Citizen and Young Citizen of Honour Awards for 2021.

Executive summary:

Established in 1996, the Citizen and Young Citizen of Honour Awards have honoured 107 residents of the Borough over the past 23 years with nominations being received from all areas of Fareham.

With regard to last year's awards, (2020), a decision was taken by the Executive to reduce the number of winners to just one for each of the two categories. This was due to the closure of Ferneham Hall, which is usually used for the annual Mayor Making ceremony each year, including the Citizen of Honour awards, and the intention to hold the event in a smaller venue. To date, the Mayor Making ceremony has not been able to take place due to Covid-19 restrictions, and the two winners for 2020 have yet to receive their awards.

It is proposed that, when current Covid-19 restrictions are relaxed and small groups of people are allowed to meet, a small reception is held with the Mayor within the Civic Offices for the two 2020 Citizen of Honour winners and a guest to receive their awards.

For 2021, in order to recognise the people and businesses who have played a key role in the Borough's response to the pandemic, it is proposed that the Council replaces the Citizen of Honour and Young Citizen of Honour Awards, for one year only, with 'Fareham's Covid Heroes'. It is proposed that the public nominate adults (over 18), young people (under 18) and organisations who have acted above and beyond to help individuals, charitable organisations and businesses during the Covid-19 pandemic.

Everyone nominated for the award would receive a certificate of appreciation, signed by the Mayor and the Executive Leader of the Council, as a gesture of thanks, which would be sent to each recipient by post.

There would also be up to five selected winners for each category of adult, young person and organisation, chosen by the Executive. All winners would receive a medal and entry into the Council's roll of honour.

The Citizen of Honour and Young Citizen of Honour awards will resume in 2022 but would cover the period 2021-2022 to ensure that any nominations received in 2021 can still be considered. As a result, it is proposed to increase the number of winners from one to two for each category.

Recommendation/Recommended Option:

It is recommended that the Executive agrees that:

- (a) the Citizen of Honour and Young Citizen of Honour Awards are rested for one year;
- (b) a new one-year initiative be approved to identify 'Fareham's Covid Heroes' which would have three categories: adult (over 18), young person (under 18) and organisations;
- (c) all those nominated will receive a Certificate of Appreciation, signed by the Mayor and the Executive Leader;
- (d) there will be five selected winners for each category; and
- (e) when the Citizen of Honour and Young Citizen of Honour awards resume in 2020, nominations can be made for non Covid-19 related actions or deeds that have occurred during the preceding two years (2020 and 2021).

Reason:

Whilst the Citizen of Honour and Young Citizen of Honour Awards are valuable initiatives for rewarding local residents, this has been an unprecedented year that has seen national lockdowns, tiers and restrictions. As a result, many vulnerable residents have needed, and received, help on an unprecedented scale, and many residents and organisations have responded wholeheartedly to meet this need.

A 'Covid Heroes' campaign will enable the Council to recognise many more of the community than the current award scheme allows.

Cost of proposals:

All associated costs regarding the Covid Heroes' initiative can be met from existing resources.

Appendices: **A: Artwork for Covid Heroes' campaign**

Background papers:

Reference papers:

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	01 March 2021
Subject:	Citizens of Honour Nominations 2021
Briefing by:	Director of Leisure and Community
Portfolio:	Leisure and Community

INTRODUCTION

1. Established in 1996, the Citizen and Young Citizen of Honour Awards have honoured 107 residents of the Borough over the past 23 years with nominations being received from all areas of Fareham.
2. To demonstrate the importance and distinction of these awards, they are presented to the winners at the Mayor Making Ceremony each year by the outgoing Mayor.
3. In 2020 it was not possible to hold a Mayor Making Ceremony due to the Covid-19 pandemic. As a result, although last year's winners know that they were successfully nominated and selected, they have not yet received their awards.
4. At its meeting on 16 December 2019, the Executive resolved to limit the award to one Citizen of Honour (over 18 years old) and one Young Citizen of Honour (under 18 years old) for the years 2020 and 2021 in order to reduce numbers attending the planned Mayor Making ceremony, which was due to be held in May 2021, but was subsequently cancelled
5. For 2021, in order to recognise the people and organisation who have played a key role in the Borough's response to the pandemic, it is proposed that the Council replaces the Citizen of Honour and Young Citizen of Honour Awards, for one year only, with 'Fareham's Covid Heroes'. It is proposed that the public nominate adults (over 18), young people (under 18) and organisations who have acted above and beyond to help individuals, charitable organisations and businesses during the Covid-19 pandemic.

HOW THE SCHEME WOULD WORK

6. Everyone nominated for the award would receive a certificate of appreciation, signed by the Mayor and the Executive Leader of the Council, as a gesture of thanks which would be sent to each recipient by post.
7. There would also be up to five selected winners for each category of adult, young person and organisation, chosen by the Executive. All winners would receive a medal and entry into the Council's roll of honour.

8. The Citizen of Honour and Young Citizen of Honour awards will resume in 2022 but would span the period 2021-2022 to ensure that any non Covid-19 related nominations received during that time can still be considered.
9. In order to encourage broad participation, a themed marketing campaign will be put in place (see Appendix A).
10. Letters to explain the same and encourage people to nominate others, along with leaflets and posters, will be sent to community centres, schools and libraries when appropriate to do so, and displayed on noticeboards throughout the Borough.
11. The awards will be promoted on Council Connect in Fareham Shopping Centre, include posters in all light boxes, and a video will run on the screens at various times in the run up to the closing date. The video will also be displayed on the screens in the reception area of the council, when the offices are once again opened to the public.
12. A social media campaign will support the offline promotion, and the initiative will feature on a new webpage which will also be advertised on a web banner on the homepage of the Council's website.

CRITERIA

13. It is proposed that the criteria for nominations should vary for individuals and organisations. As with the Citizen of Honour awards, individuals nominated must be resident in Fareham. For organisations however, the proposed criteria is that they can be nominated for serving residents of Fareham.

NOMINATIONS

14. The Executive will be asked to select up to five winners from each of the three categories to receive a medal or, in the case of organisations, an appropriate award, and be entered onto the Council's roll of honour.

TIMETABLE

15. Subject to approval by the Executive, the 'Fareham Covid Heroes Awards' will be launched on 1st April 2021 and run for a period of three months, closing on 30th June 2021.
16. As all nominees will receive a certificate, regardless of whether or not they are selected as a winner, these can be prepared on receipt of each nomination and forwarded to the Executive Leader and the Mayor on a regular basis for signing.
17. Certificates will be posted to recipients in July 2021, and all those nominated will be listed on the Council's website. Relevant permissions will be sought beforehand.

FINANCIAL IMPLICATIONS

18. The funding of this awards scheme will continue to be met from existing resources.

PROPOSAL

20. The Executive is requested to agree to rest the Citizen of Honour and Young Citizen of Honour Awards for one year and to approve the introduction of the 'Fareham Covid Heroes' award for 2021.

RISK ASSESSMENT

21. There are no significant risk considerations in relation to this report.

CONCLUSION

22. The Covid-19 pandemic has caused major disruption to people's lives throughout the last year and is impossible to ignore. Many community groups, charities, businesses and individuals of all ages across Fareham have worked tirelessly to support those in need, going above and beyond to help others at a very difficult time.
23. This report proposes a way for those who have been supported by others throughout the pandemic to express their thanks to those who have helped them, and also provides the Council with the opportunity to formally recognise and thank those who have helped residents of the Borough at such an unprecedented time.

Enquiries:

For further information on this report please contact Jan Lasnon (Ex 4302)

Covid Heroes

26 January 2021



End

