

Section 5B – Director of Housing, Neighbourhoods & Building Services

DIRECTOR OF HOUSING, NEIGHBOURHOODS & BUILDING SERVICES

General

1. To manage the repair and maintenance of all council property and land enabling the council to maintain and improve its properties as appropriate in accordance with the council's asset management strategy including but not limited to response repairs, void repairs, planned and cyclical maintenance.
2. To be responsible for the management and development of council assets, included but not limited to lease management, adaptation, acquisition, the direct construction of assets and disposal to third parties.
3. To manage the council's housing estates and the dwellings on them in the Housing Revenue Account (HRA) and in the Housing General Fund (HGF), including the allocation of accommodation.
4. To exercise the council's powers as a housing authority
5. To approve the appropriation of assets between the Housing Revenue Account and the General Revenue Account.
6. To dispose of vacant or tenanted properties in the HRA & HGF where the market value is greater than £250,000 by way of private treaty or public auction, where the principle of disposal has been agreed by the city council.
7. To be the 'responsible person' who is the point of contact for the Housing Regulator and ensures compliance with the housing regulation standards.
8. To agree terms for the variation of covenants for land and property previously sold by the council in the HRA & HGF

Management of corporate assets (held in the Housing Revenue Account and in the Housing General Fund)

1. To agree leases up to a term of 150 years and licence non-residential properties including land at the best rents obtainable held within the HRA & HGF
2. To grant, building agreements, licences, easements and wayleaves for HRA & HGF property.
3. To agree surrender and lease renewal transactions including leases of up to 150 years for HRA & HGF property.

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4. To approve the lettings of any premises held within the HRA & HGF to approved, non-profit making organisations, including charities at less than market value, after consultation with the appropriate chief officer.
5. To authorise the termination of any lease, licence, easement, or wayleave to use or occupy non-residential land and property held within the HRA & HGF.
6. To grant service tenancies of council owned land and buildings held within the HRA & HGF
7. To place orders for reactive maintenance and emergency works to council owned buildings and structures.
8. To settle claims and requests for ex-gratia payments not exceeding £1,500 subject to the city solicitor being satisfied that the council are likely to be legally liable in respect of property held within the HRA & HGF.
9. To determine the selling prices of goods and services in relation to trading activities for services within Housing, Neighbourhoods and Building Services.
10. To agree terms of disposal for areas of land and vehicular access rights to owners or tenants who are in the process of purchasing their council house.

Housing Property Management

1. To grant or refuse requests for the inclusion of other land with premises where the secure tenant is exercising the right to buy and to serve appropriate notices, under Section 184 of the Housing Act 1985.
2. To grant or refuse requests received from tenants purporting to exercise the right to exchange under Section 92 of the Housing Act 1985.
3. To prepare and serve all appropriate notices under Part IV of the Housing Act 1988 in respect of land held for Housing purposes.
4. To serve notices of seeking possession or notices to quit on tenants of council dwellings in rent arrears or otherwise in breach of their tenancy agreements or on the President of the Probate Division where the tenant has died and subject to any right of succession.
5. In consultation with the City Solicitor to take legal proceedings for the possession of council dwellings and/or for the recovery of rent arrears.
6. To decide when to grant tenancies where no statutory right of succession applies.
7. To deal with tenants' requests to carry out improvements to their dwellings under the Housing Act 1985.

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8. To settle unpaid accounts with utility companies under Section 33 Local Government (Miscellaneous Provisions) Act 1976.
9. Authority to approve where reasonable or refuse assignments and offer secure tenancies to the assignees under the Housing Act 1985, Section 91.
10. To supply indemnities, under Section 442 of the Housing Act, 1985 to building societies and other recognised bodies in appropriate cases.
11. To make all payments to tenants of city council accommodation for home loss, disturbance, removal and allied expenditure involved in either temporary or permanent moves.
12. In respect of the under-occupation of houses to make payments to city council tenants in accordance with the council's approved scheme.
13. To manage the council's housing estates and the dwellings on them, including the allocation of accommodation and exercise the council's powers as a housing authority for that purpose.
14. To administer the sale of council dwellings under the 'right to buy' provisions, including the determination of applications for the waiver of any requirement to repay discount.
15. To administer the resale of shared ownership properties following 'The Capital Funding Guide 2016 (amended 2024)'.
16. To purchase residential property for both the Housing Revenue Account and the Housing General Fund this can include but is not limited to the repurchase of ex-council properties including leasehold flats. To agree nomination rights under schemes to be carried out by social housing landlords.
17. To enter into contract for tenancy related support services.
18. To enter into contracts or leases to provide temporary homelessness accommodation.
19. To serve Notices under Section 146 Law and Property Act 1925 on its long leaseholders who are in breach of the lease.
20. In respect of tenancy relation issues:
 - a) To take action, including the service of notices, in respect of the unlawful eviction of tenants and the harassment of occupiers of tenanted property.
 - b) To take action, including the service of notices, to obtain information, rent books, insurance arrangements and other documents relating to tenanted property.
 - c) To take action under the rent acts to recover from landlords sums paid in excess of recoverable rents.

Housing Standards

1. Where the council have approved the repair, refurbishment or improvement of a property and the relevant expenditure, to enter into contract and discharge the functions required to complete the work to the property.
2. In his discretion authorise repairs which the city council does not have a statutory obligation to carry out.
3. Recovery of costs - where services are provided externally to the council, the power to recover the full cost of the provision of these services.
4. Work on behalf of other public bodies - power to carry on work on behalf of the public bodies.
5. To agree terms for rights of light and air affecting council property.
6. To exercise the council's powers and duties in respect of the following:
 - a) sanitation, sanitary conveniences and appliances in buildings and workplaces, drains, sewers, water closets cleansing or destruction of filthy or verminous articles, accumulation of rubbish, neglected sites, prevention of damage by pests, food storage accommodation, smoke and carbon monoxide alarms, minimum energy efficiency standards, defective premises, ruinous and dilapidated buildings, protection of unoccupied buildings and structures, and statutory nuisances.
 - b) All relevant parts of the Housing Act 2004 including, enforcement, notice of entry, determination of works and variation of any notices, orders and directions, civil penalty notices, and the power to execute the work, with or without the permission of the homeowner. Power to set amenity provision and space standards for houses in multiple occupation. And subject to consultation with the appropriate executive member over the level of fees to be charged for any aspects of cost recovery available within the Housing Act 2004.
 - c) To license any mobile home site as required and in consultation with the appropriate Executive Member, set a reasonable fee for doing so.
 - d) To fulfil our responsibilities in relation to the management of PCC owned Mobile Homes Park sites.
 - e) Maintain a list of and sample any private water suppliers within the area, as required by the Private Water supply regulations. In consultation with the appropriate Executive Member, set a fee for undertaking this work.

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- f) Supply of public utility services to tenanted dwellings including in consultation with the City Solicitor the recovery of costs incurred.
- 7. In respect of tenancy relation issues:
 - a) To take action, including the service of notices, to obtain information, rent books, insurance arrangements and other documents relating to tenanted property.
 - b) To take action under the rent acts to recover from landlords sums paid in excess of recoverable rents.
 - c) To take action, including the service of notices, gather evidence and take a case for prosecution for instances of harassment or illegal eviction.
- 8. In respect of private sector housing financial assistance policy -
 - a) To consider and determine -
 - a. Applications for mandatory disabled facilities grants;
 - b. Applications for discretionary grants and loans in accordance with the current Private Sector Housing financial assistance policy.
 - c. To approve or refuse the mandatory and discretionary grants and loans in accordance with the criteria set out in the current financial assistance policy.
- 9. To exercise the council's powers and duties to appoint authorised officers and authorised persons for any purpose within the responsibilities of the Director.
- 10. To operate and manage a home improvement agency service;
- 11. To extend the Home Improvement agency service to householders wishing to improve their properties but who are not eligible for financial assistance, particularly those requiring disabled adaptations.
- 12. To operate and manage a Telecare service & Assistive Technology services, including home safety, handyperson, and sensory impairment services.
- 13. Private Sector Housing team Delegated Authority to serve the following enforcement notices:
 - Housing Act 2004
 - o Section 11-19, Schedule 1 and Schedule 3
 - Service and enforcement of an Improvement Notice in relation to category 1 and/or category 2 hazards and powers to carry out works in default

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- Section 20-27 and Schedule 2
 - Service and enforcement of a Prohibition Order in relation to category 1 and/or category 2 hazards.
- Section 28-29
 - Service of a Hazard Awareness Notice in relation to category 1 and/or category 2 hazards.
- Section 40-42
 - Action to carry out emergency remedial action and recovery of expenses.
- Section 43-44
 - Service of an Emergency Prohibition Order
- Section 49-50
 - Power to charge for certain enforcement action and recovery of charge.
- Section 61-71, Schedule 4, Schedule 5 and Schedule 14
 - Licensing of Houses in Multiple Occupation. Requirement to licence, temporary exemption, grant or refusal of licences, variation and revocation, conditions, procedures and exemptions.
- Section 101-131 and Schedule 6
 - Powers to carry out Interim and Final Management Orders
- Section 136-138, Schedule 6 and Schedule 7
 - Making of final Empty Dwelling Management Orders
- Section 139-144
 - Service of overcrowding notices
- Section 235
 - Service of a notice requiring documentation be produced to the Local Authority
- Section 239
 - Powers of entry
- Section 249A and Schedule 13A
 - Power to serve a financial penalty for certain housing offences
- Section 255
 - Power to make an HMO declaration

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- Environmental Protection Act 1990
 - o Section 80
 - Notice to abate a statutory nuisance
 - o Section 81
 - Power to carry out works in default
 - o Section 81A
 - Recovery of costs
- Public Health Act 1961
 - o Section 17
 - Notice to remedy stopped-up drains
 - o Section 34
 - Power to serve notice to remove Accumulations of rubbish 'seriously detrimental to the amenities of the neighbourhood'
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
 - o Section R.4
 - Remedial notice
 - o Section R.6
 - Power to carry out works in default
 - o Section R.8
 - Recovery of costs
 - o Section R.10
 - Power to carry out urgent remedial action
 - o Section R.11
 - Service of financial penalties regarding relevant breach of duties
- Town and Country Planning Act 1990
 - o Section 215
 - Power to service notice to remedy land adversely affecting amenity of neighbourhood
- Local Government Miscellaneous Provisions Act 1982
 - o Section 29
 - Notice requiring the protection of buildings

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- Local Government Miscellaneous Provisions Act 1976
 - o Section 16
 - Notice requiring information to be provided
 - o Section 35
 - Notice to remedy sewer obstruction
- Prevention of Damage by Pests Act 1949
 - o Section 4
 - Power of local authority to require action
- Public Health Act 1936
 - o Section 35
 - Power to serve notice requiring filthy or verminous premises to be cleansed
 - o Section 45
 - Notice requiring a defective water closet to be remedied
 - o Section 83
 - Notice requiring conditions of a premises to be remedied
- Building Act 1984
 - o Section 59
 - Require works to defective drainage
 - o Section 60
 - Power to serve notice to allow the LA to remedy unventilated soil pipes and use of rainwater pipes to convey foul water
 - o Section 64
 - Power to serve notice requiring a WC
 - o Section 70
 - Power to serve notice requiring storage facilities for food
 - o Section 72
 - Power to serve notice requiring a fire escape
 - o Section 76
 - Notice to remedy defective premises
 - o Section 78
 - Notice to remedy dangerous buildings

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- Section 78-79
 - Power to serve notice requiring the repair / restoration / demolition of dilapidated buildings and clear demolition sites
- Section 80-83
 - Power / duty to serve a range of notices in connection with a demolition order served under the Housing Act 1985
- Section 99
 - Content and enforcement of notice requiring work
- The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 - Section R.5(1)
 - Remedial notice
 - Section R.7
 - Notice to take remedial action
 - Section R.8
 - Notice of financial penalty
 - Section R.12
 - Recovery of penalty charge
- Housing Act 1985
 - Section 330
 - Power to grant a license permitting overcrowding by an occupier
 - Section 335
 - Power to request information
 - Section 337-340
 - Powers of entry
 - Section 338
 - Power to serve notice to abate overcrowding
- Caravan Sites and Control of Development Act 1960
 - Section 3-8
 - Power to issue caravan site licenses
 - Section 9
 - Power to serve compliance notices for breaches of site license conditions, license revocations, works in default, emergency action and recovering expenses

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- Section 10
 - Power to transfer licenses and charge fees
- The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
 - Section R.37
 - Compliance notice to request information and/or documentation in connection with these regulations
 - Section R.38-R.45
 - Service of a financial penalty notice in relation to a breach of relevant regulations. Power to publicise these penalties and recover costs
- Anti-social Behaviour, Crime and Policing act 2014
 - Section 43
 - Power to serve Community Protection Notice to do or stop doing something when there is a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, including but not limited to if landowner is allowing Japanese Knotweed to spread onto another person's property. Powers may also be used to prevent unlawful eviction
- Law of Property Act 1925
 - Section 103
 - Enforced sale where certain debts are owed to the Local Authority

Repair and Maintenance of Council Assets and Land

1. To carry out the right repair at the right time to Council assets within the appropriate scope of service that ensures the Council meets customer demand for the repairs and maintenance service.
2. To undertake all of the Council's statutory asset repairs and maintenance obligations and maintain appropriate records including but not limited to the following:
 - a. Gas safety inspection and servicing in accordance with the Gas Safety (Installation & Use) Regulations 1998
 - b. Electrical inspection in accordance with the Landlord and Tenant Act 1985
 - c. Legionella testing in accordance with the Approved Code of Practice L8 (The Control of Legionella Bacteria in Water Systems) of all communal water systems and large water storage tanks
 - d. Passenger lifts and stairlifts servicing in accordance with general health and safety legislation including the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
 - e. Fire risk assessments and prevention in accordance with the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005
 - f. Asbestos management in accordance with the Control of Asbestos Regulations 2012
 - g. Housing health and safety rating in accordance with the Housing Act 2004
3. To maintain and regularly review an asset management strategy and business plan for all Council assets.
4. To assess the condition of the Council's assets, develop, prepare and undertake maintenance plans for Council assets including but not limited to planned maintenance of assets, structural work to non-traditional properties, energy performance of assets, environmental improvements, fire safety work, mechanical and electrical services to installations, all to maintain and improve Council assets.
5. To continually assess and utilise all Council assets to provide suitable assets to meet customer demand when needed including but not limited to refurbishment, change of use, reconfiguring layouts, disabled adaptations, improving energy performance, area regeneration and environmental improvements.

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6. To maintain a bespoke repairs and maintenance stock database that will capture all the relevant data required to enable measures to support the management of the repairs and maintenance service.
7. To evaluate all Council assets and assess the financial benefits to the Council including vacant dwellings, this can include but not limited to the development of land including garage and parking sites, the conversion of existing buildings, the sale and acquisition of properties.
8. To recruit, train, support and develop the skills of the repairs and maintenance teams to meet the demands they receive and provide a complete in-house surveying service.
9. To assess the most appropriate procurement route that will enable a contractor to be appointed that provides value for money for the specific project or service required to include but not limited to using existing service providers, gaining quotes, utilising an agreed select list or tenders utilising a framework contract or tendering a specific one off contract.
10. To enter into contract with a contractor to provide a repairs and maintenance service or undertake a specific project in accordance with the Council financial rules and standing orders.
11. To accept the surrender of contracts for a repairs and maintenance service or specific project and seek novation, assignment or procurement of work elsewhere for completion as appropriate.
12. To enter into contract with a consultant to provide specialist surveying services and advice as appropriate where it is not proportionate to provide the service in-house or there is insufficient capacity including but not limited to building surveys, architect and design services, measured surveys, structural surveys, mechanical and electrical design, asbestos surveys and energy surveys.

Clean City

1. Cleansing or destruction of filthy or verminous articles, accumulation of rubbish, neglected sites, prevention of damage by pests, food storage accommodation, defective premises, ruinous and dilapidated buildings, protection of unoccupied buildings and structures, and statutory nuisances.
2. To exercise the council's powers and duties including serving notices and taking appropriate action in respect of the following:
Collection, disposal and treatment of controlled waste; receptacles for household waste; commercial or industrial waste; disposal of waste

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collected; payments for recycling and disposal of waste; powers for recycling waste; powers to require removal of waste unlawfully deposited; removal and disposal of abandoned vehicles.

3. To exercise the council's powers and duties including:
 - a. The power to appoint inspectors and authorised persons.
 - b. (subject to consultation with the City Solicitor, to institute legal proceedings and to represent the council in appropriate cases).
4. To serve notices and take any necessary enforcement actions in respect of the following on behalf of the PFI contract when commissioned to do so:
 - a. Assertion and protection of public rights to use of highways.
 - b. Unlawful damage or disturbance to highways and footways, unauthorised marks on highways.
 - c. Control of deposit and removal of builders' skips.
 - d. Planting trees in or near the highway.
 - e. Removal of deposits on the highway.
 - f. Snow clearance.
 - g. Prevention of soil or refuse being washed out in the street.
 - h. Removal of projections from buildings.
 - i. Trees, shrubs, hedges overhanging the highway, or which are dangerous.
 - j. Prevention of water falling on or flowing on to the highway.
 - k. Barbed wire fences.
 - l. Dangerous land adjoining street.
 - m. Control of deposit of building materials.
 - n. Making of excavations in streets.
 - o. Construction of fence/hoarding, or other structure in connection with erection or demolition of building.
 - p. Privately owned bridges.
 - q. Construction of buildings over highways.
 - r. Erection of apparatus across a highway.
 - s. Construction of cellars under a carriageway of a street.
 - t. Cellars and opening under streets and pavement lights and ventilation.
 - u. Vehicle crossings over footways and verges.
 - v. Repairs to private streets.
 - w. Encroachments in, on or over the public highway.
5. To exercise the council's powers and duties including serving notices and taking appropriate action in respect of the following:
 - a. Offence of leaving litter; summary proceedings by litter authority; Duty to keep public registers; Powers in relation to abandoned shopping and luggage trolleys including the power to authorise officers to carry

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out functions under Section 99 and schedule 4 of the EPA 1990; restrictions on the importation etc of waste;

- b. To enforce and otherwise deal with the offence of dog fouling, including authority to appoint 'authorised officers' (not necessarily under his direct managerial control of city council employees) to enforce Public Space Protection Orders and Community Protection Notices (Anti-social Behaviour, Police & Crime Act 2014)
6. To exercise the councils powers and duties under section 149 of the Environmental Protection Act 1990 to collect and detain stray dogs, which includes but not limited to;
- a. Exercising powers for re-homing or destruction of seized dogs.
 - b. Microchipping of dogs and cats (Microchipping of Cats and Dogs (England) Regulations 2023).

Scheme of delegations for the Safe Clean Tidy Team

Offence type and Fixed Penalty Notice (FPN) amount set by PCC or reported for prosecution only:

- Depositing Litter:
 - o Regulation: Section 87/88 Environmental Protection Act 1990
 - o FPN: Up to £500
- Number of Dogs a person may have under their Control
 - o FPN: Not currently in force in Portsmouth and would require a change to the current control order
- Dog Fouling PSPO
 - o Regulation: Section 68 Anti-Social Behaviour, Crime & Policing Act 2014
 - o FPN: £100
- Dog in Prohibited areas, off lead etc. PSPO
 - o Regulation: Section 68 Anti-Social Behaviour, Crime & Policing Act 2014
 - o FPN: £100
- Dog issues, off lead on designated highways
 - o No FPN, reported for prosecution only
- Aggressive Dog issues or without name tags
 - o No FPN reported for prosecution only
- Dog issues on private land
 - o No FPN reported for prosecution only
- Exposing Vehicles for sale on the road
 - o FPN: Enforcement under taken by parking (£100)

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- Repairing vehicles on the road
 - o FPN: Enforcement under taken by parking only (£100)
- Fly Posting or affixing things on highways structures
 - o Regulation: Anti-Social Behaviour Act 2003
 - o FPN: £ Up to £500
- Presentation of Domestic Waste
 - o FPN: £60 Civil Debit + costs
- Presentation of trade waste
 - o FPN: £100
- All Highways Issues affecting the PFI Contract (skips, building materials, damage to the highway, fly posting etc.)
 - o No FPN available for any Highways Act 1980 offences but they must be reported for prosecution only
- Obstructions of the Highway
 - o No FPN available for this offence must be reported for prosecution only
- Fly Tipping
 - o Regulation: Sections 33(1)(a) & 33ZA Environmental Protection Act 1990
 - o FPN: Up to £1000
- Duty of care Waste transfer documentation
 - o Regulation: Section 34(5) 34 (6) 34A(2) Environmental Protection Act
 - o FPN: £300
- Waste Carriers Licence
 - o Regulation: Section 5/5B (2) Control of Pollution (Amendment) Act 1989
 - o FPN: £300
- Sec 108 Investigation
 - o No FPN available for this offence must be reported for prosecution only
- Fly Posting (Private Land issues)
 - o FPN: Up to £500
- Fly Posting (Highways)
 - o FPN: Up to £500
- Graffiti
 - o FPN: Up to £500

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- Private Land and buildings issues which are detrimental to the amenity of an area. (E.g. dumped waste on private land)
 - o No FPN available for this offence Issuing of notices requiring actions to be undertaken as laid out if not complied with must be reported for prosecution
- Prevention of Pests/vermin
 - o No FPN available for this offence Issuing of notices requiring actions to be undertaken as laid out if not complied with must be reported for prosecution
- Removal of waste from jointly owned private land
 - o No FPN available for this offence Issuing of notices requiring actions to be undertaken as laid out if not complied with must be reported for prosecution
- Sealing up of Dangerous Building/Land
 - o No FPN available for this offence Issuing of notices requiring actions to be undertaken as laid out if not complied with must be reported for prosecution
- Unauthorised Distribution of Literature
 - o FPN: Up to £500
- Litter abatement notice for statutory undertakers
 - o No FPN available for this offence must be reported for prosecution only
- Vehicles being used for advertising
 - o No FPN available for this offence must be reported for prosecution only
- People living in vehicles on the highway overnight
 - o No FPN available for this offence must be reported for prosecution only
- Community Protection Notices for Environmental & ASB issues
 - o FPN: £100
- Public Space Protection Orders
 - o FPN: £100
- Householders Duty of Care
 - o FPN: £600