

MINUTES OF A MEETING OF THE COUNCIL held at the Guildhall
Portsmouth on Tuesday, 20 January 2015 at 2.00 pm

Council Members Present

The Right Worshipful The Deputy Lord Mayor
Councillor David Horne (in the Chair)

Councillors

Margaret Adair	Leo Madden
Michael Andrewes	Hugh Mason
Simon Boshier	Lee Mason
Alicia Denny	Stuart Potter
Ben Dowling	Will Purvis
Ken Ellcome	Darren Sanders
John Ferrett	Eleanor Scott
Ken Ferrett	Phil Smith
Margaret Foster	Lynn Stagg
David Fuller	Sandra Stockdale
Colin Galloway	Luke Stubbs
Paul Godier	Julie Swan
Aiden Gray	Linda Symes
Terry Hall	Alistair Thompson
Stephen Hastings	Gerald Vernon-Jackson
Hannah Hockaday	Steve Wemyss
Lee Hunt	Matthew Winnington
Frank Jonas	Rob Wood
Donna Jones	Neill Young

1. Declarations of Interests under Standing Order 13(2)(b)

Councillor Luke Stubbs declared a prejudicial, pecuniary interest in agenda item 11, question number 5 concerning South Parade Pier as he lives near it and would leave the chamber for that item.

Later in the meeting Councillor Stubbs declared a pecuniary interest in the Savoy building site as he lives near it but did not have the opportunity to leave the chamber as discussion on this occurred without warning during a debate on notice of motion (b) Planning Inspectorate.

Councillor Will Purvis declared a pecuniary interest in agenda item 10(b) - Abolition of the Planning Inspectorate - in that he is employed by McCarthy and Stone. He said he would leave the chamber for that item.

2. Minutes of the Ordinary Meeting of the Council held on 9 December 2014

It was

Proposed by Councillor Donna Jones

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Seconded by Councillor Gerald Vernon-Jackson

That the minutes of the meeting held on 9 December 2014 be approved as a correct record and this was agreed.

RESOLVED that the minutes of the meeting of the Council held on 9 December 2014 be confirmed and signed as a correct record.

3. Communications including apologies for absence.

Apologies for absence were received from the Lord Mayor, Councillor Steve Wylie, Councillor Rob New and Councillor Les Stevens (who was unwell). Apologies for lateness were received on behalf of Councillor Neill Young.

The Deputy Lord Mayor said that there was a change in the seating arrangements with effect from this meeting following the recent change in the UKIP Group membership with Councillor Godier becoming a non-aligned independent member. The Deputy Lord Mayor advised that the implications of this change in terms of a consequent review of the political proportionality on committees would be dealt with under Urgent Business. The Deputy Lord Mayor said that he was chairing today's meeting as the Lord Mayor is on paternity leave following the arrival of his second son, Dylan Ian Alfred Wylie. The Deputy Lord Mayor passed on the Council's congratulations to both the Lord Mayor and the Lady Mayoress. The Deputy Lord Mayor read out two letters from the Lord Mayor;- one to advise members of the birth of his second son, Dylan and to advise that he had accepted on behalf of the office of Lord Mayor, the patronage of the King's Theatre; the second concerning the sad death of Felicity Sparshatt.

The Deputy Lord Mayor expressed heartfelt condolences to Honorary Alderman Robin Sparshatt following the extremely sad loss of his wife, the former Lady Mayoress, Felicity.

He also announced the death of former Fareham councillor John Thompson whose funeral would take place on 29 January at 2.00 pm.

Council stood for a moment's reflection.

4. Deputations from the Public under Standing Order No 24

The City Solicitor reminded the person making a deputation today that if he did not wish to be filmed, photographed or recorded when making his deputation he should indicate, in order that all present who may be intending to film, photograph or record proceedings could accede to his wishes.

The City Solicitor advised that one deputation request had been received in respect of agenda item 8, Budget and Performance Monitoring from Mr Les Cummings.

Mr Cummings made his deputation. The Deputy Lord Mayor thanked him for his deputation.

5. Questions from the Public under Standing Order 25

There were no questions from the public.

6. Appointments

The Deputy Lord Mayor advised that Councillor Hastings had been nominated to replace Councillor Godier as the UKIP spokesperson for the Cabinet Member for Children & Education portfolio. He also advised that Councillors Galloway and Hastings would become the UKIP standing deputies on the Transport, Environment & Community Safety Scrutiny Panel subject to the outcome of item 7. This was accepted.

7. Urgent Business - To receive and consider any urgent and important business from Members of the Cabinet in accordance with Standing Order No 26

It was

Proposed by Councillor Donna Jones
Seconded by Councillor Linda Symes

That the proposal on proportionality on committees and panels be adopted.

Upon being put to the vote, this was CARRIED.

RESOLVED

To adopt the overall political balance and allocation of seats schedule previously circulated under cover of report and letter dated 15 January, subject to and reflecting the inclusion of the following changes containing the expressed wishes of the relevant Group Leader where applicable.

That the UKIP seat on the Licensing Committee held by councillor Swan be replaced by Councillor Godier in his non-aligned independent Member capacity

That the UKIP seat on the Education, Children and Young People Scrutiny Panel held by Councillor Godier be retained by Councillor Godier in his non-aligned independent member capacity.

8. Cabinet Recommendations - To receive and consider the recommendations of the Cabinet meeting held on 4 December 2014

Minute 99 - Budget and Performance Monitoring 2014/15 (2nd Quarter) to end September 2014.

This was opposed to allow for a short discussion on the Port.

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It was

Proposed by Councillor Donna Jones
Seconded by Councillor Luke Stubbs

That the recommendations contained in Cabinet minute 99 be adopted.

Upon being put to the vote this was CARRIED.

RESOLVED that

- (i) **The contents of this report be noted, in particular the overall forecast overspend of £1,501,500 representing a variance of 0.9% against the City Council Budget (as adjusted) of £175,030,000.**
- (ii) **To enable the Children's & Education Portfolio to address the deficit against the Council approved cash limit, the Children's Social Care & Safeguarding savings proposals for 2015/16 totalling £1,917,000 outlined in Table 1 be noted.**
- (iii) **To remedy the historic underlying budget deficit relating to Parking within the Traffic & Transportation Portfolio, it be noted that an annual appropriation from the Parking Reserve in the amount of £400,000 per annum has been made.**
- (iv) **That the Council Leader works with the relevant portfolio holder to consider measures necessary to significantly reduce or eliminate the adverse budget position presently being forecast within Children & Education and Health & Social Care Portfolios and any necessary decisions presented to a future meeting of the relevant portfolio.**

9. Licensing Committee Recommendations - To receive and consider the recommendations of the Licensing Committee held on 13 January 2015

The following minute was approved unopposed.

Minute 5 - Local Government (Miscellaneous Provisions) Act 1982 and Highways Act 1980 - Provision of Highway Amenities - Delegation of Powers to the Licensing Committee and appropriate Head of Service in respect of Highway Amenity Matters.

10. Notices of Motion

Notice of Motion (a) - Volunteer Snow Wardens

It was

Proposed by Councillor Michael Andrewes
Seconded by Councillor Lynne Stagg

That this notice of motion be debated today. Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Michael Andrewes
Seconded by Councillor Lynne Stagg

That notice of motion (a) as set out on the agenda be adopted.

Following debate, upon being put to the vote this was CARRIED.

RESOLVED that

The council notes:

Many areas such as Lambeth, Waltham Forest, Edinburgh and Telford and Wrekin now operate a scheme for “snow angels” or snow volunteer wardens. This provides basic equipment and training to enable people to clear their pavements and help in times of snow and bad weather

This would give the city added resilience in times of bad weather and harness people’s desire to help out in these times and help reduce deaths during winter months when vulnerable and older people are at risk.

The costs for this are likely to fairly minimal and mostly capital expenditure in equipment and it would help prevent other costs to the council and public services.

The council therefore resolves:

To ask the Scrutiny Management Panel to undertake a short “task and finish” review of the idea and make a recommendation on whether and how to implement it and report to cabinet as quickly as possible given that there might be bad weather soon.

Notice of Motion (b) - Abolition of the Planning Inspectorate

It was

Proposed by Councillor Michael Andrewes
Seconded by Councillor Darren Sanders

That this notice of motion be debated today. Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Michael Andrewes
Seconded by Councillor Darren Sanders

That the notice of motion as set out on the agenda be adopted.

As an amendment to the notice of motion it was

Proposed by Councillor Luke Stubbs
Seconded by Councillor Stephen Hastings

To add last paragraph before "the council therefore resolves"

"Council further notes that provisions within National Planning Policy Framework, particularly the requirement to have a five year land supply, have weakened protections against poor quality or unwanted development, particularly on Greenfield sites. It also notes that recent changes to Permitted Development rights are undermining efforts to protect employment space and local commercial centres."

Add new paragraph after '...curtailing the power of the Planning Inspectorate.'

"To support efforts to reform the National Planning Policy Framework rules on land supply rules and permitted development."

Add new paragraphs at the end of the motion

"The Council requests the Leader of the Council to write to Brandon Lewis MP, Minister of State responsible for Housing and Planning, inviting him to visit the City to observe the St James' Milton development. Additionally, the Leader of the Council be requested to write to the relevant Government Minister requesting a national list be compiled of former industrial sites that could potentially be suitable for residential development."

Councillor Andrewes (as the original mover of the motion) agreed to accept this amendment which therefore became the substantive motion. Following debate, upon the substantive motion being put to the vote this was CARRIED.

RESOLVED that

The council notes:

Nick Herbert, MP has said that he will table amendments to legislation going through Parliament to abolish, or at the very least curtail, the power of the Planning Inspectorate, to prevent it from making didactic interventions in the planning process, ensuring communities have tighter control over development.

The planning appeal process is "one-sided" in that only applicants can appeal a decision made by a local Planning Authority and not objectors

There is widespread cross-party consensus for decisions to be taken as close to local communities as possible.

**The coalition Government's localism agenda to devolve power
The vast majority of planning decisions are taken locally both in Portsmouth and across the country.**

Local councils and councillors are best placed to have first-hand knowledge of their local communities. Local councils have in planning decisions to make decisions that are both in line with planning law and regulations and local policies and plan and also that are "reasonable".

Individual decisions by planning inspectors seem sometimes to be contradictory.

Council further notes that provisions within National Planning Policy Framework, particularly the requirement to have a five year land supply, have weakened protections against poor quality or unwanted development, particularly on Greenfield sites. It also notes that recent changes to Permitted Development rights are undermining efforts to protect employment space and local commercial centres.

The council therefore resolves:

To support the spirit of those amendments that Nick Herbert, MP has outlined he will introduce of abolishing or curtailing the power of the Planning Inspectorate.

To support efforts to reform the National Planning Policy Framework rules on land supply rules and permitted development.

That Portsmouth City Council encourages other councils to take a similar position

The Chief Executive writes to the Secretary of State for Communities and Local Government stating its support for this policy

And the Council requests that a letter is sent from the Leader of the Council and other group leaders and councillors should they so wish to the Secretary of State for Communities and Local Government outlining the council's support for such a policy

That the Local Government Association is asked to lobby for such a policy

That the Chief Executive writes to local MPs asking them to support such a policy and any amendments introduced in Parliament to abolish or curtail the power of the Planning Inspectorate.

The Council requests the Leader of the Council to write to Brandon Lewis MP, Minister of State responsible for Housing and Planning, inviting him to visit the City to observe the St James' Milton development

Additionally, the Leader of the Council be requested to write to the relevant Government Minister requesting a national list be compiled of

former industrial sites that could potentially be suitable for residential development

Notice of Motion (c) - Combined Authority

It was

Proposed by Councillor Darren Sanders
Seconded by Councillor Michael Andrewes

That this notice of motion be debated today. Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Darren Sanders
Seconded by Councillor Michael Andrewes

That the notice of motion as set out on the agenda be adopted.

As an amendment it was

Proposed by Councillor Matthew Winnington
Seconded by Councillor Leo Madden

That the final paragraph be amended to read "and finally if the city council is unable to get an assurance that Portsmouth would be able to obtain a veto over Portsmouth decisions, and it still wishes to enter into a combined authority, then subject to a report back to full council, the matter of whether or not the City Council enters into a Combined Authority is put to the people of Portsmouth in a non-binding referendum at an approximate cost of £108,000 and that the Cabinet Member for Resources be requested to fund the cost from a release from the Portfolio Reserve."

As an amendment to the notice of motion it was

Proposed by Councillor Donna Jones
Seconded by Councillor John Ferrett

That the fifth and sixth paragraphs be amended by the insertion of the highlighted words and deletion of the words in the sixth paragraph that have been lined through.

The City Council recommends to the Cabinet that decision making about services in Portsmouth should be decided within Portsmouth. So Portsmouth decisions are made by Portsmouth people. Any sharing of decision making within a Solent Combined Authority on issues such as transport, planning, housing numbers and economic development should **if at all possible** always include an ability for Portsmouth City Council to veto any decision made by any Combined Authority with which it does not agree and that **the Council explore the viability and lawfulness of vetoes being applied for**

combined authorities and that as part of this we lobby the Secretary of State to give councils this power . Irrespective of the outcome the City Council also recommends to Cabinet that all decisions relating to Portsmouth and decisions of the combined authority are reported to Full Council.

And finally if the City Council is unable to get an assurance that Portsmouth would be able to obtain a veto over Portsmouth decisions, the City Council **asks the Cabinet to review its position on joining a combined authority.** ~~takes the view that it is not in favour of joining a combined authority and would recommend to the Cabinet that that we do not proceed.~~

Following debate, Councillor Darren Sanders (as the original mover of the motion) agreed to accept the amendment standing in the name of Councillor Winnington.

Upon the amendment standing in the name of Councillor Donna Jones being put to the vote this was CARRIED. Upon the substantive motion (incorporating the amendment from Councillor Jones) being put to the vote this was CARRIED.

RESOLVED that

"The City Council recognises that there are several areas where Portsmouth City Council works with other councils on a voluntary basis. These organisations, such as the Partnership for Urban South Hampshire, the Solent Local Economic Partnership and Solent Transport have helped Portsmouth work with our neighbouring councils, but on a voluntary basis.

The City Council notes the enthusiasm of the Government and the current Administration at Portsmouth City Council for Combined Authorities to include Portsmouth, Southampton and the councils in the surrounding areas.

The City Council welcomes any move from Government to pass down powers, responsibilities and funding from Whitehall down to local councils. The UK has the most centralised system of Government in western Europe and this causes many poor decisions, and much waste of public resource.

The City Council is also aware that the restoration in 1997 of full powers to Portsmouth City Council and the removal of decision making about Portsmouth from Hampshire County Council in Winchester has been welcomed by almost all Portsmouth citizens. It means local people know where decisions about Portsmouth are made.

The City Council recommends to the Cabinet that decision making about services in Portsmouth should be decided within Portsmouth. So Portsmouth decisions are made by Portsmouth people. Any sharing of decision making within a Solent Combined Authority on issues such as transport, planning, housing numbers and economic development

should if at all possible always include an ability for Portsmouth City Council to veto any decision made by any Combined Authority with which it does not agree and that the Council explore the viability and lawfulness of vetoes being applied for combined authorities and that as part of this we lobby the Secretary of State to give councils this power. Irrespective of the outcome the City Council also recommends to Cabinet that all decisions relating to Portsmouth and decisions of the combined authority are reported to Full Council.

And finally if the City Council is unable to get an assurance that Portsmouth would be able to obtain a veto over Portsmouth decisions, the City Council asks the Cabinet to review its position on joining a combined authority".

Notion of Motion (d) - Committee System

It was

Proposed by Councillor Darren Sanders
Seconded by Councillor Hugh Mason

That this notice of motion be debated today. Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Darren Sanders
Seconded by Councillor Hugh Mason

That the notice of motion as set out on the agenda be adopted.

As an amendment to the notice of motion it was

Proposed by Councillor Donna Jones
Seconded by Councillor John Ferrett

After the words "look at" in the first line of the first paragraph insert

" how other authorities decision making processes work on a without commitment basis to see if any best practices could potentially be applied to improve further the Council's -governance arrangements and asks the officers to report to the Governance and Audit and Standards Committee in due course if following this research, any such practices are deemed worthy and suitable for consideration on the basis that they are at least cost neutral.

Such an approach and research will have regard to and be mindful of the fact that a committee system of governance is an inherently more expensive form of decision making and would therefore lead to an increase in the cost of democracy at a time when the council is taking steps to reduce such costs".

Delete the remainder of paragraph one from the words "moving towards" and all the subsequent paragraphs, so that the amended motion reads

"The City Council wishes to look at how other authorities decision making processes work on a without commitment basis to see if any best practices could potentially be applied to improve further the Council's governance arrangements and asks the officers to report to the Governance and Audit and Standards Committee in due course if following this research, any such practices are deemed worthy and suitable for consideration on the basis that they are at least cost neutral.

Such an approach and research will have regard to and be mindful of the fact that a committee system of governance is an inherently more expensive form of decision making and would therefore lead to an increase in the cost of democracy at a time when the council is taking steps to reduce such costs".

Following debate, upon the amendment standing in the name of Councillor Jones being put to the vote this was LOST. Upon the original notice of motion as set out on the agenda being put to the vote, this was CARRIED.

RESOLVED that

The City Council wishes to look at moving towards a committee system of decision making in Portsmouth City Council. Governance and Audit and Standards are asked to work up a cost neutral way of bringing in a committee system in the future, learning from the experience both in Portsmouth and other authorities who have made the transition.

In the event that Council in due course decides to move to a new committee system and to enable this to be done in a timely fashion and to be able to learn from experience, the City Council resolves to move to a system of shadow committees for the municipal year 2015-2016, the shadow system should also be cost neutral.

The shadow committees would shadow each cabinet member and meetings would take place with the same agenda as for cabinet members' individual portfolio meetings but before that meeting. Cabinet members would be invited to attend and can be part of the shadow committees. The formal decision making would take place after the shadow committee has met. Shadow committees be cross party and proportionate, but the cabinet member would retain the formal decision making power during the transitional year. There will also be a shadow committee for full cabinet, which in a full committee system would become a policy and resources committee.

Governance and Audit to report back on a shadow system for 2015-16 at the March 2015 Council Meeting.

11. Questions from Members under Standing Order No 17

There were nine questions before council.

Question No 1 was from Councillor Alicia Denny

"Now that the Centros development project for the Northern Quarter has been abandoned, can the Cabinet Member for Culture, Leisure and Sport tell the people of Portsmouth how, where and when the Richard Lancelyn Green bequest of Sherlock Holmes and Conan Doyle memorabilia will be put on suitable public display? Does she agree that this extremely valuable collection should be available for all to appreciate and as a priceless addition to the tourist attractions of our historic city?"

This and supplementary questions were answered by the Cabinet Member for Culture, Leisure and Sport, Councillor Linda Symes.

Question No 2 was from Councillor Lynne Stagg

I would like to put a question to the Leader of the Council at the next full council meeting. The question is "When is the leader of the council going to apologise for erroneously claiming to the media that the new Mountbatten Centre pool was 2 ins. short of the 50 metres needed for an Olympic pool?"

This and supplementary questions were answered by the Leader of the Council, Councillor Donna Jones.

Question No 3 was from Councillor Gerald Vernon-Jackson

"What will the arrangements from April be for people who have bulky items to get rid but who cannot afford the council's charge for removal of these items?"

This and supplementary questions were answered by the Leader of the Council, Councillor Donna Jones (as the Cabinet Member for Environment & Community Safety had given apologies for this meeting).

Question No 4 was from Councillor Stephen Hastings

"Could the Leader please give us an update on what is happening with regard to the banning of Legal High's since letters were sent by herself and UKIP to ministers and how soon we can expect these substances to be off our streets for good."

This was answered by the Leader of the Council, Councillor Donna Jones.

The Deputy Lord Mayor advised that the 45 minutes allowed for questions expired before questions 5, 6, 7, 8 and 9 could be put and so in accordance with Standing Order 17(h) written replies to these questions would be circulated to members.

The meeting concluded at 8.00 pm.

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Lord Mayor