

Portsmouth City Council

A MEETING OF THE COUNCIL will be held at the Council Chamber - The Guildhall on Tuesday, 17 March 2015 at 2.00 pm and all members of the council are hereby summoned to attend to consider and resolve upon the following business:-

Agenda

- 1 **Members' Interests**
- 2 **To approve as a correct record the Minutes of** (Pages 1 - 52)
 - the Meeting of the Council held on 10 February 2015.
- 3 **To receive such communications as the Lord Mayor may desire to lay before the Council, including apologies for absence.**
- 4 **Deputations from the Public under Standing Order No 24.**
- 5 **Questions from the Public under Standing Order 25.**
- 6 **Appointments**
- 7 **Urgent Business - To receive and consider any urgent and important business from Members of the Cabinet in accordance with Standing Order No 26.**
- 8 **Treasury Management Policy for 2015/16 (Cabinet Minute 22 refers)** (Pages 53 - 112)

Cabinet recommendations - To receive and consider the attached report and recommendations of the Cabinet held on 5 March 2015 in respect of the above matter.
- 9 **Budget and Performance Management 2014/15 third Quarter (Cabinet Minute 23 refers) (for noting)** (Pages 113 - 152)

Cabinet recommendations - To receive and consider the attached report and recommendations of the Cabinet held on 5 March 2015 in respect of the above matter.
- 10 **Local Transport Plan Phase 3 Implementation Plan 2015/16 (Cabinet Minute 17 refers)** (Pages 153 - 160)

Cabinet recommendations - To receive and consider the attached report and recommendations of the Cabinet held on 5 March 2015 in respect of the above matter.

11 Delivering Replacement Housing Programme Phase 2 (Pages 161 - 166)

Cabinet Member for Housing recommendations - To receive and consider the attached report, together with the recommendations (to follow) of the Cabinet Member for Housing held on 16 March 2015 in respect of the above matter.

12 Pay Policy Statement 2015/16 (Employment Committee minute 6 refers) (Pages 167 - 178)

Employment Committee recommendations - To receive and consider the attached report and recommendations of the Employment Committee held on 6 January 2015, in respect of the above matter, as updated in respect of the statement, under the agreed delegated arrangements to take account of changes resulting from senior management review.

13 Shadow Committee System - Response from Governance and Audit and Standards Committee (Governance & Audit & Standards Committee Minute 17 refers) (Pages 179 - 180)

Governance & Audit & Standards Committee recommendations - To receive and consider the attached recommendations of the Governance & Audit & Standards Committee held on 27 February in respect of the above matter.

14 Health and Wellbeing Board - Change to Constitution (Pages 181 - 188)

Governance & Audit & Standards Committee recommendations - To receive and consider the recommendations of the Governance & Audit & Standards Committee held on 13 March 2015 in respect of the above matter, the report for which is attached (recommendations to follow).

15 Review of Members' Code of Conduct and Committee Arrangements for Assessment, Investigation and Determination of Complaints (Pages 189 - 216)

Governance & Audit & Standards Committee recommendations - To receive and consider the recommendations of the Governance & Audit & Standards Committee held on 13 March 2015 in respect of the above matter, the report for which is attached (recommendations to follow).

16 Notices of Motion

(a) Sewage in Langstone Harbour

Proposed by Councillor Steve Hastings
Seconded by Councillor Stuart Potter

This council requests that the Leader writes to Sir Philip Dilley, the Chairman of the Environment Agency Board of Governors and to The Right Honourable Elizabeth Truss, the current Secretary of State for Environment Food and Rural Affairs to ask why the residents of Portsmouth City have to put up with a continuous flow of sewage into Langstone Harbour which affects the whole of our waterside sports and industries. This raw sewage disposal has shut down our fishing industry due to a health risk on our sea beds. Also what fines, if any,

finances have been levied on Southern Water for this regular discharging of raw sewage.

(b) Stamshaw Junior School becoming an Academy

Proposed by Councillor Leo Madden
Seconded by Councillor Darren Sanders

Council deplores the lack of meaningful consultation over the proposed transfer of Stamshaw Junior School to sponsored academy status.

Council asks that the Cabinet Member for Children's Services writes to the Education Secretary, saying that any decision to give Stamshaw Junior School sponsored academy status under the auspices of Portswood Primary School is not implemented until there has been full, proper and meaningful consultation with staff, governors and parents on the way forward for the school in the light of the OFSTED inspection.

(c) Moving the Isle of Wight vehicle ferry terminal

Proposed by Councillor Denny
Seconded by Councillor Hastings

Council asks Cabinet to consider encouraging Wightlink to move its vehicle operations from The Camber to the Continental Ferry Port and report back to councillors as soon as possible. Such a move would have benefits in removing a large number of vehicle movements from the city centre and release valuable land at The Camber for commercial re-development such as a five-star hotel. Wightlink would have better facilities for docking, customers would have better road links via the M275 and under-used facilities at the Continental Ferry Port would have increased business.

**(d) Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Hugh Mason**

The City Council has always taken the view that the decision by Ministers in the Ministry of Defence to allow BAe to move naval shipbuilding away from Portsmouth was wrong. The loss of about 1,000 good quality engineering jobs was very bad for the city, and for the country.

Extra jobs coming into Portsmouth from the City Deal, from BAe and from defence investment are all welcome and are to be applauded. The Prime Ministers undertaking to bring shipbuilding back into the dockyard is also very welcome. The basing of the carriers here in Portsmouth should mean that the navalbase is secure for the lifetime of these ships, 40 to 50 years.

In February the Prime Minister announced that two firms will be

moving into the shipbuilding hall in the dockyard. He said this brought shipbuilding back to the city.

Closer examination shows that whilst Magma International may be creating some new jobs in their work on structures for super yachts, the BAe minehunter work moving into the shipbuilding hall is work that is currently being undertaken elsewhere in the dockyard and that there will be no new jobs created, nor new ships built unless orders are placed. No orders have been placed, so the ship building hall will have the potential to build ships, but there are no orders to do so.

The City Council therefore does not believe that the Prime Minister has kept his undertaking to the City to bring shipbuilding back to Portsmouth.

In 1979 when Mrs Thatcher came to power the Royal Navy had 59 frigates and destroyers. They now have just 19. The City Council is also concerned that neither the Prime Minister or the Chancellor were prepared to say that the Royal Navy would be able to replace the current 13 frigates with 13 new Type 26 frigates. It is also concerned that the Chancellor announced that only some of the new frigates would be based in Portsmouth.

The City Council therefore requests that the Leader of the City Council write to the Prime Minister by the end of this current week to ask him when he will make good his undertaking to the city of Portsmouth that shipbuilding will come back to the dockyard in Portsmouth, and to copy that letter and any answer received to all members of the Council.

- (e) Proposed by Councillor Hugh Mason
Seconded by Councillor Ben Dowling

Council notes that Portsmouth has been amongst the top half dozen cities in the UK for job growth over the last decade and appreciates the work which has been done by Council officers as well as by PUSH and the LEP in achieving this growth. The growth in high technology engineering and scientific jobs is especially to be welcomed.

Council recognises that there is still great potential for high technology manufacturing development both within the City and on sites owned by the City in the proximity but that the City faces intense competition for investment in this sector from other areas in the south of the country.

Council therefore requests the Cabinet Member for Planning, Regeneration and Economic Development to establish a cross party working group comprising officers and members to work with stakeholders in the City to develop strategies for promoting investment in the advanced engineering and scientific manufacturing sectors in order to keep this City at the forefront of the national

economy.

(f) Allotments

Proposed by Councillor Lee Hunt
Seconded by Cllr Vernon-Jackson

This Council urges the Cabinet Member for Culture, Leisure and Sport to reconsider her 6th February 2015 allotment charges rise.

**(g) Proposed by Councillor Alistair Thompson
Seconded by Councillor Steve Wemyss**

The City Council is deeply concerned changes in member training do not reflect the findings of the Pascoe report. This report identified serious failings in a former member's behaviour.

As the report's author said "I consider that the prima facie evidence of his unwelcome sexual approaches remains unquestionably a very serious matter in the light of the position which he holds and his knowledge from the beginning of the vulnerability of [the complainant].

"No one in public life should allow themselves to act in such an irresponsible and damaging way."

This behaviour had been reported to the Council on numerous occasions and yet some members and officers failed to take action to support the complainant, a vulnerable adult, indeed at least one member even said that the vulnerable adult was "just trying to get some money". In her victim impact statement the lady criticised these comments along with others from serving members of the Liberal Democrat Group, saying she believed some member had sort to "publically discredit both myself and my motives for bringing an action...".

The City Council is committed to making sure that this problem or similar incidents can never occur again.

The City Council therefore instructs the Monitoring Officer to take a report to a future G&A&S Committee. This report should update all members on the changes put in place following this incident, identify suitable external safeguarding vulnerable adult and children training courses, cost and how to funding new member attendance on these.

Furthermore the City Council requests the G&A&S Committee to examine whether members of the Council can be barred any committee, or position that might bring them into contact with vulnerable people until they have undertaken this training.

Finally the Council believes that if this is possible, this should be

applied to those current members of the Liberal Democrat Group who commented on this particular case and contributed to the distress and upset of this vulnerable adult.

(h) Proposed Councillor Alistair Thompson
Seconded by Councillor Steve Wemyss

The City Council is deeply concerned at the growth of legal highs or New Psychoactive Substances, (NPS). According to a recent study up to one in 12 young people, over 670,000 15-24 year olds have already tried a legal high and this number is predicted to increase.

New Psychoactive Substances are responsible for a growing number of deaths and hospital admittances as the number of NPS flooding the market rises.

It has been reported 6,486 people were treated in 2011/12 for abusing these drugs, an increase of 39 per cent since 2005/06. 43 young people died nationally in 2010 an eight-fold increase on the previous year. By 2012 the number of deaths had risen to 97, with more than 60 young people losing their lives.

Given the rapid increase in the number of associated problems caused by the proliferation of NPS, the City Council instructs the City Solicitor to prepare a report on the introduction and enforceability of Public Space Protection Order (PSPO) as in Lincoln.

The report would detail any associated costs and how this order would prevent the ingestion of NPS in all public spaces, in particular, all open spaces, on the street or on any Council owned property.

(i) Fares on buses in Portsmouth

Proposed by Councillor Michael Andrewes
Seconded by Councillor Matthew Winnington

Council welcomes:

The money obtained from national government by the previous council administration to improve public transport infrastructure in Portsmouth and the My Travel Portsmouth project

Council notes:

The current annual rate of inflation is 0.3% and that the cost of diesel has fallen by over 10% since January 2014 and that as a result the Chief Secretary to the Treasury has written to the five major bus companies saying that they should reduce their fares.

That bus companies are reporting large profits.

However despite this First Bus have increased their individual fares,

increasing some by approximately 6%, more than 20 times the rate of inflation and some season ticket prices including the three month season ticket by over 3%, more than 10 times the rate of inflation.

Council resolves:

To request that the Chief Executive writes to First Bus expressing the council's disappointment over the increase in its fares and that he also writes to both First Bus and Stagecoach urging them to reduce fares.

To ask that Scrutiny Management Panel holds a meeting on bus fares as soon as possible and ideally in March and invites representatives of First Bus, Stagecoach and bus passengers to that meeting.

To ask the Cabinet to work with the bus companies towards promoting and extending innovative ticketing solutions such as Solent Go card, mobile phone ticketing and improving and promoting bus travel generally

(j) Retaliatory Evictions

Proposed by Councillor Michael Andrewes
Seconded by Councillor Leo Madden

The council notes

The large number of Portsmouth residents who rent in the private sector

The need to protect residents who rent in the private sector from "retaliatory evictions" where they have asked for a legitimate repair and their landlord then evicts them.

That the vast majority of private landlords are responsible and the council has a long and constructive history of working with them for their and their tenants' benefit.

The increasingly widespread practice of "retaliatory evictions" or eviction when the tenant has asked for a legitimate repair to be made.

The council welcomes

The amendments put in to the Deregulation Bill by the Government to prevent retaliatory evictions, following the private members' bill by Sarah Teather, MP

The council resolves

To support the amendments on retaliatory evictions

Ask the Chief Executive to write to Portsmouth MPs asking them to support the amendments in the last parliamentary stages

To ask the Cabinet to a. highlight and publicise the changes in a future issue of Flagship and b. ask the Council's officers to work with tenants and landlords to practically implement the changes and improvements to tenants' rights on retaliatory evictions and other changes when they become law.

(k) Animal Welfare

Proposed by Councillor Michael Andrewes
Seconded by Councillor Lynne Stagg

The City Council notes:

That Portsmouth residents are concerned about high standards of animal welfare and expects the council to do all that it can to promote, safeguard and encourage these high standards

The model compassionate charter on animal welfare for councils promoted by Animal Aid

The City Council resolves to ask the Licensing Committee and Cabinet where appropriate to

uphold the welfare of animals and to introduce policies that safeguard their rights generally in its work and specifically by adopting an updated animal welfare charter.

Publish the charter on its website and in a forthcoming issue of Flagship and to review the charter every two years in the light of new legislation and work on animal welfare.

Publish a report to council on what steps it has taken to implement the charter with a summary published in Flagship and on its website every two years.

Portsmouth City Council resolves to ask the Licensing Committee and Cabinet where appropriate to adopt the following animal welfare charter:

1. To oppose vivisection by ensuring that chemicals used on Portsmouth City Council premises have not been tested on animals through clauses in future tenders for cleaning services and to support moves to ban all experimental procedures concerned with cosmetics and the use of animals for other purposes where non-animal methodologies exist
2. To ban circuses on Portsmouth City Council owned land that feature animals other than horses, ponies, guard dogs or

domesticated animals

3. To discourage the use of animals as prizes on land owned by Portsmouth City Council
4. To work with partners in the city, such as the RSPCA and local vets, to encourage responsible pet ownership via measures including:
 - a. Promoting the neutering of households pets.
 - b. Encouraging practices such as micro-chipping, worming, de-fleeing, regular vaccinations, nail clipping and dental hygiene.
 - c. Educating residents about responsible ownership of exotic animals and the challenges they pose.
 - d. Supporting community action events held by the RSPCA and other animal welfare organisations
 - e. Supporting educational campaigns to promote responsible dog ownership and knowledge of the bylaws and Central Government legislation;
5. To condemn the production, sale and consumption of foie gras.
6. Support the ban on the sale of wild animal skins
7. Ensure the sale of animals or livestock on PCC land is strictly prohibited; permit the show or display of animals on PCC land only with prior written consent (Animals maybe subject to inspection by PCC appointed vets or animal welfare organisations) and ensure compliance with animal gatherings legislation where animals are brought together for a show or exhibition on PCC land.
8. To work to ensure any Mayoral and ceremonial robes do not contain real fur.
9. To use only humane methods of pest control for managing populations of birds and small mammals and ensure all pest control treatments by the City Council are carried out humanely by trained and experienced personnel
10. To work with partners to promote information initiatives designed to educate residents about humane methods of pest control at home.
11. To promote the safe disposal of everyday items that pose a danger to animals, including plastic bags, balloons, tin cans, glass bottles and elastic bands

(I) The cost of democracy - Proposed move to Whole Council Elections once every four years.

Proposed by Councillor Rob New
Seconded by Councillor Lee Mason

This council recognises the unprecedented budgetary pressures faced by local government. It acknowledges the need to make savings across all areas of expenditure, including from the political administration of the council.

Council is also concerned that annual elections are expensive to administer and can encourage political short termism, whereby difficult but necessary decisions are put off for fear of the electoral consequences. It notes however that the electoral cycle can only be changed by a two thirds majority vote following a period of public consultation and that conducting such consultation would involve a cost.

Consequently, the Council requests that Democratic Services write to every member of the council to ask whether or not they would be in favour of a change to all out elections to establish whether the requisite two thirds of members of the council would support this change. The views of Members in the new municipal year will also be sought

Having regard to the Member consultation, the Governance and Audit and Standards Committee be asked to consider and report back to Council on the necessary actions and process that needs to be followed, including the proposed public consultation arrangements, with a view to replacing the current system of councillor elections by thirds (elections being held three years in every four) to whole-Council elections (all council seats to be up for election once every four years), and for such changes to come into operation as soon as practicable.

17 Questions from Members under Standing Order No 17. (Pages 217 - 222)

18 Start time of the Annual Council meeting

Following discussion with the Lord Mayor, Deputy Lord Mayor, Leader of the Council and other Group Leaders, approval is sought to the start time of the Annual Council meeting on 19 May 2015, being brought forward to 10am with Standing Order 7 - Time of meetings being waived to enable this.

David Williams
Chief Executive

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Full Council meetings are digitally recorded, audio only.

Civic Offices
Guildhall Square
PORTSMOUTH
9 March 2015