

Portsmouth City Council

A MEETING OF THE COUNCIL will be held at the Council Chamber - The Guildhall on Tuesday, 7 July 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 - 22)**
 - the Annual Meeting of the Council held on 19 May 2015 and
 - the Adjourned Meeting of the Council held on 19 May 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 Isle of Wight Ferry Terminal re Notice of Motion Referral (Cabinet Minute 32 refers) (Pages 23 - 26)**

To receive and consider the attached report and recommendations of the Cabinet held on 11 June.

- 9 Dunsbury Hill Farm (part exempt) (Cabinet Minute 37 refers) (Pages 27 - 48)**

To receive and consider the attached open report and recommendations of the Cabinet held on 11 June

The main exempt report and appendix 2 is under paragraph 3 so Council will need to move into exempt business by resolving to exclude the press and public if it wishes to discuss these at that time.

(Paragraph 3 relates to information relating to the financial or business affairs of any particular person or authority)

“that, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded for the consideration of the following item on the grounds that the report(s) contain information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972”.

The public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012, regulation 5, the reasons for exemption of the listed item is shown above.

(NB The exempt/confidential committee papers on the agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. Members are reminded of standing order restrictions on the disclosure of exempt information and are invited to return their exempt documentation at the conclusion of the meeting for shredding.)

10 Friendship Agreement Notice of Motion Referral (Pages 49 - 54)

To receive and consider the attached report of the Cabinet held on 3 July, the recommendations for which will follow.

11 Property Investment Strategy 2015/16 - 2019/20 (Pages 55 - 70)

To receive and consider the attached report of the Cabinet held on 3 July, the recommendations for which will follow.

12 Animal Welfare - Notice of Motion Referral (Pages 71 - 74)

To receive and consider the attached report of the Cabinet held on 3 July, the recommendations for which will follow.

13 Developing Proposals for Devolved Powers and Responsibilities (Pages 75 - 92)

To receive and consider the attached report of the Cabinet held on 3 July, the recommendations for which will follow.

14 Changes to the Designated Independent Person Dismissal Procedures (Governance & Audit & Standards Committee Minute 43 refers) (Pages 93 - 112)

To receive and consider the attached report and recommendations of the Governance & Audit & Standards Committee held on 26 June.

15 Planning Code of Conduct (Governance & Audit & Standards Committee Minute 47 refers) (Pages 113 - 142)

To receive and consider the attached report and recommendations of the Governance & Audit & Standards Committee held on 26 June.

16 Notices of Motion

(a) The commitments of the Ethical Care Charter

Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Lynne Stagg

Recognising that adoption of the Charter would be a decision reserved to the Executive, Full Council expresses its support for the objectives of the Ethical Care Charter in principle, subject to any formal adoption being considered by the Cabinet, should it so wish, once it has received a detailed report analysing the implications of adoption for clients, as well as the financial implications.

Stage 1

- The starting point for commissioning of visits will be client need and not minutes or tasks. Workers will have the freedom to provide appropriate care and will be given time to talk to their clients.
- The time allocated to visits will match the needs of the clients. In general, 15-minute visits will not be used as they undermine the dignity of the clients.
- Homecare workers will be paid for their travel time, their travel costs and other necessary expenses such as mobile phones.
- Visits will be scheduled so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time.
- Those homecare workers who are eligible must be paid statutory sick pay.

Stage 2

- Clients will be allocated the same homecare worker(s) wherever possible.
- Zero hour contracts will not be used in place of permanent contracts.
- Providers will have a clear and accountable procedure for following up staff concerns about their clients' wellbeing.
- All homecare workers will be regularly trained to the necessary standard to provide a good service (at no cost to themselves and in work time).
- Homecare workers will be given the opportunity to regularly meet co-workers to share best practice and limit their isolation.

Stage 3

- All homecare workers will be paid at least the Living Wage (as of November 2013 it is currently £7.85 an hour for the whole of the UK apart from London. For London it is £9.15 an hour. The Living Wage will be calculated again in November 2015 and in each subsequent November). If Council employed homecare workers paid above this rate are outsourced it should be on the basis that the provider is required, and is funded, to maintain these pay

- levels throughout the contract.
- All homecare workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressurised to work when they are ill in order to protect the welfare of their vulnerable clients.

When homecare services are well run they can help to ensure that people are able to live with dignity and in comfort. But when they are delivered poorly they can have a devastating impact on the lives of care recipients and their families.

The over-riding objective behind the Charter is to establish a minimum baseline for the safety, quality and dignity of care by ensuring employment conditions which a) do not routinely short change clients and b) ensure the recruitment and retention of a more stable workforce through more sustainable pay, conditions and training levels.

- (b)** Proposed by Councillor Steve Hastings
Seconded by Councillor Linda Symes

The Council expresses its thanks to our communication and marketing team for their hard work in securing an offer of sponsorship for the Spinnaker Tower.

- (c) St George's Day**

Proposed by Councillor Colin Galloway
Seconded by Councillor Stuart Potter

This year, Nottingham Council celebrated St George's Day with a parade. What made this event so unusual is firstly, the fact that people of Nottingham showed vague feelings of patriotism and secondly that the festivities were enjoyed by all even though it was not recognised as a public holiday.

Meanwhile down in Portsmouth the city council held a full council meeting on the 17th March and some councillors had the temerity to appear in the Chamber flaunting various shades of green - a sign of respect to the patron saint of Ireland, St Patrick because 17 March is more commonly known as St Patrick's Day

At a recent unofficial survey, in and around parts of Portsmouth, people were asked when was St Patrick's Day and when was St George's Day. 17% could identify St Patrick's Day and not one could give the date for poor old St George.

Here is a controversial anomaly - Northern Ireland is a very proud part of the United Kingdom - the UNITED Kingdom. On the 17 March - every year St Patrick's Day is celebrated on that day which has been declared to be a bank holiday in the Republic of Ireland and Northern Ireland. Imagine that. A public holiday to celebrate a patron

saint.

Now, more than ever, it is time to be proud and patriotic. We should not shy away from what we are.

The council therefore resolves to request the Cabinet:

To ask the Events Team to report to the Cabinet on proposals and associated costs to ensure that St George's Day is celebrated in a manner befitting a patron saint and to make all the necessary arrangements to involve everyone in Portsmouth to help celebrate the occasion and to write to the relevant Department in Central Government to promulgate a public holiday for all patron saint's days within our united kingdom.

(d) King Richard's School

Proposed by Councillor John Ferrett
Seconded by Councillor Aiden Gray

This Council welcomes the decision to rebuild King Richard's School. However, the failure by central government to provide sufficient funding to build a school of the size required by the local community is extremely worrying. Indeed, it would appear an absurdity to spend up to £9 million on a new building which will then not be able to accommodate all the children in Paulsgrove who need a secondary school place.

The council's position has been made clear to its own Corporate Projects Board, in that a school of 900 places will be of an insufficient size. Furthermore, it could lead to Portsmouth City Council being unable to deliver upon its statutory duty in respect of the provision of secondary school places. Despite this central government has still refused to release the necessary funding required.

This council calls upon the Council Leader to write to the Minister for Portsmouth and ask that he intervene in this matter and secure the necessary funding from central government to enable the appropriate number of school places to be provided at the new King Richard's school.

(e) Budget

Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Hugh Mason

The City Council recognises that there will be a budget on the 8th July. The City Council recognises that there may well be decisions in the budget that affect local families and wishes to record its view.

We call on the city's MPs and the Leader of the Council to lobby the Chancellor on the following areas on behalf of the people of the city

of Portsmouth.

1. Everyone now recognises that problems in the NHS have been made much worse by the huge cuts in social services for the elderly and for those with disabilities. The 40% cut to council's grants have pushed many councils including Portsmouth into making cuts to social services. These cuts have gone as far as they can do without real problems being caused to social services and to the NHS so we hope that council budgets will be protected.

2. Support for families on low pay and for people with health and disability problems should be protected from cuts. Portsmouth has a high level of families who work hard but are on low incomes. We also have people with real problems with their health and their disabilities. We hope that these families are protected from additional cuts that can make a huge difference to their lives.

3. Police budgets have been significantly cut and we hope that this does not continue. In Portsmouth now on some evenings we have just a handful of Police to look after the city. Further cuts would put even this limited cover at risk.

4. We are really pleased that schools budgets will be protected, but access to sixth form and university education is the route to bring families out of poverty and to drive the economy of this country and this country forward. Cuts to maintenance grants to students from the poorest families in Portsmouth and to further education colleges will hurt those who can bring their families out of poverty and bring the country highly skilled workers that this country desperately needs. Cuts here will hurt our economy and mean that the UK will have to import more workers from abroad to fill these skilled jobs.

5. Defence and the Royal Navy are an essential part of the economy of Portsmouth. The cut of £500 million from this year's budget is not good for the Navy. It is the cost of a whole new frigate. Any further cuts to the Navy will be bad for Portsmouth and for the UK.

(f) Proposed by Councillor Lee Hunt
Seconded by Councillor Ben Dowling

"This Council regrets the way this Administration has handled the Emirates Tower deal".

(g) Proposed by Councillor Matthew Winnington
Seconded by Councillor Darren Sanders

Portsmouth is highly densely populated with a large number of conservation areas so has a need to control what is built where to continue to have a city that residents can be proud of. It is with dismay that Portsmouth residents see planning decisions taken by their democratically elected representatives overturned by unelected central government officials time and time again.

Therefore:

1) This Council believes that planning decisions made locally by the Portsmouth City Council Planning Committee should not be able to be overturned by the unelected officials of the Planning Inspectorate.

2) Any appeals against planning permission refusal should be heard locally by councillors not involved in the original Planning Committee decision.

3) To attain the above this Council calls on a letter to be sent to the Secretary of State for Communities and Local Government and the Minister for Portsmouth asking for these powers to be devolved from Central Government to Portsmouth City Council and therefore give our City and its people full responsibility and final say over future development in Portsmouth.

(h) Fracking

Proposed by Councillor Hugh Mason
Seconded by Councillor Darren Sanders

Council notes that the recently published draft supplementary planning document on oil and gas development in Hampshire (June 2015) reiterates a policy statement, from the Hampshire Minerals and Waste Plan, that "there will be a presumption in favour of sustainable oil and gas developments unless material considerations indicate otherwise" (p54). Council also notes the recent report of the House of Commons Environmental Audit Committee on the Environmental Risks of Fracking (HC 856 - January 2015) which recommended a moratorium on hydraulic fracturing (fracking) as a method for oil extraction.

Council requests that the Cabinet Member for PRED investigates whether a proposal to oppose any proposal for oil extraction by hydraulic fracturing which may have an impact either on the City and or on any lands owned by the City outside of its boundaries can be taken forward.

17 Forward Plan Omission Report - Spinnaker Tower

To note in accordance with the Constitution that due to the urgent decision that needed to be taken at the meeting of the Planning, Regeneration & Economic Development portfolio on 5 June, it was consequently not possible to include the item within the normal forward plan process and the usual omission procedure therefore had to be followed.

18 Questions from Members under Standing Order No 17. (Pages 143 - 146)

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
29 June 2015