

## *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



# Agenda Item 2

19 May 2015

51

MINUTES OF THE ANNUAL MEETING OF THE COUNCIL held at the Guildhall Portsmouth on Tuesday, 19 May 2015 at 10.00 am

## **Council Members Present**

The Right Worshipful The Lord Mayor  
Steven Wylie (in the Chair)

## **Councillors**

David Ashmore	Donna Jones
Simon Boshier	Ian Lyon
Jennie Brent	Hugh Mason
Ryan Brent	Lee Mason
Alicia Denny	Gemma New
Ben Dowling	Robert New
Yahiya Chowdhury	Stuart Potter
Ken Ellcome	Darren Sanders
John Ferrett	Phil Smith
Ken Ferrett	Lynn Stagg
Margaret Foster	Sandra Stockdale
David Fuller	Luke Stubbs
Colin Galloway	Julie Swan
Paul Godier	Linda Symes
Aiden Gray	David Tompkins
Scott Harris	Gerald Vernon-Jackson
Stephen Hastings	Steve Wemyss
Hannah Hockaday	Matthew Winnington
Suzy Horton	Rob Wood
Lee Hunt	Neill Young
Frank Jonas	

The Lord Mayor welcomed everyone to the meeting.

### **35. Vote of Thanks to Retiring Lord Mayor and Lady Mayoress**

It was jointly proposed by Councillor Donna Jones and Councillor Gerald Vernon-Jackson

That a vote of thanks be given to the retiring Lord Mayor and Lady Mayoress.

**It was RESOLVED unanimously**

**That the Council places on record its sincere thanks to Councillor Steven Wylie for his outstanding service to the City of Portsmouth during his year of office.**

**That the Council expresses its great appreciation of the fine qualities which Councillor Steven Wylie brought to the conduct of the business of this Council, his devotion to duty and the distinction and goodwill with which he carried out the many and varied duties of office of Lord Mayor.**

**That the Council also places on record its gratitude to Mrs Elisabeth Wylie for the untiring support and help which she has given as Lady Mayoress.**

**That this resolution be engrossed and be presented to Councillor Steven Wylie and Mrs Elisabeth Wylie at this ceremony.**

The retiring Lord Mayor was presented with the Council's gift of an engrossed scroll which signifies the Council's appreciation of his time in office.

**36. To elect the Lord Mayor for the ensuing Municipal Year**

Councillor Donna Jones nominated Councillor Frank Jonas for election to the office of Lord Mayor for the ensuing municipal year. The nomination was seconded by Councillor Scott Harris.

There being no other nominations, the Lord Mayor put the proposal which was CARRIED unanimously and he declared Councillor Frank Jonas duly elected Lord Mayor.

Councillor Frank Jonas then left the chamber with the retiring Lord Mayor to don the Lord Mayor's robes and the chain of office.

**37. Investiture of the new Lady Mayoress**

Mrs Elisabeth Wylie, the retiring Lady Mayoress, invested Mrs Patricia Jonas, the new Lady Mayoress with the Chain of Office, after which the new Lady Mayoress signed a document of office witnessed by the City Solicitor.

**38. New Lord Mayor takes the Chair**

Councillor Frank Jonas took the chair and thereupon made and subscribed the Declaration of Acceptance of Office witnessed by the City Solicitor.

**39. Presentation of the Keys of the City**

The Lord Mayor received the Keys of the Fortress of Portsmouth presented to him by Major Damir Zamboni.

**40. Presentation of the Portsmouth Sword**

The Lord Mayor received the Portsmouth Sword presented to him by Commander Andy Green.

**41. The Lord Mayor returns thanks to the Council**

The Lord Mayor took this opportunity to thank members of the Council for his election and gave a short speech.

**42. To appoint the Deputy Lord Mayor for the ensuing Municipal Year.**

Councillor Hugh Mason nominated Councillor David Fuller as the Deputy Lord Mayor for the ensuing municipal year. This nomination was seconded by Councillor Julie Swan.

There being no other nominations, the Lord Mayor put the proposal, which was CARRIED unanimously and he declared Councillor David Fuller duly elected as the Deputy Lord Mayor and he made and subscribed the Declaration of Acceptance of Office. This was witnessed by the City Solicitor. The Chief Executive said that Councillor Fuller would be supported by his Deputy Lady Mayoress, Leza Tremorin. The Deputy Lady Mayoress then made and subscribed the Declaration of Acceptance of Office. This was witnessed by the City Solicitor.

**43. Vote of Thanks to Retiring Deputy Lord Mayor and Deputy Lady Mayoress**

It was

Proposed by Councillor John Ferrett  
Seconded by Councillor Donna Jones

That a vote of thanks be given to the Deputy Lord Mayor David Horne and the Deputy Lady Mayoress Mrs Mary Horne.

**RESOLVED that the proposition be CARRIED unanimously.**

**44. Appointment of Chaplain to the City Council**

The Dean of Portsmouth, the Very Reverend David Brindley was appointed as Chaplain to the City Council.

**45. Appointment of the New Lord Mayor Cadets**

To support the Lord Mayor in his year in office, a team of six cadets will be on hand. The Lord Mayor wished to show his appreciation by presenting each of them with a certificate.

The following cadets received their certificates at the meeting:-

Corporal Paige Bridgeman, Hampshire and Isle of Wight Army Cadet Force, Cadet Warrant Officer, Henry Kelleher Marshall, Air Training Corps, Amy Walkey, Sea Cadet Corps and Cadet Band Sergeant Scott Moore, Royal Marine Volunteer Cadet Corps

The following cadets were unable to attend this meeting and would receive their certificates at a later date:-

Oscar Ferguson, Sea Cadet Corps and Filippa Furniss, RN, Combined Cadet Force.

#### **46. Presentation of Civic Awards**

A representative from the Cadets brought forward the Civic Award Badges for presentation. The Lord Mayor presented Civic Awards to members of the community who had been nominated for their outstanding contribution to the life of the city. The awards were presented to Mr John Thurston, Ms Guo-Zhen He, Mr Alan Lihou, Professor Tony Pointon, Mrs Jean Evans and Mr Steve Kingsley.

Mr Allen Parton was unable to attend the meeting today and would be presented with his award at a later date.

#### **47. Young Person's Civic Award**

A representative from the Cadets brought forward the Young Person's Civic Award. Nominations for this award were made by members of the Portsmouth Youth Parliament which represents young people in the city and strives to ensure their voices are heard by decision makers. This year the nominee was Mr Steve McDermott. As Mr McDermott was unable to attend the meeting today, Mr Peter Marcus collected the award on his behalf.

The meeting adjourned at 11.45 am, to be reconvened at 2.30 pm.

Lord Mayor

MINUTES OF THE ADJOURNED ANNUAL MEETING OF THE COUNCIL  
held at the Guildhall Portsmouth on Tuesday, 19 May 2015 at 2.30 PM.

### **Council Members Present**

The Right Worshipful The Lord Mayor  
Councillor Frank Jonas (in the Chair)

#### Councillors

David Ashmore	Donna Jones
Simon Boshier	Ian Lyon
Jennie Brent	Hugh Mason
Ryan Brent	Lee Mason
Alicia Denny	Gemma New
Ben Dowling	Robert New
Yahiya Chowdhury	Stuart Potter
Ken Ellcome	Darren Sanders
John Ferrett	Phil Smith
Ken Ferrett	Lynn Stagg
Margaret Foster	Sandra Stockdale
David Fuller	Luke Stubbs
Colin Galloway	Julie Swan
Paul Godier	Linda Symes
Aiden Gray	David Tompkins
Scott Harris	Gerald Vernon-Jackson
Stephen Hastings	Steve Wemyss
Hannah Hockaday	Matthew Winnington
Suzy Horton	Rob Wood
Lee Hunt	Neill Young

The Lord Mayor welcomed members to the second part of today's meeting. In particular the Lord Mayor extended a welcome to the Mayor of our twin city of Duisburg, Oberburgermeister Soren Link, to Lesley Coutts, Head of International Relations Office on behalf of the Mayor of our twin city of Caen and to Mr Andrew Kelly from our Rhode Island sister link.

The Lord Mayor also extended a welcome to newly elected members, Councillors Suzy Horton, Yahiya Chowdhury, Jennie Brent, David Ashmore, Scott Harris, Gemma New, David Tompkins, Ian Lyon and Ryan Brent.

#### **48. Members' Interests.**

There were no declarations of members' interests.

#### **49. To confirm the minutes of the meeting of the Council held on 17 March 2015.**

It was

Proposed by Councillor Donna Jones

56 19 May 2015

Seconded by Councillor Gerald Vernon-Jackson

That the minutes of the meeting held on 17 March 2015 be confirmed and signed as a correct record.

**RESOLVED that the minutes of the meeting held on 17 March 2015 be confirmed and signed as a correct record.**

**50. To receive such communications as the Lord Mayor may desire to lay before the Council, including apologies for absence.**

Apologies for absence were received from Councillor Will Purvis.

The Lord Mayor drew members' attention to the revised seating plan which had been circulated in the chamber and is effective from this meeting.

The Lord Mayor invited the Mayor of Duisburg, Oberburgermeister Soren Link, Lesley Coutts, Head of International Relations Office representing Caen and Mr Andrew Kelly, representing the delegation from Portsmouth Rhode Island to address council, which they then did.

Councillor Donna Jones gave a vote of thanks to each of the delegations.

Councillor Lee Mason thanked Soren Link, Lesley Coutts and Andrew Kelly in their respective languages.

A vote of thanks was proposed by Councillor Lee Mason, seconded by Councillor Donna Jones and this was agreed unanimously.

The Lord Mayor then advised members that Councillor Julie Swan had been appointed as Deputy Leader of the UKIP Group.

Finally the Lord Mayor advised members that former councillor Keith Crabbe sadly passed away on 11 April. Keith Crabbe represented the Charles Dickens ward from 1996 to 2000. He advised that the funeral would take place on Friday 22 May at 3.30 pm at Portchester Crematorium and that all are welcome to attend.

The Leader of the Council, Councillor Donna Jones advised that Mark Francois had been appointed as Minister for Portsmouth as part of his appointment as Minister of State for Communities and Local Government. She said that she was very pleased about this appointment which showed special recognition of Portsmouth and its strategic significance. She advised that she had invited him to visit Portsmouth and when a date had been fixed she would let members know. The Leader also announced that Penny Mordaunt, MP had been appointed as Minister of State for the Armed Forces.

**51. Deputations under Standing Order 24**

There were no requests to make deputations at this meeting.

**52. To note under the Local Government and Public Involvement in Health Act 2007 the current Leader of the City Council will remain in office until May 2016, unless she**

- (a) resigns from office or
- (b) is removed from office by resolution of the council.

**RESOLVED that this be noted.**

**53. In accordance with the Local Government and Public Involvement in Health Act 2007, to receive details from the Leader of the Council regarding Cabinet members and portfolios for the ensuing Municipal Year.**

The Lord Mayor explained that the Council Leader is empowered to determine the number of councillors on the Cabinet and decide portfolios and portfolio remits and to select one of the appointed members to the position of Deputy Leader. The Leader then announced her Cabinet. The names of the Cabinet and opposition spokespersons were circulated (attached to these minutes as Appendix 1 as amended to incorporate two changes to the Opposition Spokespersons referred to by Councillor Gerald Vernon-Jackson at the meeting.)

The Lord Mayor called upon the Leader to give details of the membership of the Health & Wellbeing Board which is in the gift of the Leader and that was then circulated.

**RESOLVED**

**(1) that council noted that there will be nine portfolios (including the Leader) for the ensuing municipal year as set out in Appendix 1 attached to these minutes;**

**(2) that council noted the membership of the Health & Wellbeing Board for the ensuing municipal year also as set out in Appendix 1 attached to these minutes.**

The Lord Mayor proposed and the council agreed to take agenda items 9, 10, 11, 12, 13 and 14 together namely proportional representation on committees and panels and consequent appointments of members and standing deputies, chairs and vice-chairs and other appointments.

The Leader of the Council said that she wished to provide verbal updates to the papers that had been circulated namely to propose that Councillor Ian Lyon be the vice-chair of the Governance & Audit & Standards Committee, Councillor Phil Smith be the vice-chair of Health Overview and Scrutiny Panel, Councillor Ryan Brent be appointed as vice chair of the Housing and Social Care Scrutiny Panel, Councillor Lynne Stagg be the vice-chair of the Traffic, Environment & Community Safety Scrutiny Panel and that Councillor Hannah Hockaday replace Councillor Luke Stubbs as a standing deputy on the

58 19 May 2015

Planning Committee. This was agreed. The Leader thanked opposition leaders for their help with this process.

It was

Proposed by Councillor Donna Jones

Seconded by Councillor Luke Stubbs

To adopt the overall political balance and allocation of seats schedule circulated in the chamber and to agree the membership of the committees and panels, standing deputies, chairs and vice-chairs of committees and panels, including appointments and other appointments detailed at agenda items 13 and 14 also circulated at the meeting subject to the changes mentioned. Councillor Gerald Vernon-Jackson wished to place on record that he was pleased that the scrutiny panels were being retained and thanked the Leader of the Council for finding the money to enable them to continue.

Upon being put to the vote the council agreed all the appointments.



**RESOLVED (1) the total number of seats on committees and panels be divided among the political groups in accordance with Table 1 as set out below.**

TABLE 1

Group	1 Number of Cllrs	2 Total No of Cttee Seats	3 Places on Licensing cttee	4 Planning cttee	5 Governance & Audit & Standards, Employment, and 5 Themed Scrutiny Panels (6 Members)	6 Places on Scrutiny Management Panel (9* Members)
Con.	18	33	7	4	18	4
LD	15	27	5	4	15	3
UKIP	4	7	1	1	4	1
Lab.	4	7	1	1	4	1
Ind.	1	2	1		1	
<b>TOTALS</b>	<b>42</b>	<b>76</b>	<b>15</b>	<b>10</b>	<b>42</b>	<b>9</b>

**RESOLVED (2) that any other bodies subject to the political proportionality rules be appointed in accordance with the proportions shown in Table 1.**

**RESOLVED (3) that the following committees and panels be appointed with the membership as shown together with the standing deputies and chairs and vice-chairs where appropriate as indicated.**

#### Licensing Committee

15 Members and 3 standing deputies per group represented

Indicate proposed "Chair" & "Vice Chair" in position column.

Committee/Panel	Group allocation	Position	Nomination
Licensing	Conservative		Scott Harris
Licensing	Conservative		Gemma New
Licensing	Conservative		Steve Hastings
Licensing	Conservative		Jennie Brent
Licensing	Conservative		David Tompkins
Licensing	Conservative	Vice Chair	Hannah Hockaday
Licensing	Conservative		Lee Mason
Licensing	Liberal Democrat		Margaret Foster
Licensing	Liberal Democrat		Phil Smith
Licensing	Liberal Democrat		Sandra Stockdale
Licensing	Liberal Democrat		David Fuller
Licensing	Liberal Democrat		David Ashmore
Licensing	UKIP	Chair	Julie Swan

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Licensing	Labour		Ken Ferrett
Licensing	Independent		Paul Godier
Licensing	Liberal Democrat	Standing Deputy	Lee Hunt
Licensing	Liberal Democrat	Standing Deputy	Rob Wood
Licensing	Liberal Democrat	Standing Deputy	
Licensing	Conservative	Standing Deputy	Ken Ellcome
Licensing	Conservative	Standing Deputy	Ian Lyon
Licensing	Conservative	Standing Deputy	Ryan Brent
Licensing	UKIP	Standing Deputy	
Licensing	UKIP	Standing Deputy	
Licensing	UKIP	Standing Deputy	
Licensing	Labour	Standing Deputy	
Licensing	Labour	Standing Deputy	
Licensing	Labour	Standing Deputy	

### Planning Committee

10 Members and 5 standing deputies per group represented

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Planning	Conservative	Vice Chair	Steve Hastings
Planning	Conservative		Ken Ellcome
Planning	Conservative		Jennie Brent
Planning	Conservative		Scott Harris
Planning	Liberal Democrat		Hugh Mason
Planning	Liberal Democrat		Gerald Vernon-Jackson
Planning	Liberal Democrat		Sandra Stockdale
Planning	Liberal Democrat		David Fuller
Planning	UKIP		Colin Galloway
Planning	Labour	Chair	Aiden Gray
Planning	Liberal Democrat	Standing Deputy	Margaret Foster
Planning	Liberal Democrat	Standing Deputy	Lee Hunt
Planning	Liberal Democrat	Standing Deputy	Rob Wood
Planning	Liberal Democrat	Standing Deputy	Suzy Horton
Planning	Liberal Democrat	Standing Deputy	Darren Sanders
Planning	Conservative	Standing Deputy	Rob New
Planning	Conservative	Standing Deputy	Lee Mason
Planning	Conservative	Standing Deputy	Donna Jones
Planning	Conservative	Standing Deputy	Hannah Hockaday
Planning	Conservative	Standing Deputy	Linda Symes
Planning	UKIP	Standing Deputy	
Planning	UKIP	Standing Deputy	
Planning	UKIP	Standing Deputy	
Planning	UKIP	Standing Deputy	
Planning	UKIP	Standing Deputy	
Planning	Labour	Standing Deputy	John Ferrett

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Planning	Labour	Standing Deputy	
Planning	Labour	Standing Deputy	
Planning	Labour	Standing Deputy	
Planning	Labour	Standing Deputy	

### **Scrutiny Management Panel**

9 Members and 3 standing deputies per group represented

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Scrutiny Management Panel	Conservative	Vice Chair	Simon Bosher
Scrutiny Management Panel	Conservative	Chair	Steve Hastings
Scrutiny Management Panel	Conservative		Ian Lyon
Scrutiny Management Panel	Conservative		Scott Harris
Scrutiny Management Panel	Liberal Democrat		Will Purvis
Scrutiny Management Panel	Liberal Democrat		Darren Sanders
Scrutiny Management Panel	Liberal Democrat		Ben Dowling
Scrutiny Management Panel	UKIP		Alicia Denny
Scrutiny Management Panel	Labour		John Ferrett
Scrutiny Management Panel	Liberal Democrat	Standing Deputy	Rob Wood
Scrutiny Management Panel	Liberal Democrat	Standing Deputy	Phil Smith
Scrutiny Management Panel	Liberal Democrat	Standing Deputy	Matthew Winnington
Scrutiny Management Panel	Conservative	Standing Deputy	Hannah Hockaday
Scrutiny Management Panel	Conservative	Standing Deputy	David Tompkins
Scrutiny Management Panel	Conservative	Standing Deputy	Ryan Brent
Scrutiny Management Panel	UKIP	Standing Deputy	
Scrutiny Management Panel	UKIP	Standing Deputy	
Scrutiny Management Panel	UKIP	Standing Deputy	
Scrutiny Management Panel	Labour	Standing Deputy	Ken Ferrett
Scrutiny Management Panel	Labour	Standing Deputy	
Scrutiny Management Panel	Labour	Standing Deputy	

**Governance & Audit & Standards Committee**

6 Members and 3 standing deputies per group represented.

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Governance & Audit & Standards	Conservative	Chair	Simon Bosher
Governance & Audit & Standards	Conservative	Vice Chair	Ian Lyon
Governance & Audit & Standards	Conservative		Steve Hastings
Governance & Audit & Standards	Liberal Democrat		Hugh Mason
Governance & Audit & Standards	Liberal Democrat		Phil Smith
Governance & Audit & Standards	Labour		John Ferrett
Governance & Audit & Standards	Liberal Democrat	Standing Deputy	Rob Wood
Governance & Audit & Standards	Liberal Democrat	Standing Deputy	Matthew Winnington
Governance & Audit & Standards	Liberal Democrat	Standing Deputy	Lynne Stagg
Governance & Audit & Standards	Conservative	Standing Deputy	Scott Harris
Governance & Audit & Standards	Conservative	Standing Deputy	Ryan Brent
Governance & Audit & Standards	Conservative	Standing Deputy	David Tompkins
Governance & Audit & Standards	UKIP	Standing Deputy	
Governance & Audit & Standards	UKIP	Standing Deputy	
Governance & Audit & Standards	UKIP	Standing Deputy	
Governance & Audit & Standards	Labour	Standing Deputy	Ken Ferrett
Governance & Audit & Standards	Labour	Standing Deputy	
Governance & Audit & Standards	Labour	Standing Deputy	

**Employment Committee**

6 Members and 3 standing deputies per group represented.

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Employment Committee	Conservative	Chair	Donna Jones
Employment Committee	Conservative	Vice Chair	Luke Stubbs
Employment Committee	Conservative		Linda Symes

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Employment Committee	Liberal Democrat		Gerald Vernon-Jackson
Employment Committee	Liberal Democrat		Darren Sanders
Employment Committee	Labour		John Ferrett
Employment Committee	Liberal Democrat	Standing Deputy	Hugh Mason
Employment Committee	Liberal Democrat	Standing Deputy	Lynne Stagg
Employment Committee	Liberal Democrat	Standing Deputy	Sandra Stockdale
Employment Committee	Conservative	Standing Deputy	Steve Wemyss
Employment Committee	Conservative	Standing Deputy	Simon Bosher
Employment Committee	Conservative	Standing Deputy	Steve Hastings
Employment Committee	UKIP	Standing Deputy	
Employment Committee	UKIP	Standing Deputy	
Employment Committee	UKIP	Standing Deputy	
Employment Committee	Labour	Standing Deputy	Aiden Gray
Employment Committee	Labour	Standing Deputy	
Employment Committee	Labour	Standing Deputy	

### **Health Overview & Scrutiny Panel**

6 Members and 3 standing deputies per group represented.

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Health Overview & Scrutiny	Conservative		Jennie Brent
Health Overview & Scrutiny	Conservative		Gemma New
Health Overview & Scrutiny	Liberal Democrat		Lynne Stagg
Health Overview & Scrutiny	Liberal Democrat	Vice Chair	Phil Smith
Health Overview & Scrutiny	Labour	Chair	John Ferrett
Health Overview & Scrutiny	UKIP		Alicia Denny
Health Overview & Scrutiny	Liberal Democrat	Standing Deputy	Margaret Foster
Health Overview & Scrutiny	Liberal Democrat	Standing Deputy	Sandra Stockdale

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Health Overview & Scrutiny	Liberal Democrat	Standing Deputy	Lee Hunt
Health Overview & Scrutiny	Conservative	Standing Deputy	Ryan Brent
Health Overview & Scrutiny	Conservative	Standing Deputy	Hannah Hockaday
Health Overview & Scrutiny	Conservative	Standing Deputy	Ian Lyon
Health Overview & Scrutiny	UKIP	Standing Deputy	
Health Overview & Scrutiny	UKIP	Standing Deputy	
Health Overview & Scrutiny	UKIP	Standing Deputy	
Health Overview & Scrutiny	Labour	Standing Deputy	Aiden Gray
Health Overview & Scrutiny	Labour	Standing Deputy	
Health Overview & Scrutiny	Labour	Standing Deputy	

### **Economic Development, Culture & Leisure Scrutiny Panel**

6 Members and 3 standing deputies per group represented.

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Economic Development, Culture & Leisure Scrutiny	Conservative	Chair	Jennie Brent
Economic Development, Culture & Leisure Scrutiny	Conservative	Vice Chair	David Tompkins
Economic Development, Culture & Leisure Scrutiny	Conservative		Scott Harris
Economic Development, Culture & Leisure Scrutiny	Liberal Democrat		Matthew Winnington
Economic Development, Culture & Leisure Scrutiny	Liberal Democrat		Lee Hunt
Economic Development, Culture & Leisure Scrutiny	UKIP		Julie Swan
Economic Development, Culture & Leisure Scrutiny	Liberal Democrat	Standing Deputy	Ben Dowling
Economic Development, Culture & Leisure Scrutiny	Liberal Democrat	Standing Deputy	Suzy Horton
Economic Development, Culture & Leisure Scrutiny	Liberal Democrat	Standing Deputy	David Fuller
Economic Development, Culture & Leisure Scrutiny	Conservative	Standing Deputy	Ryan Brent
Economic Development, Culture & Leisure Scrutiny	Conservative	Standing Deputy	Simon Boshier
Economic Development, Culture & Leisure Scrutiny	Conservative	Standing Deputy	
Economic Development, Culture & Leisure Scrutiny	UKIP	Standing Deputy	
Economic Development, Culture & Leisure Scrutiny	UKIP	Standing Deputy	

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Economic Development, Culture & Leisure Scrutiny	UKIP	Standing Deputy	
Economic Development, Culture & Leisure Scrutiny	Labour	Standing Deputy	
Economic Development, Culture & Leisure Scrutiny	Labour	Standing Deputy	
Economic Development, Culture & Leisure Scrutiny	Labour	Standing Deputy	

### **Education, Children & Young People Scrutiny Panel**

6 Members and 3 standing deputies per group represented.

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Education, Children & Young People Scrutiny	Conservative		Ryan Brent
Education, Children & Young People Scrutiny	Conservative	Vice Chair	Hannah Hockaday
Education, Children & Young People Scrutiny	Liberal Democrat	Chair	Will Purvis
Education, Children & Young People Scrutiny	Liberal Democrat		Suzy Horton
Education, Children & Young People Scrutiny	Labour		Ken Ferrett
Education, Children & Young People Scrutiny	Independent		Paul Godier
Education, Children & Young People Scrutiny	Liberal Democrat	Standing Deputy	Lynne Stagg
Education, Children & Young People Scrutiny	Liberal Democrat	Standing Deputy	Ben Dowling
Education, Children & Young People Scrutiny	Liberal Democrat	Standing Deputy	Margaret Foster
Education, Children & Young People Scrutiny	Conservative	Standing Deputy	David Tompkins
Education, Children & Young People Scrutiny	Conservative	Standing Deputy	
Education, Children & Young People Scrutiny	Conservative	Standing Deputy	
Education, Children & Young People Scrutiny	UKIP	Standing Deputy	
Education, Children & Young People Scrutiny	UKIP	Standing Deputy	
Education, Children & Young People Scrutiny	UKIP	Standing Deputy	
Education, Children & Young People Scrutiny	Labour	Standing Deputy	John Ferrett
Education, Children & Young People Scrutiny	Labour	Standing Deputy	
Education, Children & Young People Scrutiny	Labour	Standing Deputy	

**Housing and Social Care Scrutiny Panel**

6 Members and 3 standing deputies per group represented.

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Housing and Social Care Scrutiny	Conservative		Gemma New
Housing and Social Care Scrutiny	Conservative	Vice Chair	Ryan Brent
Housing and Social Care Scrutiny	Liberal Democrat	Chair	Darren Sanders
Housing and Social Care Scrutiny	Liberal Democrat		Phil Smith
Housing and Social Care Scrutiny	Liberal Democrat		Margaret Foster
Housing and Social Care Scrutiny	UKIP		Stuart Potter
Housing and Social Care Scrutiny	Liberal Democrat	Standing Deputy	Matthew Winnington
Housing and Social Care Scrutiny	Liberal Democrat	Standing Deputy	Lynne Stagg
Housing and Social Care Scrutiny	Liberal Democrat	Standing Deputy	David Ashmore
Housing and Social Care Scrutiny	Conservative	Standing Deputy	Jennie Brent
Housing and Social Care Scrutiny	Conservative	Standing Deputy	Hannah Hockaday
Housing and Social Care Scrutiny	Conservative	Standing Deputy	Ian Lyon
Housing and Social Care Scrutiny	UKIP	Standing Deputy	
Housing and Social Care Scrutiny	UKIP	Standing Deputy	
Housing and Social Care Scrutiny	UKIP	Standing Deputy	
Housing and Social Care Scrutiny	Labour	Standing Deputy	
Housing and Social Care Scrutiny	Labour	Standing Deputy	
Housing and Social Care Scrutiny	Labour	Standing Deputy	

**Traffic, Environment & Community Safety Scrutiny**

6 Members and 3 standing deputies per group represented.

Indicate proposed "Chair" & "Vice Chair" in position column.

<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Traffic, Environment & Community Safety Scrutiny	Conservative		Ian Lyon
Traffic, Environment & Community Safety Scrutiny	Conservative		Ryan Brent
Traffic, Environment & Community Safety Scrutiny	Conservative		David Tompkins



<b>Committee/Panel</b>	<b>Group allocation</b>	<b>Position</b>	<b>Nomination</b>
Traffic, Environment & Community Safety Scrutiny	Liberal Democrat		Lee Hunt
Traffic, Environment & Community Safety Scrutiny	Liberal Democrat	Vice Chair	Lynne Stagg
Traffic, Environment & Community Safety Scrutiny	UKIP	Chair	Stuart Potter
Traffic, Environment & Community Safety Scrutiny	Liberal Democrat	Standing Deputy	Phil Smith
Traffic, Environment & Community Safety Scrutiny	Liberal Democrat	Standing Deputy	Margaret Foster
Traffic, Environment & Community Safety Scrutiny	Liberal Democrat	Standing Deputy	David Fuller
Traffic, Environment & Community Safety Scrutiny	Conservative	Standing Deputy	Simon Boshier
Traffic, Environment & Community Safety Scrutiny	Conservative	Standing Deputy	Scott Harris
Traffic, Environment & Community Safety Scrutiny	Conservative	Standing Deputy	
Traffic, Environment & Community Safety Scrutiny	UKIP	Standing Deputy	
Traffic, Environment & Community Safety Scrutiny	UKIP	Standing Deputy	
Traffic, Environment & Community Safety Scrutiny	UKIP	Standing Deputy	
Traffic, Environment & Community Safety Scrutiny	Labour	Standing Deputy	
Traffic, Environment & Community Safety Scrutiny	Labour	Standing Deputy	
Traffic, Environment & Community Safety Scrutiny	Labour	Standing Deputy	

**RESOLVED (4) that the following appointments be made for 2015/16**

**Hampshire Fire & Rescue Authority (3 members)**

Requires political proportionality, equating to

1 Liberal Democrat      **Phil Smith**  
2 Conservative          **Luke Stubbs and Hannah Hockaday**

**Police and Crime Panel (1 Member)      ROB NEW**

**Local Government Association General Assembly (4 Members)**

**NO CHANGE (D. Jones; R, New; H. Hockaday; G. Vernon-Jackson)**

Portsmouth City Council has up to 4 votes on the LGA, which are usually exercised by the party forming the City Council's political administration. Those having the right to vote should be identified.

**Langstone Harbour Board (6 Members)**

Applying political proportionality rules would equate to;

2 Liberal Democrat      **Phil Smith; Matthew Winnington**  
3 Conservative          **Lee Mason; Ian Lyon; Steve Hastings**

**RESOLVED (5) that the following appointments be made to the Twinning Advisory Group for the 2015/16 municipal year**

To be chaired by the Resources Portfolio holder, with the Lord Mayor performing the deputy Chair role.

6 Members (not proportional)

**CON: Lee Mason; Frank Jonas;**

**LAB: Aiden Gray;**

**UKIP: Colin Galloway**

**LD: Hugh Mason; Lynne Stagg**

**54. To receive and consider any urgent and important business in accordance with Standing Order No 26.**

There was no urgent and important business.

**55. Recommendations from the Governance & Audit & Standards Committee Meeting held on 17 April 2015 - in respect of the Review of Members' Code of Conduct and Committee Arrangements for Assessment, Investigation and Determination of Complaints**

The following minute was approved unopposed

Minute 37 - Adoption of the Proposed Changes to Appendix A, B and C contained in the report entitled Review of Members' Code of Conduct and Committee Arrangements for Assessment, Investigation and Determination of Complaints.

**56. Dates of future meetings of the Full Council**

It was

Proposed by Councillor Donna Jones

Seconded by Councillor Luke Stubbs

That the dates for meetings of the council during the ensuing municipal year as required under Standing Order 6 and 10(k), to commence at 2.00 pm unless otherwise indicated, be agreed, subject to the council meeting scheduled for 14 July 2015 being brought forward to 7 July 2015.

Upon being put to the vote this was CARRIED.

**RESOLVED that the meetings of the council be held on the following dates in the 2015/16 municipal year to commence at 2.00 pm unless otherwise indicated:**

**7 July 2015**

**19 January 2016**

**13 October 2015**

**9 February 2016**

**10 November 2015**

**22 March 2016**

**8 December 2015**

**17 May 2016 (annual) \* (10.30 am)**

**Note: (\*) The current understanding is that the local elections will be combined with the Police & Crime Commissioner elections on 5 May 2016.**

It was

Proposed by Councillor Donna Jones  
Seconded by Councillor Luke Stubbs

That the following provisional council meeting dates for 2016/17 be agreed in principle subject to later ratification.

**RESOLVED that the following provisional council meeting dates for 2016/17 subject to later ratification be agreed in principle:**

**19 July 2016**

**11 October 2016**

**15 November 2016**

**13 December 2016**

**17 January 2017**

**14 February 2017**

**21 March 2017**

**16 May 2017 (annual) \* (10.30 am)**

The meeting concluded at 3.00 pm.

.....  
Lord Mayor

This page is intentionally left blank

## **Cabinet & Opposition spokespersons for 2015/16**

<b>Portfolio</b>	<b>Cabinet Member</b>	<b>Group Spokespersons</b>
The Leader	Donna Jones (Leader) (Conservative)	Gerald Vernon-Jackson (Liberal Democrat) Colin Galloway (UKIP) John Ferrett (Labour)
Planning, Regeneration & Economic Development	Luke Stubbs (Deputy Leader) (Conservative)	Ben Dowling (Liberal Democrat) Colin Galloway (UKIP) Aiden Gray (Labour)
Environment & Community Safety	Rob New (Conservative)	Sandra Stockdale (Liberal Democrat) Julie Swan (UKIP) Yahiya Chowdhury (Labour)
Culture, Leisure and Sport	Linda Symes (Conservative)	Lee Hunt (Liberal Democrat) Julie Swan (UKIP) Yahiya Chowdhury (Labour)
Traffic and Transportation	Ken Ellcome (Conservative)	Lynne Stagg (Liberal Democrat) Stuart Potter (UKIP) Ken Ferrett (Labour)
Health & Social Care	Luke Stubbs (Conservative)	Ben Dowling (Liberal Democrat) Alicia Denny (UKIP) Aiden Gray (Labour)
Housing	Steve Wemyss (Conservative)	Matthew Winnington (Liberal Democrat) Stuart Potter (UKIP) Yahiya Chowdhury (Labour)
Resources	Lee Mason (Conservative)	Hugh Mason (Liberal Democrat) Colin Galloway (UKIP) Ken Ferrett (Labour)
Children and Education	Neill Young (Conservative)	Rob Wood (Liberal Democrat) Alicia Denny (UKIP) Ken Ferrett (Labour)

### **Health & Wellbeing Board**

Councillor Donna Jones Leader of the Council

Councillor Luke Stubbs Portfolio holder responsible for Health & Social Care

Councillor Neill Young Portfolio holder responsible for Children's Services

Councillor Gerald Vernon-Jackson Leader of the largest opposition group

This page is intentionally left blank

# Agenda Item 8

## **CABINET**

(from 11 June 2015 meeting)

### **Response to March Notice of Motions c) Isle of Wight Ferry Terminal (Cabinet minute 32/15)**

The Cabinet was mindful of the independence of Wightlink in making decisions on the location of their terminal and whilst relocation would have some advantages for the city it was not a viable business alternative, and their investment in Portsmouth and their facilities was welcomed.

**The Cabinet noted the contents of the Director of Property's report for forwarding to Full Council.**

This page is intentionally left blank



## **THIS ITEM IS FOR INFORMATION ONLY**

**Title of meeting:** Cabinet

**Subject:** Moving the Isle of Wight vehicle ferry terminal

**Date of meeting:** 11<sup>th</sup> June 2015

**Report by:** Owen Buckwell, Director of Property

**Wards affected:** St Thomas

---

### **1. Requested by**

1.1 City Council at its meeting of the 17<sup>th</sup> March 2015

### **2. Purpose**

2.1 In response to the Notice of Motion C; Moving the Isle of Wight vehicle ferry terminal proposed by Councillor Denny at the meeting of the City Council 17<sup>th</sup> March 2015

### **3. Recommendation**

3.1 That Cabinet note the contents of the report and recommend to City Council accordingly.

### **4. Information Requested**

4.1 Wightlink's current business model is focused on providing Island residents and tourists an attractive short crossing time (just 22 minutes for its foot passenger service and 45 minutes for its car ferry services) to and from the Isle of Wight. These compare favourably with the longer journey times offered by other competitors and contribute to the success of Wightlink, which is an important local employer.

4.2 The longer journey time which would result from Wightlink being based at the International Ferry Port would make its current fleet unsuitable. This is because, in order to handle the required capacity over longer journey times, much bigger ships would be required. A move to the International Ferry Port would require capital investment in excess of £100 million by Wightlink in retonnage.

4.3 Wightlink has just announced a £45 million investment in its Portsmouth Gunwharf to Fishbourne route which includes remodelling of its Gunwharf terminal. This investment should be welcomed by the City as it will ensure the continued success of this important local employer.

**THIS ITEM IS FOR INFORMATION ONLY**

.....  
Signed by (Head of Service)

**Appendices:****Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>

# Agenda Item 9

## **Dunsbury Hill Farm (Cabinet minute 37/15)**

Report by the Director of Property with open covering report and exempt main report and appendix 2.

### **DECISIONS**

#### **The Cabinet AGREED:-**

- 1) To approve the aims of the Dunsbury Hill Farm Project as set out in paragraph 3.1.**
- 2) Subject to City Council project governance arrangements and to financial appraisal(s) approved by the Director of Finance and Section 151 officer, authority is delegated to the Director of Property and Director of Finance and Section 151 Officer in consultation with the Leader and Cabinet Member for Planning, Regeneration & Economic Development to:
  - i. Develop Dunsbury Hill Farm in pursuance of the approved aims.**
  - ii. Determine the most appropriate route to market which could include either or a potential combination of the following:
    - Sale of the undeveloped site**
    - Direct development of the site by PCC**
    - Entering a joint venture with an external organisation****
  - iii. Apply for grants or resources to finance the Dunsbury Hill Farm development.****
- 3) The Deputy Chief Executive (City Solicitor) and the Director of Finance and Section 151 Officer are authorised to enter into all legal and financial documentation required.**

#### **And the Cabinet RECOMMENDED to City Council that:-**

- 1) Authority is delegated to the Director of Finance and Section 151 Officer in consultation with the Leader of the Council and the Cabinet Member for Planning, Regeneration & Economic Development to:
  - i. Borrow as required for the Dunsbury Hill Farm development subject to the financial appraisal demonstrating that any borrowing costs in aggregate can be met from either the additional income or an increase in market value arising.**
  - ii. Amend the Corporate Capital Programme as required to reflect expenditure and financing for the Dunsbury Hill Farm development.****

This page is intentionally left blank

**Title of meetings:** Cabinet  
City Council

**Date of meetings:** 11<sup>th</sup> June 2015  
7<sup>th</sup> July 2015

**Subject:** Development of Dunsbury Hill Farm

**Report by:** Owen Buckwell, Director of Property

**Wards affected:** None

**Key decision: (over £250k)** Yes

**Full Council decision:** Yes

---

**1. Purpose of report**

- 1.1 To seek approval to the aims of the Dunsbury Hill Farm (DHF) project and to delegate authority to develop Dunsbury Hill Farm in accordance with those aims.
- 1.2 This open covering report seeks to introduce the development aims and recommendations for progression of the project. The full report including its appendices contain exempt information within paragraph 3 part 1 of schedule 12a to the Local Government Act 1972.

**2. Recommendations**

- 2.1 The Cabinet agree the following recommendations:-
- 1) To approve the aims of the Dunsbury Hill Farm Project as set out in paragraph 3.1.
  - 2) Subject to City Council project governance arrangements and to financial appraisal(s) approved by the Director of Finance and Section 151 officer, authority is delegated to the Director of Property and Director of Finance and Section 151 Officer to:
    - i. Develop Dunsbury Hill Farm in pursuance of the approved aims.
    - ii. Determine the most appropriate route to market which could include either or a potential combination of the following:
      - Sale of the undeveloped site
      - Direct development of the site by PCC

- Entering a joint venture with an external organisation
  - iii. Apply for grants or resources to finance the Dunsbury Hill Farm development.
- 3) The Assistant Chief Executive (City Solicitor) and the Director of Finance and Section 151 Officer are authorised to enter into all legal and financial documentation required.

2.2 The Cabinet recommends to City Council that:-

- 1) Authority is delegated to the Director of Finance and Section 151 Officer in consultation with the Leader of the Council to:
- i. Borrow as required for the Dunsbury Hill Farm development subject to the financial appraisal demonstrating that any borrowing costs in aggregate can be met from either the additional income or an increase in market value arising.
  - ii. Amend the Corporate Capital Programme as required to reflect expenditure and financing for the Dunsbury Hill Farm development.

### **3. Aims of the Dunsbury Hill Farm project**

3.1 The key aim of the Dunsbury Hill Farm project is to provide income for the authority, if possible via a long term revenue income stream. At a sub-regional level, the project, including the potential jobs it can deliver, forms a significant element of the wider growth agenda of the Solent Local Enterprise Partnership (LEP), and seeks to achieve the well-being outcomes of promoting social, economic, environmental outcomes for the Portsmouth and surrounding local authority area.

### **4. Background**

4.1 Dunsbury Hill Farm shown edged red on the plan at Appendix 1 is located on undeveloped (freehold) land owned by the Council. It lies between Waterlooville and Leigh Park on the north western side of Havant Borough and has previously been declared surplus by the Council. Following a decision on 11<sup>th</sup> November 2014 (Minute 102/14) the Council is now committed to delivering the access road and has received external advice on the optimum route to deliver the wider development. There has been significant interest in the development of the site, and the Council is engaged in negotiations with one prospective tenant.

#### Planning Status

4.2 In March 2014 the City Council secured a hybrid planning permission (a mix between *detailed*, and *outline*) for the following:-

- a) A *detailed* consent, permitting the construction of a new link road with bus gate to Woolston Road, together with landscaping, infrastructure and associated works.
- b) *Outline* consent containing the following elements:
  - 61,779 square metres (sqm) of mixed use employment floor space, including an Enterprise Centre, limited by the following planning permission "use classes":
    - **40% B1** Business - Offices, research and development of products and processes, light industry appropriate in a residential area
    - **40% B2** General industrial
    - **20% B8** Storage or distribution
  - 5,574 sqm of hotel floor space

Provision of Access Road.

- 4.3 Following a competitive tender, the Council appointed contractors to finalise the road design and undertake its construction.
- 4.4 Road construction will commence in June and works are expected to take approximately 50 weeks to complete.
- 4.5 The road construction is fully funded via City Council capital resources and a Local Transport Board/Local Growth Deal fund grant.

.....  
Signed by: Owen Buckwell, Director of Property

**Appendices:**  
Appendix 1 Site Plan

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Report to Cabinet and Council 11 November 2014	PCC website
Report to Cabinet 1-7-2013	PCC website

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by Cabinet on 11 June 2015.

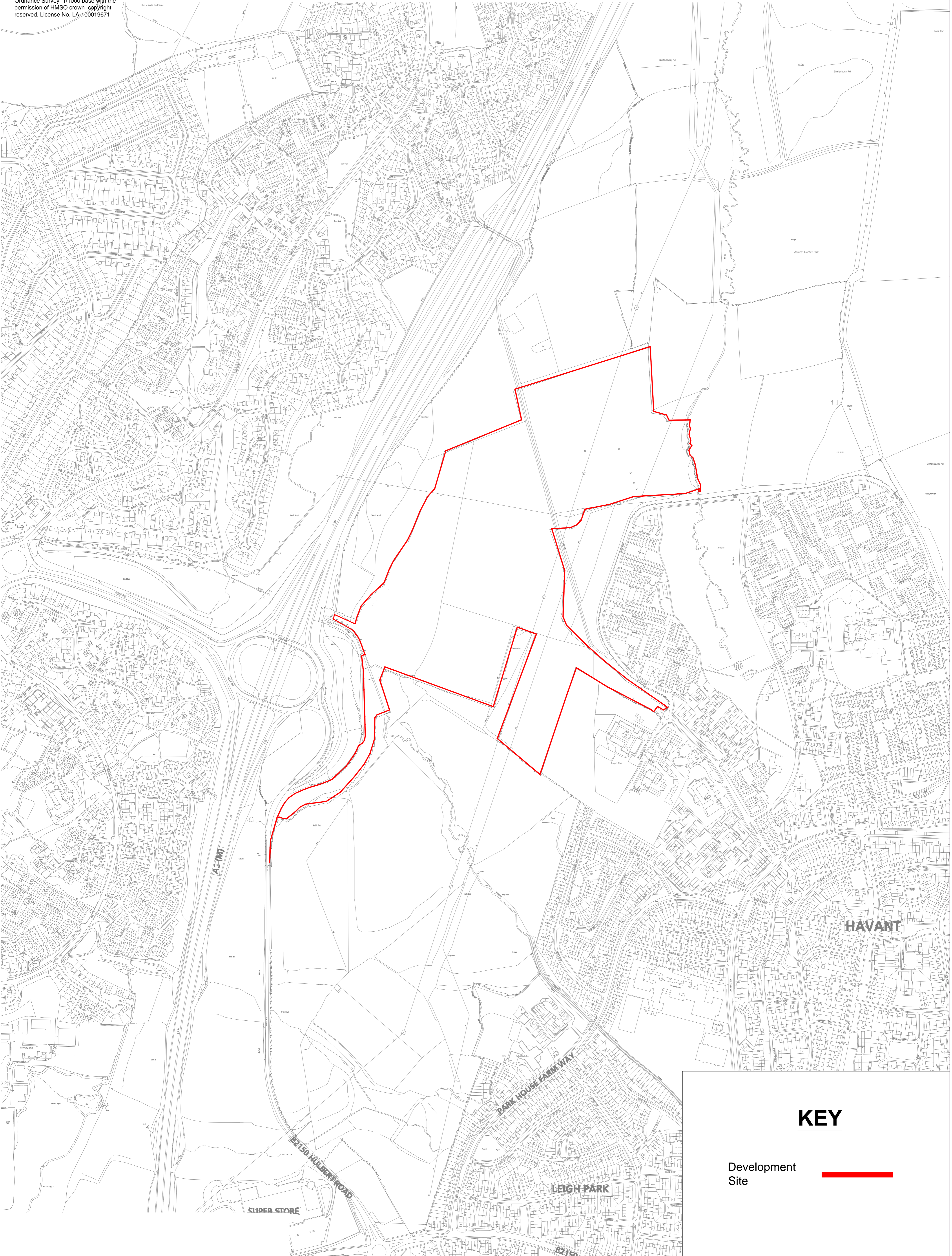
.....  
Signed by: [Leader of Portsmouth City Council]

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by the Leader of the City Council on 7 July 2015.

.....  
Signed by: [Leader of Portsmouth City Council]



ORDNANCE SURVEY COPY RIGHT  
Based or reproduced from the 2008  
Ordnance Survey 1/1000 base with the  
permission of HMSO crown copyright  
reserved. License No. LA-100019671



**KEY**

Development Site



**NOTE:**  
All dimensions to be checked on site prior to commencement of any work  
\*\*\* DO NOT SCALE FROM THIS DRAWING \*\*\*  
Notify C.A. of any discrepancies before ordering materials.

Rev	Date	Page 33 Revision Details (Amended by)
-----	------	--

Approved by	INFORMATION
-------------	-------------

Survey	Design	Working Drawing	*
Feasibility	Tender	Record Drawing	
Information	Contract	A.I.	

Revision No.	1
Date	28/05/15
Scale	NTS

Project	Dunsbury Hill Farm The Planning Application Site Boundary Figure 1.2
Design/Survey by	EB
Drawn by	EB
Checked by	

Project	Dunsbury Hill Farm The Planning Application Site Boundary Figure 1.2
Design/Survey by	EB
Drawn by	EB
Checked by	

**Portsmouth CITY COUNCIL**  
TRANSPORT AND ENVIRONMENT SERVICE

HEAD OF TRANSPORT AND ENVIRONMENT  
SIMON MOON BTch MBA MIHT

Tel No: 023 9283 4955  
Fax No: 023 9283 4866



This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



<b>Title of meeting:</b>	Cabinet and Council
<b>Date of meeting:</b>	3 and 7 July 2015
<b>Subject:</b>	Friendship Agreement with Zhuhai
<b>Report by:</b>	Michael Lawther, City Solicitor
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	Yes

---

## 1. Purpose of report

- 1.1. To seek the Cabinet's views on the friendship agreement entered into between Portsmouth (1) and Zhuhai (2) on 25 March 2014.

## 2. Recommendation

- 2.1. Cabinet ask Council to approve the friendship agreement with Zhuhai.

## 3. Background

- 3.1. On 25 March 2014 the City of Portsmouth entered into an agreement with the City of Zhuhai that a relationship of friendship would be established.
- 3.2. At Full Council on 10 February 2015, a notice of motion proposed that the Council ratify the friendship agreement signed by Cllr Lynne Stagg, the then Lord Mayor, between the city of Portsmouth and the Chinese city of Zhuhai, Guangdong Province.
- 3.3. It was also proposed that the Council records its appreciation of the work of the Chinese community of Portsmouth in developing the friendship of the two cities to the benefit of the people of both.
- 3.4. Following the notice of motion, it was resolved by Council that this matter be referred to Cabinet for full discussion.
- 3.5. The agreement for Zhuhai provides that:
  - 3.5.1. The two sides will carry out, in accordance with the principles of equality and mutual benefit, exchanges and co-operation between the two cities in various forms in the fields of economy, trade, science and technology, education, culture, tourism etc. to promote common prosperity and development.

- 3.5.2. The city leaders and relevant departments of the two sides shall maintain regular contact, promote exchange visits and further co-operation, to facilitate consultations on the exchanges and co-operation as well as matters of common concern.
- 3.5.3. The two sides shall promote project co-operation between social organisations and businesses to facilitate tangible results.
- 3.5.4. The two sides are responsible for their own expenses incurred in the activities of exchanges and co-operation, unless it is agreed

3.6. Existing relationships

- 3.6.1. Currently, Portsmouth benefits from relationships with the following cities:

Twin cities:

Caen (France);  
Duisburg (Germany);  
Haifa (Israel)

Sister cities:

Maizuru (Japan);  
Portsmouth (Virginia, USA);  
Sydney (Australia)

Friendship cities:

Lakewood (Colorado, USA);  
Portsmouth (New Hampshire, USA);  
Zha Lai Te Qi (China).

- 3.6.2. There are now over 2000 friendship links between the UK and other countries including France, Germany, China, the USA, Africa, the Caribbean and India.
- 3.6.3. Friendship agreements are not binding on either party but seek to encourage mutual understanding and co-operation for the benefit of all concerned. The relationships do not have fixed objectives but seek to foster co-operation, in a flexible manner, both at the level of large-scale funded business projects and community development.

**4. Reasons for recommendations**

Set out in paragraph 5 below are the benefits and objectives which can be achieved through friendship agreements. The agreement with Zhuhai clearly provides such benefits and should therefore be endorsed by the Cabinet.

**5. Existing and ongoing benefits**



5.1. Any activities which promote understanding between the nation states and their constituent parts must be of overall benefit. Portsmouth's existing friendship links have already increased understanding between partners, with useful exchanges of ideas, skills and cultural understanding taking place together with business development in existing and new markets.

5.1.1. *Tourism markets*

Friendship Agreements promote existing tourism and open up new opportunities thereby having a direct positive effect on the local economy via visitor market growth.

5.1.2. *Unlocking funding for business*

Friendship arrangements provide a potential source of funding partners to progress working projects and develop opportunities for growth in new business markets.

5.1.3. *Increasing international awareness for economic growth*

As the Council is increasingly required to operate in an interconnected and interdependent world, friendship links increase our awareness of European and international standards and enable authorities to look outside traditional structures for opportunities for economic growth.

5.1.4. *Improving service delivery and problem solving*

Overseas links enable the Council to learn from best practice by improving the quality and cost-effectiveness of our services. It enables Portsmouth to compare both the approach and resolution to problems and fosters ongoing learning between staff.

5.1.5. *Staff development*

Resolving issues in a different environment produces a unique training opportunity for all levels of staff in different departments across both front line services and support staff. It also helps officers work more effectively with ethnically diverse constituents within their own local context.

5.1.6. *Member development*

International relationships offer personal development opportunities to members as they gain insights from their international counterparts.

5.1.7. *Promoting tolerance*

Local authority friendship agreements bring different countries and cultures together promoting mutual respect and understanding, both on an international and local community level.

5.1.8. *Social cohesion*

Portsmouth is a multi-cultural community. International friendships can be used to increase involvement of ethnic minorities, young people and other disadvantaged groups who would not always be involved in the work of their local council.

5.1.9. *Youth experience*

Young people can gain vital practical skills from their involvement in exchange programs and increase their experience and preparation for the workplace. They also grow in self-esteem as they explore social and political issues outside their immediate environment.

5.1.10. *Community well-being*

Sharing policy on difficult issues such as unemployment and drug and alcohol addiction has the potential to bring breakthrough at a local level.

5.1.11. *Education*

Friendship agreements bring a real-life context for learning, both formally and informally and activities can be developed in conjunction with the National Curriculum framework.

5.1.12. *Global difference*

Friendship Agreements can have a direct impact on the United Nations Millennium Development Goals Post-2015 Development Agenda (scheduled to be adopted September 2015) in areas of public health and education.

**6. Equality impact assessment (EIA)**

6.1. Please refer to comments within section 5 of this report.

**7. Legal Implications**

7.1. The City Solicitor's comments are incorporated within this report.

**8. Finance Comments**

8.1. Not applicable.

.....  
Signed by: City Solicitor

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

This page is intentionally left blank



**Title of meeting:** Cabinet / City Council  
**Date of meeting:** 3<sup>rd</sup> July / 7<sup>th</sup> July 2015  
**Subject:** Property Investment Strategy  
**Report by:** Director of Property  
**Wards affected:** All  
**Key decision:** Yes  
**Full Council decision:** Yes

---

**1. Purpose of report**

- 1.1 This report presents the Investment Property Strategy 2015/16 - 2019/20 and seeks to create a £30m Property Investment Fund resourced from prudential borrowing, that will enable the Council to exploit commercial property acquisition opportunities, with a view to generating long term rental income streams to support the delivery of Council services in the future and reduce dependence on Government grant.

**2. Recommendations**

- 2.1 That Cabinet agree the following recommendations:
- i. Acknowledge and endorse the Investment Property Strategy 2015/16 - 2019/20, attached at appendix 1 to be used as a guide to investments.
  - ii. Empowers the Corporate Asset Development Board to recommend and reject the purchase of investments including the sanctioning of formal offers and counter offers (due to the need for timely decision making in this type of industry and the need to respond to opportunities quickly).
  - iii. Agrees to give delegated authority to the Director of Property and the Director of Finance & Section 151 Officer, taking advice from the City Solicitor, and in consultation with the Leader of the City Council and the Cabinet Member for PRED, to approve the completion of investment purchases. This to be conditional upon the City Council approving the budget pursuant to 2.2 below.

2.2 That Cabinet recommends to the City Council that:

Authority is delegated to the Director of Finance and Section 151 Officer in consultation with the Leader of the Council and the Cabinet Member for PRED to:

- i. Amend the Corporate Capital Programme to create a Property Investment Fund of up to £30m financed from Prudential borrowing in 2015/16 and future years, to acquire additional investment property.
- ii. Borrow as required for investment property purchases subject to a robust financial appraisal approved by the Director of Finance & S151 Officer that meets the criteria contained within the Property Investment Strategy and has proper regard to the following:
  - The relevant capital and revenue costs and income resulting from the investment over the whole life of the asset.
  - The extent to which the investment is expected to deliver a secure ongoing income stream.
  - The level of expected return on the investment.
  - The payback period of the capital investment.

### **3. Background**

3.1 As part of the Financial Strategy presented to Council on 12 November 2013, and reiterated in the Budget Report on 10 February 2015, it was recognised and agreed that the Council would seek to become less dependent on Central Government grant.

3.2 One of the routes to achieving this was to become a more entrepreneurial Council and seek to exploit commercial property acquisition opportunities with a view to generating long term rental income streams, in order to support the delivery of Council services in the future as well as have more influence over how the Council shapes the local and sub-regional economy.

3.3 Full Council approved the sum of £100,000 to be released from the MTRS Reserve to establish a Property Investment Strategy and fund appropriate property acquisition costs. This included the appointment of an Investment & Acquisitions Surveyor, to identify potential investment opportunities and assess their likely financial returns.

#### **Property Investment Strategy**

3.4 The Property Investment Strategy 2015/16 - 2019/20 (Appendix 1) focuses on the acquisition of property as an investment and sits within the wider Corporate

Asset Development Strategy and aims to provide a viable and sustainable framework for the acquisition of property investments.

3.5 The purpose of the strategy is to set out:

- The Council's objectives for acquiring property investments
- The criteria for identifying appropriate investment acquisitions
- The risks to the Council of such activity and how they might be managed
- The acquisition process (governance arrangements).

3.6 The Local Government Act 1972 gives the Council powers to acquire any property or rights which facilitate, or is conducive or incidental to, the discharge of any of its functions.

3.7 It is recommended that Members acknowledge and endorse the Property Investment Strategy 2015/16 - 2019/20, as set out in Appendix 1 to be used as a guide to investments.

3.8 Officers will prepare and present an annual report to Cabinet on the effectiveness of the Property Investment Strategy 2015/16 - 2019/20.

### **Property Investment Fund**

3.9 The existing acquisition approval process requires funding to be allocated in accordance with the Council's democratic timetable on a site by site basis. This can be a time consuming process and is likely to result in a number of potentially lucrative investment opportunities being missed.

3.10 As an entrepreneurial Council, it is essential that we are able to respond more promptly, in order to exploit any commercial property acquisition opportunities that may arise.

3.11 As a result, it is recommended that a new scheme, Property Investment Fund, be added to the Capital Programme 2015/16, with a scheme value of £30m against which investment property acquisitions can be funded. It is also recommended that when setting the Council's Capital Programme in the future, an allocation for such purchases is also included as standard, similarly funded from prudential borrowing.

3.12 Access to the funding and approval to complete any acquisitions will require the completion of a robust financial appraisal approved by the Director of Finance & S151 Officer that meets the criteria contained within the Property Investment Strategy 2015/16 - 2019/20.

3.13 In order to ensure that we are able to compete responsively in this market, the ability to react to a favourable financial appraisal is essential, and as a result it is recommended that delegated authority be given to the Director of Property and the Director of Finance & Section 151 Officer, in consultation with the Leader of the City Council and the Cabinet Member for PRED, to approve the

completion of investment purchases upon the completion of a robust financial appraisal and in accordance with the Property Investment Strategy 2015/16 - 2019/20.

### **Capacity to deliver**

3.14 The work will call upon the following skills areas:

- a) Building surveys
- b) Valuations (including valuation review)
- c) Environmental/constraints
- d) Legal and financial

3.15 In order to complete the necessary due diligence on purchase and actions necessary to complete purchases and sales, an appropriate resourcing strategy will need to be agreed with the directorate-leads in which the internal expertise currently sits.

## **4. Reasons for recommendations**

4.1 Full Council on 10 February 2015, approved the Financial Strategy that recognised that the Council would seek to become less dependent on Central Government grant. One of the routes to achieving this was to become a more entrepreneurial Council and seek to exploit commercial property acquisition opportunities with a view to generating long term rental income streams, in order to support the delivery of Council services in the future as well as have more influence over how the Council shapes the local and sub-regional economy.

## **5. Equality impact assessment (EIA)**

5.1 An EIA has been undertaken for investment property purchases and there is no adverse effect.

## **6. Legal implications**

6.1 The Council is empowered to buy and sell land pursuant to section 120 of the Local Government Act 1972. Section 1 of the Local Government Act 2003 provides a power to the Council to borrow for the purposes of any enactment.

6.2 In order to lawfully implement the investment strategy, each proposal (including the funding strategy for purchases) should be reviewed as part of a decision to purchase or sell, and tested for value for money, and regulatory compliance.



## 7. Finance comments

- 7.1 The Council's investment portfolio which contains a variety of property types and tenures, currently returns a gross annual revenue income stream of approximately £5.75 million per annum within the PRED portfolio.
- 7.2 This report seeks to set an ongoing Property Investment Strategy which allows the Council to adopt a much more proactive and commercial approach to managing its investment property portfolio, with a view to increase the income to the Council and reduce its dependence on Government grant.
- 7.3 It must be recognised that, as discussed in the report, any request to draw down on the requested £30m Property Investment Fund will require the completion of a robust and detailed financial appraisal approved by the Director of Finance & S151 Officer, that not only delivers best value but also meets the criteria contained within the Property Investment Strategy 2015/16 - 2019/20 and has proper regard to the following:
- The relevant capital and revenue costs and income resulting from the investment over the whole life of the asset.
  - The extent to which the investment is expected to deliver a secure ongoing income stream.
  - The level of expected return on the investment.
  - The payback period of the capital investment.
- 7.4 In order to ensure that the Council is able to compete responsively in this market, the ability to react to a favourable financial appraisal is essential, and as a result it is recommended that delegated authority be given to the Director of Property and the Director of Finance & Section 151 Officer, in consultation with the Leader of the City Council and the Cabinet Member for PRED, to approve the completion of investment purchases upon the completion of a financial appraisal as set out in paragraph 3.12, and in accordance with the Property Investment Strategy 2015/16 - 2019/20.

.....  
Signed by:

### Appendices:

- 1 - Investment Property Strategy 2015/16 - 2019/20

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:

# Property Services Directorate

## Property Investment Strategy

2015/16 - 2019/20



June 2015

## **Contents**

- 1. Introduction**
- 2. Background**
- 3. Objectives**
- 4. Portfolio Structure**
- 5. Investment Portfolio Principles & Decision Making Criteria**
- 6. Appendix 1 - Risks and their Management**
- 7. Appendix 2 - Portfolio Acquisition Methodology**

## 1. Introduction

1.1 All City Council owned land and property is held as a corporate resource. Government advice recommends that all local authorities should have an agreed strategy and operation policy for developing, disposing and acquiring land and property.

1.2 All property will be held for a clearly defined purpose, whether that is to support and sustain services, provide revenue or to enhance the Council's strategic role as a place shaper. This strategy focuses **on the acquisition of property as an investment** and sits within the wider Corporate Asset Development strategy.

## 2. Background

2.1 The Property Investment Strategy aims to provide a viable and sustainable framework for the acquisition of property investments. The purpose of the strategy is to set out:

- The Council's objectives for acquiring property investments
- Criteria for investment acquisition
- Risks to the Council
- The acquisition & disposal process (governance arrangements)

2.2 The Local Government Act 1972 gives the Council powers to acquire any property or rights which facilitate, or is conducive or incidental to, the discharge of any of its functions.

2.3 As described in the budget report to Council on 13th November 2013, the mandate to become less dependent on Government grant was given. At paragraph 8.24, the report is explicit for Portsmouth City Council to become a more entrepreneurial council with one strategy being 'to exploit commercial property acquisition opportunities with a view to generating long term rental income streams to support the delivery of council services in the future.

2.4 The outline Medium Term Financial Strategy - 2104/15 & Beyond confirms that we should 'seek out commercial property opportunities to increase the Council's property portfolio'.

### **3. Objectives**

- A. Acquire properties that provide long term investment in accordance with corporate objectives
- B. Maximise return whilst minimising risk through prudential management processes as described in this document
- C. Prioritise properties that yield optimal rental growth and stable income
- D. Protect capital invested in acquired properties

### **4. Portfolio Structure**

- 4.1 To achieve the budget reports recommendations the acquisition strategy will create a balanced commercial property portfolio that provides long term rental returns and growth. A core portfolio of property assets will be sought with a view to diversification on individual assets by sector (industrial, offices and retail), location and risk. A direct investment Core and Core Plus approach has been adopted.

#### **Portfolio Mix**

#### **4.2 Core & Core+ Opportunities 70 - 80% of total portfolio**

##### **4.2.1 Description of Core**

"The best property for the sector in an ideal location with long term income to high quality tenants, yields will be equal to or slightly above prime for the sector"

Rental yield (financial return on the capital investment as a percentage) will be lower than the general market but capital and rental growth should be steady and medium-long term risk of void periods and tenant default reduced.

#### **4.2.2 Description of Core-Plus**

"Similar properties to Core but in slightly less favourable locations, perhaps with shorter leases and lesser tenant covenants returns will be appropriate for the sector and risk"

Rental yield will be higher reflecting the increase in risk.

The Core and Core Plus mix is essential in providing a balanced but diversified portfolio

#### **4.3 Specialist Sector & Residential Opportunities 20 - 30% of total portfolio**

**4.3.1** Specialist sector investments such as hotels, public houses, student accommodation, and health care facilities may be considered on merit but do not form part of the "Core" search criteria.

**4.3.2** Given the depreciating specialist infrastructure and changes in trends such assets may require substantial future capital expenditure in order to maintain the value of the interest; the risk from this should be fully explored and understood before purchase.

**4.3.3** Residential provides a good income diversifier given its limited correlation to commercial property. Returns have been stable over the long term although the level of tenant and property management needs to be carefully considered and allowed for in all appraisals.

**4.3.4** The returns on this element of the portfolio will be varied but should in principle be at the upper level or above those of the Core properties.

#### **4.4 Value Add**

**4.4.1** Value add (vacant or short leases), re-development opportunity or distressed property requiring extensive capital expenditure can reap high capital and yield returns but do not form part of this strategy.

## **4.5 Holding Period**

- 4.5.1** It is usual for an investment "holding period" before sale to be defined from purchase; this is to counter any significant depreciation eroding value or before the need for re-development arises. The holding period will be determined for each individual property at the appraisal stage.

## **5 Investment Portfolio Principles & Decision Making Criteria**

- 5.1** Given the varied sector dynamics the criteria of each asset whether core specialised or residential will vary although should follow first principles in that;
- 5.2** All investments considered must initially provide income (yield) equal to or above the councils required rate of return (RRR) defined by the cost of capital borrowing for purchase.
- 5.3** Individual properties will be fully financially and physically appraised using industry standard techniques to ensure the return is acceptable for the level of overall risk. This will be specific to each and every property proposed for purchase.
- 5.4** Further performance measure, portfolio analysis and valuation will be undertaken during the holding period to allow for buy/sell/hold decision making.
- 5.5** To minimise management and risk; preference will be for single occupancy investments although multi-let properties or multi-unit schemes may be considered.
- 5.6** Location will be dictated by opportunity to acquire investments that meet the strategy, proximity to the city of Portsmouth will be a deciding factor when all other attributes are equal.
- 5.7** Only Investments with full repairing and insuring (FRI) terms or FRI by way of service charge, meaning that all costs relating to occupation and repairs are borne by the occupier(s) during the lease term will be considered.
- 5.8** Lease length will be determined by market sector forces but the premise will be to maximise.
- 5.9** Market rent (MR) should be equal to or above passing rent.



- 5.10** Market sectors and locations with rental growth and good letting prospects will be actively sought.
- 5.11** Buildings should have sound structure and designed for use, with good transport links and accessibility.
- 5.12** Lot size (price paid) should account for the volume of time, labour and cost of individual acquisitions, the level of financial return, the funds overall size, the existing portfolio mix, market dynamics (competition and volume of buyers), sector dynamics and asset/portfolio management decisions.
- 5.13** The core initial lot size target is £2 million+ for any one individual property. This may change as time progresses and the portfolio grows.
- 5.14** Market exit (sale) will be intrinsic to the assessment of risk for each individual property.
- 5.15** The decision to sell stock during the holding period may be triggered by a variety of factors and is not limited to lease events, market forces, portfolio mix, or changes in strategy. The portfolio will be open to continued appraisal and active management with a view to minimising risk and increasing returns.
- 5.16** The strength of tenant covenant will be concurrent with the overall balance of risk for any given property and in line with the key objectives.
- 5.17** Minimum acceptable financial strength for any given tenant will be determined through financial appraisal of company accounts and the use of appropriate methods of risk assessment and credit scoring.
- 5.18** The choice of investment will take into account non-financial; ethical and legal considerations in particular relating to the intended use of the building and its current or future occupants.

## **Appendix 1 - Risks and their Management**

### **Market forces**

To limit risk the criteria for purchase and due diligence will be followed for all transactions; however fluctuations in demand and supply of the individual market and the wider economy will see the value of the investment and the income rise and fall, the council may not recoup the original amount invested in full.

### **Liquidity**

The process of buying and selling commercial property, in relation to some other forms of investment, is complex and can result in transactional delay and uncertainty which carries risk from market shift, abortive transactional costs and in-ability to realise "sale" capital quickly.

This can be managed and improved through good portfolio management and where possible by adopting the IPF's best practice "Readiness for sale - A guide for streamlining commercial property transactions".

### **Opportunity**

The availability of stock is generally limited; there will be times where lack of or lost opportunities through negotiation and competition will frustrate the process. This is often exacerbated by a general lack of transparency and openness in the market creating barriers to entry. It is therefore a possibility that a proportion of the fund remains un-invested during these periods.

To counter this; the role of the "Investment Acquisitions Manager " will be to seek out as many appropriate opportunities as possible, build relationships and communicate to the market the council's requirement and ability to perform.

### **Management**

The portfolio will have the risk of void periods in occupation or tenants may default on payment of rent. The loss of income is a direct result however voids create further holding (and re-letting) costs which if vacant for a prolonged period of time can be substantial. Active portfolio management will be undertaken during the holding period to reduce such risks where possible.

## Appendix 2 - Portfolio Acquisition Methodology

Acquisitions will be made in accordance with the guiding principles (principle 4 - acquisitions) within the Asset Development strategy.

Identification, consideration and recommendation of assets suitable for acquisition will be Undertaken by a suitably qualified and experienced 'Investment Acquisition Manager' working within the Corporate Assets Team.

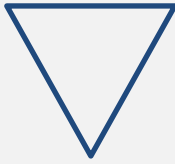
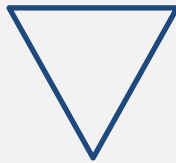
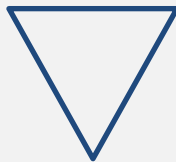
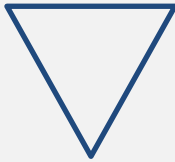
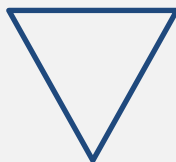
As property acquisitions require timely decisive decision making, it is recommended that the Corporate Asset Development Board review, challenge and recommend or reject the purchase of investments identified to include the sanctioning of formal offers and counter offers which will be guided by the Council's Required Rate of Return.

All investments considered for purchase will undergo qualitative and quantitative appraisal to establish portfolio suitability which will consider rental levels, location, property type, rent review and lease expiry pattern, tenant(s), industry sector, tenure, lease covenants, market exit constraints and physical and environmental factors. In addition 3<sup>rd</sup> party advice may be called upon where specialist market knowledge is required.

The "Investment Acquisition Manager" will undertake a search of the market which will include approaches and introductions of opportunities direct from the sellers their agents and third parties.

Introductions from third party agents will be accepted on a first come first serve basis by verbal or written communication to the "Investment Acquisition Manager". If after the introduction the council wish to pursue the purchase further written agreement on the "basis of engagement" and fees will be required.

# Portfolio Acquisition & Disposal flow

Selling		Buying	
<ul style="list-style-type: none"> <li>• Instruct advisors formulate asking terms and marketing strategy</li> <li>• Review property information anticipate issues devise strategy</li> <li>• Procure energy performance certificate</li> </ul>	<p>Offer to market - Heads of Terms</p> 	<ul style="list-style-type: none"> <li>• Appraise property</li> <li>• Offers &amp; counter offers</li> <li>• Agree HOTs</li> <li>• Secure source of funds</li> </ul>	
<ul style="list-style-type: none"> <li>• Consider carrying out and providing searches</li> <li>• Make available pre contract legal pack and access to data</li> <li>• Negotiate contract</li> </ul>	<p>Pre - Contract</p> 	<ul style="list-style-type: none"> <li>• Instruct legal team</li> <li>• Investigate title</li> <li>• Conduct surveys and reports</li> <li>• Negotiate contract</li> </ul>	
	<p>Exchange</p> 	<ul style="list-style-type: none"> <li>• Pay deposit</li> </ul>	
<b>Parties committed to purchase</b>			
<ul style="list-style-type: none"> <li>• Continue to manage property (in accordance with contract)</li> <li>• Preparation of completion statement</li> <li>• Prepare requisitions on title</li> </ul>	<p>Pre - Completion</p> 	<ul style="list-style-type: none"> <li>• Pre completion searches</li> <li>• Finalise mechanics for drawdown/transfer of completion monies</li> </ul>	
<ul style="list-style-type: none"> <li>• Discharge borrowing liability</li> </ul>	<p>Completion</p> 	<ul style="list-style-type: none"> <li>• Pay completion monies</li> <li>• Assume liability for property</li> </ul>	
	<p>Post - Completion</p>	<ul style="list-style-type: none"> <li>• SDLT / Land registration</li> <li>• Collation of property information</li> <li>• Portfolio management</li> </ul>	

# Agenda Item 12



Portsmouth  
CITY COUNCIL

**Title of meeting:** Cabinet and Council  
**Date of meeting:** 3 and 7 July 2015  
**Subject:** Animal Welfare  
**Report by:** Michael Lawther, City Solicitor  
**Wards affected:** All  
**Key decision:** No  
**Full Council decision:** Yes

---

**1. Purpose of report**

1.1. To advise members of the Council's position with regard to the animal welfare charter presented to Council in a notice of motion on 17 March 2015.

**2. Recommendation**

2.1. Cabinet ask Council to note the position as set out below.

**3. Background**

3.1. At Full Council on 17 March 2015, following a notice of motion, it was resolved by Council that where appropriate, an animal welfare charter be adopted. Each of the Council services who have responsibility for the activity identified in the charter have been asked for their response and these are set out below together with the current level of compliance with the charter.

	<i>Charter proposal</i>	<i>Service response</i>
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.	All teams use approved supplier Whiteman and Parish for cleaning materials. Whiteman and Parish confirm they only use ethically sourced products that are not tested on animals.
2	To ban circuses on Portsmouth City Council owned land that	Circuses are currently permitted on City Council land provided the acts



	<p>feature animals other than horses, ponies, guard dogs or domesticated animals.</p>	<p>are undertaken by horses, ponies or dogs only. Performing birds are not permitted.</p> <p>The Council is unable to further licence these activities as the Council's powers do not extend to the use of animals in performance however where entertainment consists of live or recorded music after 23:00 hours to an audience of over 500 persons there are some licensing requirements on land which the Council does not own.</p>
3	<p>To discourage the use of animals as prizes on land owned by Portsmouth City Council</p>	<p>See point 2 above. It is not considered possible for the Licensing Authority to make representations on the grant of a licence on the grounds of animal welfare as this does not meet the statutory criteria for a relevant representation (prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm). The Council could impose covenants to ensure compliance on land which it owns which is subject to a lease or licence. This may reduce the commercial value of some land.</p>
4	<p>To work with partners in the city, such as the RSPCA and local vets, to encourage responsible pet ownership via measures including:</p> <ul style="list-style-type: none"><li>• Promoting the neutering of households pets.</li><li>• Encouraging practices such as micro-chipping, worming, de-fleeing, regular vaccinations, nail clipping and dental hygiene.</li><li>• Educating residents about responsible ownership of</li></ul>	<p>The City Council runs Dog Kennels at Great Salterns Farm on Burrfields Road, Portsmouth.</p> <p>The Council does not have authority to enforce or prosecute in respect of animal welfare. As a Local Authority the Chartered Institute of Environmental Health (CIEH) model licence conditions are followed together with guidance for Dog Boarding establishments and the kennel facility was built and is maintained and operated in line with this guidance.</p>



	<p>exotic animals and the challenges they pose.</p> <ul style="list-style-type: none"><li>• Supporting community action events held by the RSPCA and other animal welfare organisations</li><li>• Supporting educational campaigns to promote responsible dog ownership and knowledge of the bylaws and Central Government legislation.</li></ul>	<p>All of our kennel procedures and practices are in line with the CIEH model, in particular we adhere to the 5 welfare needs as highlighted in the Animal Welfare Act 2006. These include</p> <ul style="list-style-type: none"><li>• Somewhere suitable to live</li><li>• A proper diet</li><li>• Ability to express normal behaviour;</li><li>• A need to be housed with or apart from other animals</li><li>• Protection from and treatment for illness and injury</li></ul>
5	<p>To condemn the production, sale and consumption of foie gras.</p>	<p>No connection with Council services. The Council has no power to regulate such sales other than through covenants imposed through any land leased or licensed. This may reduce the commercial value of some land.</p>
6	<p>Support the ban on the sale of wild animal skins</p>	<p>No connection with Council services. The Council has no power to regulate such sales other than through covenants imposed through any land leased or licensed. This may reduce the commercial value of some land.</p>
7	<p>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 may be 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.</p>	<p>No connection with Council services. The Council has no power to regulate such sales other than through covenants imposed through any land leased or licensed. This may reduce the commercial value of some land.</p>
8	<p>To work to ensure any Mayoral and ceremonial robes do not contain real fur.</p>	<p>All ceremonial robes are comprised of fake fur.</p>

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	Pest Control team use poisons as part of an effective pest control service provided to residents and businesses within the city. This may be considered a breach of humane pest control methods.
10	To work with partners to promote information initiatives designed to educate residents about humane methods of pest control at home.	No education currently provided.
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	No education currently provided.

**4. Equality impact assessment (EIA)**

4.1. An equality impact assessment is not required as the recommendations do not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

**5. Legal Implications**

5.1. The City Solicitor's comments so far as they are relevant are incorporated within this report.

**6. Finance Comments**

6.1. Not applicable.

.....  
 Signed by: City Solicitor

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location



# Agenda Item 13



Portsmouth  
CITY COUNCIL

Agenda item:

**Title of meeting:** Cabinet  
Full Council

**Date of meeting:** 3<sup>rd</sup> July 2015  
7<sup>th</sup> July 2015

**Subject:** Developing proposals for devolved powers and responsibilities

**Report From:** Chief Executive

**Report by:** Paddy May, Corporate Strategy Manager

**Wards affected:** All

**Key decision:** No

**Full Council decision:** YES

---

## 1. Purpose of report

- 1.1. To obtain approval from Members to develop a proposal, with the other Hampshire and Isle of Wight Councils, to bring about devolution of powers and responsibilities from Central Government to the wider Hampshire area and as part of this create an appropriate governance structure that will provide for binding decisions to be made at this level.

## 2. Recommendations

- 2.1. Cabinet is recommended to agree that:
- The Leader of the Council and Chief Executive continue to work with other authorities in the wider Hampshire area to develop a proposal for submission to Government to achieve devolved powers and responsibilities from Central Government that will lead to better outcomes for local people.
  - This submission should include a proposal for a new governance arrangement, covering the geographical area of Hampshire and the Isle of Wight that would enable binding decisions to be made.
  - Delegated authority is given to the Chief Executive, after consultation with the Group Leaders, to approve the initial proposal for submission to Central Government.
  - Given the potential significance of the proposals, that this report be presented to Full Council.

### 3. Background

- 3.1. Following the Scottish Independence referendum, English devolution became a significant issue and the importance of this issue increased during the General Election campaign. The "Manchester Deal" signalled what was possible, in terms of devolution to local areas, and following the General Election the new Secretary of State has signalled his willingness to receive devolution proposals from local areas across the country.
- 3.2. It is worth stressing that the proposals should form the basis of a deal between local areas and Central Government. This means that as well as seeking devolved responsibilities and powers from central government there is a need to provide something back to central government as part of a deal. Any proposal would be about bringing new powers and responsibilities to the wider Hampshire area but we will be expected to deliver appropriate governance arrangements and help achieve government priorities on issues such as delivering new houses.
- 3.3. Part 6 of the Local Democracy, Economic Development & Construction Act 2009 contains powers which enable the Secretary of State to make an order establishing a combined authority for an area which meets certain specified conditions. A combined authority is a corporate body which enables local authorities to work jointly to deliver improvements in economic development, regeneration and transport across a functional economic area. The Secretary of State has to be satisfied that the creation of the combined authority will improve the efficiency and effectiveness of transport and economic development in the area. It is worth stressing that a Combined Authority is not the creation of a new super authority which takes over all the functions and structures of the authority within that area.
- 3.4. The government has indicated that it would welcome devolution proposals that include the development of a combined authority because they believe that these are appropriate governance structures to undertake a greater set of functions within their local area. However it would be possible to negotiate alternative governance models that met the requirement of government to have binding decisions made.
- 3.5. The Cities and Local Government Devolution Bill was introduced in the House of Lords on 28 May 2015. This signals the Government's commitment to devolution. This Bill proposes amongst other things that:
  - There can be an elected mayor for a combined authority area who would exercise certain powers and chair the authority
  - An elected mayor for a combined authority area can undertake the role of the Police and Crime Commissioner for that area
  - The current statutory limitations on the functions of a combined authority (namely economic development, regeneration and transport) be removed - this means that a combined authority area.
- 3.6. Whilst the Government have made it clear that City areas seeking devolution deals will be expected to agree to the creation of an Elected Mayor, it is currently thought that there will be no such requirement for devolution deals for the type of proposal which is being contemplated for the wider Hampshire area. Certainly the

Cornwall proposal contains no such commitment and advice has been given that it is unlikely that such a stipulation would be made for the wider Hampshire area.

- 3.7. The area covered by the Hampshire and Isle of Wight Local Government Association (HIOWA) is complex in governance terms, with one County, eleven District Councils, two Unitary Cities and the Isle of Wight – a unitary County Council. There is, however, a good track record of joint working within this area and the area includes exemplary partnerships such as the Partnership for Urban South Hampshire (PUSH) and many examples of our local Councils working jointly with colleagues in other parts of the public and private sectors. There has been much discussion within the HIOWA area about developing a model with a suitable governance structure as the basis for a devolution proposal to present to Government.
- 3.8. It is worth emphasising that whilst much of the discussion so far has been about the structure that we would wish to present to government, our actual submitted proposal needs to have a focus on:
- what it is we want to achieve
  - what we want devolved
  - why this will help
  - what problems this will sort out for Central Government. These problems are likely to be around, for example, using public resources more efficiently and providing more housing within an area.
- 4. Developing a proposal for a Hampshire & Isle of Wight Combined Authority**
- 4.1. There is no doubt that the Government's commitment to devolution offers an opportunity for the HIOWA Councils to gain greater local control over services and, potentially, devolved budgets in a number of key areas from Central Government. The Cities & Local Government Devolution Bill outlines a menu of options for devolution. There does appear to be a good deal of flexibility and local choice in the governance model brought forward, and the devolution package sought. But it is crucial that any proposal put to Government is supported by all councils in the area.
- 4.2. In response to this opportunity the HIOWA Leaders have recently agreed in principle to developing a proposal to create a new governance structure that will create a devolved administration that covers the boundaries of Hampshire County Council (and the district councils within that area), Southampton City Council, Portsmouth City Council and the Isle of Wight Council. An illustrative diagram has been attached as Appendix 1 which shows how the governance of this could work. However, the details of any governance arrangements will be subject to discussion and negotiation locally and would need to be agreed with local partners (e.g. LEPs) and with Central Government.
- 4.3. As stressed earlier in this report it will be important that our proposal concentrates on the policy issues that we would wish to see devolved and why this will be better for local people whilst also helping Central Government deliver their priorities. To this end there are a broad range of matters which may be included in the "ask" we make of Government (a list of possible examples is

attached as Appendix 2), and the HIOWA Leaders discussed, amongst other things:

- Local control over funding for skills, post-sixteen education, apprenticeships and lifelong learning;
- More local control over national infrastructure spending on transport and housing;
- A HIOWA wide “Better Care Fund” to better integrate health and social care across local government and the NHS;
- Freedom to borrow against the forecast proceeds of local growth (to support enabling infrastructure);
- A comprehensive public sector land bank, making surplus NHS and MOD land available for housing;
- Ability to use public procurement and national business support budgets to support local business growth; and
- Greater retention of growth in business rates.

4.4 The aim is to make a submission regarding our intent for the wider Hampshire area, so that an initial submission can be made to Government around the end of July. Our experience from other work, such as the City Deal, suggests that the negotiations around our proposal will lead to an iterative process with further submissions required before we end up with a potential deal. We will keep Members informed as this process develops. It is also worth stressing that any deal does not have to signify the end of the journey or the final "destination". The widely acclaimed Manchester devolution deal was actually the result of a series of negotiations and deals and is still on-going.

4.5 Perhaps as important as the opportunities for devolution are the wider discussions surrounding a new governance structure and what that might offer HIOWA Councils to explore opportunities for closer working, shared service or service integration. All councils face the challenges posed by the ongoing pressures on budgets and, whilst there is a good record for sharing to drive efficiencies, we all need to recognise we could do more. Developing further our partnerships through a new governance arrangement could help reinvigorate that work.

4.6 There is already a rich mix of partnerships across the HIOWA area, and the formal governance structures arising from a new proposal could provide an umbrella for those partnerships to grow and develop. Thus, less formal joint working between clusters of authorities or bi-lateral relationships between councils should be encouraged alongside the formal governance structures set up as part of the devolved administration.

4.7 A central feature of HIOWA has been its willingness to work alongside non-council partners including: Hampshire Police, the voluntary and community sector, the business community and the Armed Forces. It is clear that Leaders do not want to see any new governance structure lead to the loss of these relationships. As they seek to develop an appropriate local response to the devolution agenda they will not want to lose those links.

## **5. Reasons for recommendations**

- 5.1. If we are to take advantage of the devolution agenda it is important that the Leader of the Council and the Chief Executive are given the opportunity to continue to work with the other authorities in the wider Hampshire area to develop a proposal for submission by the end of July. This will enable Portsmouth City Council to influence the shape of any proposal and to take advantage of anything agreed through the deal. Central Government will expect our proposal to include a new governance arrangement that will enable binding decisions to be made at the wider Hampshire level. Subject to any agreement these binding decisions are likely to be about the new powers and responsibilities that will be devolved from central government.
- 5.2. It is expected that an initial proposal will be made by the end of July and so a mechanism needs to be developed to allow approval of this initial proposal. This report is therefore seeking for delegated authority to be given to the Chief Executive to approve the initial proposal, in consultation with the Group Leaders. It is worth stressing that this will be an iterative process and so Members will have further opportunities to consider and shape the joint proposal. Given the potential significance of the proposals, that this report be presented to Full Council.

## **6. Equality impact assessment (EIA)**

- 6.1 A preliminary EIA has been completed, indicating that there is no requirement for a full EIA at this stage.

## **7. City Solicitor comments**

- 7.1 Two key proposed changes to the law around Combined Authorities will substantially empower those seeking to enter into such arrangements. Based on the current drafting of the Cities and Local Government Devolution Bill, and the draft Legislative Reform (Combined Authorities and Economic Prosperity Boards) (England) Order 2015 the changes will:
- Require the consent of local authorities making those arrangements
  - Enable local authorities that do not have contiguous boundaries to form Combined Authorities where the Secretary of State considers they can collaborate effectively in specified statutory functions.
  - Enable Combined Authorities to take on a broad range of functions, including functions which not only currently reside within individual local authorities, but also a range of public authority functions which go beyond those enjoyed by local authorities, and also to transfer property interests to the Combined Authority relating to those functions.
  - Allow the secretary of state to levy by way precept for its funding
  - Allow the secretary of state to make regulations to make changes to the governance arrangements in respect of matters to be transferred to a Combined Authority.
  - Provide that the consent of relevant local authorities and public bodies is needed in respect of any changes.
  - Provide for an elected mayor for the combined authority's area who would exercise specified functions individually and chair the authority;

- Provide for the possibility for the mayor additionally to undertake the functions of Police and Crime Commissioner for the combined authority area (in place of the Police and Crime Commissioner);
- Remove the current statutory limitation on functions that can be conferred on a combined authority (currently economic development, regeneration, and transport); and
- Provide for streamlined local governance as agreed by councils.

**8. Head of finance’s comments**

8.1 There are no additional financial implications arising directly from the recommendations contained within this report. Proposals along with the identification of any associated financial implications will be reported to a future Cabinet meeting.

.....  
Signed by: David Williams, Chief Executive

**Appendices:**

- Appendix 1 - Illustrative governance arrangements
- Appendix 2 - Potential devolution asks that could be worked into a proposal

**Background list of documents: Section 100D of the Local Government Act 1972**

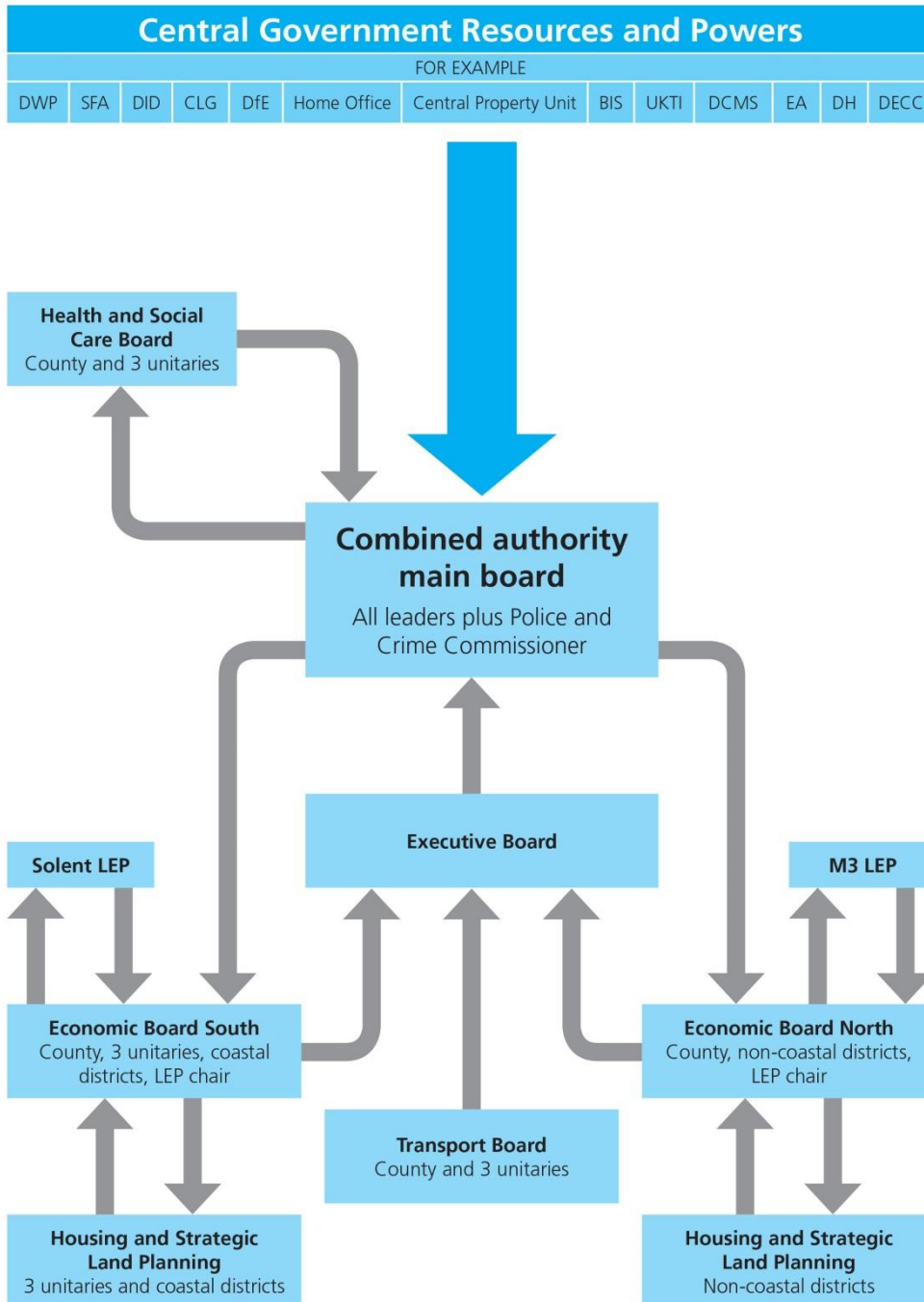
The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by: Name and Title

**Illustrative governance arrangements**





**Potential devolution asks that could be worked into the proposal**

Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
<b><u>Funding/Finance</u></b>			
<ul style="list-style-type: none"> <li>• Inability to plan long-term and fund local economic growth.</li> <li>• Lack of incentives and flexibilities for investment in business growth.</li> <li>• Funding remains within silos therefore aggregated economic benefits are not realised.</li> <li>• Inability to set local Council Tax with limitations from 2% referendum.</li> <li>• Limited ability for joint and integrated commissioning for economic growth and wider outcomes.</li> </ul>	<p>A single area budget including the following elements initially:</p> <ul style="list-style-type: none"> <li>• Long term funding based on % of GVA growth incentivising local investment in economic growth.</li> <li>• 100% retained business rates.</li> <li>• Unfreezing council tax.</li> <li>• Pooling the funding and assets of national and local public sector agencies. (L)</li> </ul>	<ul style="list-style-type: none"> <li>• Devolution of proportionate local Growth Deal to local area for flexible use, rather than via competitive bidding with other areas based on national criteria</li> <li>• Central Government staff/resources TUPE'd to support local delivery needs</li> <li>• Transport funding issues: <ul style="list-style-type: none"> <li>• 100% business rate capture for developments enabled by LTA investment in transport infrastructure i.e. in designated transport development areas.</li> <li>• A devolved multiyear transport settlement.</li> <li>• A devolved multiyear transport settlement.</li> </ul> </li> <li>• City centre enterprise hubs to be designated in wider Hampshire area</li> </ul>	<ul style="list-style-type: none"> <li>• Longer-term planning.</li> <li>• Localised incentives for businesses.</li> <li>• Aggregated/joint budgets and improved outcomes.</li> <li>• Council tax flexibilities to meet growth demands and opportunities.</li> <li>• Additional local resources helping to create financial sustainability for Councils across the functioning economic area.</li> </ul>





Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
		City centres. <ul style="list-style-type: none"> <li>• Devolved fund for regeneration capital projects that can be used to match EU and pump prime development</li> <li>• Arrangements for combined waste disposal</li> </ul>	
<b>Housing</b>			
<ul style="list-style-type: none"> <li>• Government has limited the amount of borrowing headroom for the Housing Revenue Account (HRA). This particularly restricts the HRA to deliver a comprehensive range of projects (improving existing stock and providing new homes) in the early years of the HRA Business Plan since self-financing started in April 2012.</li> <li>• Strict rules around the use of Right to Buy receipts. Since 2012 councils have been allowed to keep some RTB receipts. Rules around spend include requirement to spend within 3 years, RTB receipts can fund only</li> </ul>	Control of a new Housing Investment Fund. <b>(M)</b>  Powers for the City Region to determine its own housing strategies. <b>(L)</b>  Form a Joint Assets Board to collaborate on disposing of public sector assets. <b>(S)</b>  Devolution of a single consolidated 'housing budget' – including HCA assets and other returnable HCA funds such as Get Britain Building local investments if matched with recycled funds from, for example, the European Union. This would double house building by 2021, developing over 10,000 new homes pa, creating significantly more affordable houses, and reducing the City Region Housing Benefit bill that currently	<ul style="list-style-type: none"> <li>• Lifting of the HRA borrowing headroom and lifting of the rules for spending Right to Buy Receipts</li> <li>• Powers to create a spatial strategy document</li> </ul>	<ul style="list-style-type: none"> <li>• More homes built</li> <li>• More new affordable homes provided particularly in areas designated for Estate Regeneration – This renewal will help areas of deprivation so helping councils to reduce other service costs.</li> <li>• Assistance to universities to create purpose built student accommodation thereby relieving the pressure on the private rented sector and reducing housing costs</li> </ul>



Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
<p>30% of a new home. RTB receipts have to fund additional homes and so cannot always be used for estate regeneration, and RTB receipts cannot be used to fund a project together with HCA grant.</p>	<p>stands at nearly £1 billion pa. <b>(L)</b></p> <p>Local flexibility to develop financial instruments that reduce the risks associated with development, stimulate housing starts and stimulate institutional investment in housing of all tenures. This would include exploring regulatory flexibilities around innovative use of the Housing Revenue Account headroom across the Region. <b>(L)</b></p> <p>New models of strategic local housing development and the ability to devise a more targeted local 'Help to Buy' scheme appropriate for the Region. <b>(L)</b></p> <p>Testing new alliances with housing associations to make the transition from 'benefits to bricks' by investing housing benefit in new forms of community housing, linked to a double payoff in terms of jobs, skills and enterprise opportunities for people otherwise stuck in benefit dependency and/or in-work poverty, including community support networks for elderly residents. <b>(L)</b></p>		



Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
<b>Transport</b>			
<ul style="list-style-type: none"> <li>Local transport Authority (LTA) boundaries are not coterminous with travel to work areas. Whilst achieving full coterminous boundaries for all policy areas may be optimistic, with regard to transport the lack of common boundaries is leading to:               <ol style="list-style-type: none"> <li>Fragmentation in policy setting.</li> <li>Short- termist and opportunistic land use and transport practices that may conflict e.g. out of town development vs city centre leading to congested motorways, decentralised and declining city cores and unsustainable growth</li> <li>Duplication of resources with the wider region</li> <li>Delivery failure e.g. different approaches to traffic management that can result in a lack of integration across boundaries e.g. signal operation via different contracts</li> </ol> </li> <li>Inefficiency - The region's ability to make the best use of national and devolved transport funding and other funding opportunities is constrained. Cumbersome</li> </ul>	<p>Devolved relevant funding on local transport for the region. <b>(M)</b></p> <p>Powers to put in place an integrated transport system for the Region (such as found in London and major European city regions). <b>(L)</b></p> <p>Franchised bus services. <b>(L/M)</b></p> <p>Government funding for bus system including Bus Service Operators Grant and Statutory concessionary travel scheme. <b>(M)</b></p> <p>Integrating smart ticketing across all local modes of transport. <b>(L)</b></p> <p>Urgently exploring devolving rail stations. <b>(S)</b></p> <p>Ability to manage strategic highway and rail networks aligned with local growth priorities. <b>(L)</b></p> <p>Options for giving more control over local transport schemes. <b>(S)</b></p> <p>Powers to intervene in the market to develop digital infrastructure including</p>	<ul style="list-style-type: none"> <li>Financial contribution from HA and NR towards a strategic high level transport transformation study including fixed link to Gosport, IoW, east/ west connectivity, mass transit and facilitating quality and intensified urban living.</li> <li>Change to legislation to allow road levy and parking income to be used more flexibly on transport projects.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced fragmentation and conflict on policy issues. Better use of scarce local and national Government resources and expertise. Facilitates shared service working. Better delivery of area wide projects including traffic management practices.</li> <li>Improved working between LEPs and LTAs by creating opportunities for discussions at same boundary levels leading to streamlining of processes and opportunities for combining strategic budgets, better delivery programmes and access to other funding opportunities.</li> <li>Better strategic level working with national transport agencies and other LEP areas</li> </ul>



Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
<p>bidding processes for small posts of money erode current capacity. This could be better used to pool funding</p> <ul style="list-style-type: none"> <li>• Duplication - National approaches to allocating smaller pots of funding like transport challenge funds (e.g, recent road maintenance fund) require significant Central Government resources to manage their allocation. In addition the smaller the pot and the more complex the bidding process, the more waste this creates in local government in bidding effort.</li> <li>• Current legislation presents issues on creating effective boundaries. This is being changed. Critical to the solent is the need for part districts and part county areas to be involved. Flexibility may also be required to have a different transport boundary within a combined authority or EPB where for example one party has an</li> </ul>	<p>broadband and promote its take up and greater influence over the integration of digital infrastructure – including within local planning systems. <b>(L)</b></p> <p>Improved liaison with Highways Agency. <b>(S)</b></p> <p>Control of a reformed earn back deal. <b>(M)</b></p>		



Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
<p>internal political difficulty with dividing up part of its area to go into a combined authority.</p> <ul style="list-style-type: none"> <li>Declining budgets for transport mean smaller transport authorities may be unable to adequately resource the transport function in a proper way that achieves the region's economic growth outcomes.</li> </ul>			
<b>Learning, Skills &amp; Employment (with links to welfare)</b>			
<ul style="list-style-type: none"> <li>Skills and employment funding mechanisms are not integrated and have national formulae which do not take account of local need.</li> <li>National skills and employment funding incentive outcomes do not fully match local priority.</li> <li>Skills and employment commissioner is not responsive to local employers and learners needs.</li> <li>Skills and employment commissioning needs to integrate with wider public</li> </ul>	<p>A single long term Skills and Labour Market Agreement devolving skills and employment funding and programmes to the Region, enabling work with businesses, schools, colleges, universities, learning providers, and local communities to support more people into work, and ensure that people are being trained in the skills that are needed in the local economy. <b>(L)</b></p> <p>Devolution of funding for skills programmes, to enable employers to gain more direct influence over the skills system. <b>(L)</b></p> <p>Devolved fund for Higher Level skills,</p>	<ul style="list-style-type: none"> <li>Additional local and devolved funding for education – Early Years; school place sufficiency funding/schools capital; EFA budgets for vocational curriculum and IAG; SEND devolved funds to allow for local commissioning and efficiencies.</li> <li>Troubled Families allocation to be devolved proportionally to allow for greater local responsiveness and synergies.</li> <li>Work Programme Funding devolvement.</li> </ul>	<ul style="list-style-type: none"> <li>Local employment, skills and learning funding are integrated and promote outcomes needed by local residents and businesses.</li> <li>Greater take-up of employment, skills and learning at all levels.</li> <li>Greater employer ownership and contributions.</li> <li>Learners and employers</li> </ul>



Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
<p>funding (health, social, criminal justice etc...) and private sector employer contributions, all of which can only be levered at local level.</p> <ul style="list-style-type: none"> <li>National Programmes (e.g. Employer Ownership of Skills) are not adequately taken up by local employers due to the lack of relevance to local area, need for local brokerage rigid bidding processes.</li> <li>National funding priorities create competition amongst skills training providers rather than collaboration to meet local demographic demands.</li> <li>Skills capital funding is not linked to revenue to support take up of provision.</li> <li>Information, advice and guidance in schools and colleges and vocational education is not adequately linked to local labour market demand and local provision.</li> <li>Welfare, skills and employment support are fragmented, with different outcomes, whereas employment and</li> </ul>	<p>education and innovation facilities to create a strong network of universities, colleges and UTCs which inspire and nurture talent for advanced industries. <b>(M)</b></p> <p>Bursary endowment fund to co-sponsor level 5, 6 and post-graduate degrees in technologies linked to future growth industries. <b>(L)</b></p> <p>Incentives for schools to further engage with employers, inspirational role models and mentors to inspire higher aspiration and achievement, instil employability attributes, and provide meaningful guidance as well as career tasters. Every pupil supported to make well informed choices from primary through until they transfer to an apprenticeship, further or higher education, with equal status of funding and outcomes. <b>(L)</b></p> <p>Devolved funds to offer all unemployed young people under 24 a guaranteed apprenticeship, work placement or paid internship for six months after they have completed their education. <b>(L)</b></p> <p>Devolution of employment programmes for all ages. <b>(L)</b></p>	<ul style="list-style-type: none"> <li>Jobcentre Plus and Flexible Support Funding to be delivered to maximise Community budget, joint commissioning and delivery against local priorities.</li> <li>Devolved Employer Ownership allocation to meet local employer demand.</li> <li>Devolved Adult Skills budget to enable cross college curriculum development.</li> <li>Devolved Community Learning budget to provide greater strategic prioritisation to meet demographic, economic and geographical needs.</li> <li>Apprenticeships grant devolution to local area to combine with local resources.</li> </ul>	<p>wider needs are met through combined delivery.</p> <ul style="list-style-type: none"> <li>Greater strategic collaboration by providers.</li> <li>Capital and revenue investment considered concurrently.</li> <li>Information, advice and guidance more closely linked to labour market demand increasing informed choice for young people and adults.</li> <li>Programmes for unemployed people better aligned with local economic growth and wider welfare, health and local agenda.</li> <li>Increase relevance and take-up of apprenticeships.</li> <li>A NEET free functioning economic area</li> </ul>



Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
<p>skills support must integrate to meet individuals' needs.</p> <ul style="list-style-type: none"> <li>• Education from early years through to HE needs to focus on local opportunities for life and work. Current system fragments and is not related to economy.</li> <li>• Adequate apprenticeship support and promotion is not available for SMES through national system.</li> <li>• Apprenticeships grants need to be linked with other local incentives.</li> <li>• Employment programmes are too focused on specific criteria (age, health, length of unemployment) and claimants fall between criteria or have multiple issues that are not addressed.</li> </ul>	<p>Local commissioning of integrated training, welfare and adult education measures to help people progress out of low pay and in work benefit dependency into better jobs. <b>(L)</b></p> <p>Responsibility for adult skills funding and provision <b>(S/M)</b></p> <ul style="list-style-type: none"> <li>- Adult Skills Budget (exc participation funding for apprenticeships and traineeships)</li> <li>- Apprenticeship Grant for Employers (make own priorities with share of £85m national pot)</li> </ul> <p>Reshape and restructure FE provision so that new system in place by 2017. <b>(S/M)</b></p> <p>Develop proposals for how BIS Adult Skills funding works across city region. <b>(S)</b></p> <p>Apprenticeship Brokerage activities targeted at SMEs. <b>(S)</b></p> <p>Work jointly with the National Careers Service on the Inspiration agenda. <b>(S)</b></p> <p>Joint commissioner with DWP of the next phase of the Work Programme. <b>(S/M)</b></p>		<ul style="list-style-type: none"> <li>• Reduced welfare bill for the wider Hampshire area</li> <li>• Better links to Universities and UTCs helping to deal with the South Hampshire Skills Issues and providing innovation to the functioning economic areas within the wider Hampshire area</li> </ul>



Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
	<p>Pilot Work Programme Returners' Programme expansion Rewarded by Payment by Results. <b>(M)</b></p> <p>Pilot to support older workers with long term health conditions back into work. <b>(M)</b></p> <p>Improve outcomes for ESA claimants – DWP enter discussions over public sector reform pilot from 2015. <b>(S)</b></p>		
<b>Business Support</b>			
<ul style="list-style-type: none"> <li>Support to businesses is fragmented. Businesses need access to all services through holistic local offer.</li> <li>Funding streams are segregated, aggregation of funds and outcomes is not possible with national system.</li> <li>Inward investment needs dedicated local resource in order to maximise geographical focus and match with other local fund resources.</li> <li>Innovation funds for businesses need</li> </ul>	<p>Export Advice –Work/Influence with UKTI. <b>(S/M)</b></p> <p>Growth Accelerator and Manufacturing Advice Service. <b>(S/M)</b></p> <p>Develop devolved approach to business support from 2017. <b>(S/M)</b></p> <p>Devolve Innovation Funding supported by incentives for universities and other centres of expertise to work more proactively with SMEs. <b>(L)</b></p> <p>Programme of investment and activity to</p>	<ul style="list-style-type: none"> <li>Devolve proportionate Regional Growth Fund allocation for local determination to meet demands against strategic priorities.</li> </ul>	<ul style="list-style-type: none"> <li>Support to businesses tailored locally to meet all aspects of need (business planning, skills, capital, etc...)</li> <li>Greater investment resources dedicated to needs of local area.</li> <li>Greater employer ownership of innovation.</li> <li>A focus on our marine</li> </ul>





Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities <b>Key</b> M – Greater Manchester Combined Authority S – Sheffield City Region L – West Yorkshire Combined Authority / Leeds City Region LEP proposal	Potential additional requests for the wider Hampshire area	Outcomes
to be more business led, rather than based on offer of providers.	<p>promote commercialisation of innovation. <b>(L)</b></p> <p>Extend the devolution of RGF via Combined Authorities to enable funding of more SMEs with lower entry threshold projects from £10k to £1m which reward investment in technology, supply chain development and innovation and export, to create more new and sustainable jobs with high leverage and improved value for money. <b>(L)</b></p> <p>Devolve export and an element of business support funding to enable business- led Export and Enterprise Challenge programmes. <b>(L)</b></p> <p>Devolution of an agreed proportion of the communications / SME engagement budgets of national business support programmes to support the sustainability of the Business Growth Hub as the primary vehicle for SMEs to access growth- focussed support around the three 'I's of Innovation, Investment and Internationalisation. <b>(L)</b></p> <p>Leeds City Region should oversee existing national business support schemes,</p>		cluster where we have a recognised competitive advantage



Issue with current centralised system which could be mitigated through local solutions	Measures already requested/agreed by existing combined authorities	Potential additional requests for the wider Hampshire area	Outcomes
	<p style="text-align: center;"><b>Key</b></p> <p>M – Greater Manchester Combined Authority            S – Sheffield City Region            L – West Yorkshire Combined Authority / Leeds City Region LEP proposal</p>		
	<p>including Manufacturing Advisory Service and Growth Accelerator, and the existing arrangements for promoting trade and investment through UKTI should be strengthened. <b>(L)</b></p>		
<b>Planning</b>			
	<p>Powers over strategic planning including powers to create a statutory spatial strategy for the city region. <b>(M)</b></p>	<ul style="list-style-type: none"> <li>• Powers to create a spatial strategy document</li> </ul>	
<b>Health &amp; Social Care</b>			
	<p>Business plan for the integration of health and social care. <b>(M)</b></p> <p>A collaborative approach to commissioning of non-specialist health services. <b>(L)</b></p>	<ul style="list-style-type: none"> <li>• Develop a business plan for the integration of health and social care across the Wider Hampshire area, based on control of existing health and social care budgets.</li> </ul>	<ul style="list-style-type: none"> <li>• Better (2 way) links to public health and the wider sub-regional health economy.</li> </ul>

# Agenda Item 14

## **GOVERNANCE AND AUDIT AND STANDARDS COMMITTEE**

(from 26 June 2015 meeting)

### **Changes to the Designated Independent Person Dismissal Procedures**

(Governance & Audit & Standards Committee minute 43 refers)

G&A&S

**The Governance & Audit & Standards Committee recommends that Full Council agrees that the Officers' Employment Procedure Rules in Part 3D of the Constitution be amended to reflect the change in process. The proposed changes are attached as Appendix 1 of the report.**

This page is intentionally left blank

Agenda item: 

**Title of meeting:** Governance & Audit & Standards (G&A&S)  
Full Council

**Date of meeting:** 26<sup>th</sup> June 2015  
7<sup>th</sup> July 2015

**Subject:** Changes to the designated independent person dismissal procedures

**Report From:** Director of HR, Legal & Performance

**Report by:** Paddy May, Corporate Strategy Manager

**Wards affected:** All

**Key decision:** No

**Full Council decision:** YES

---

**1. Purpose of report**

1.1. To inform members of a change to the procedures that must be followed for the dismissal of designated posts (Head of Paid Service, Monitoring Officer or Chief Finance Officer) using a designated independent person and to seek, from G&A&S, a recommendation to council to amend the Council's *Officers' Employment Procedure Rules in Part 3D of the Constitution* to reflect these new procedures. Members are also asked to agree that a copy of the report should be sent to Employment Committee for information.

**2. Recommendations**

- 2.1. That the new process for dismissal of a designated person (set out in paragraphs 4.1-4.3) be noted.
- 2.2. That Full Council agrees that the Officers' Employment Procedure Rules in Part 3D of the Constitution be amended to reflect the change in process. The proposed changes are attached as Appendix 1.
- 2.3. That the Director of Legal, HR and Performance be tasked with the creation of any such panel if it is required
- 2.4. That this report be sent to Employment Committee for information.

**3. Background**

3.1. The Heads of Paid Service, the Monitoring Officers and the Chief Finance Officers (S151 officer) all have statutory responsibilities to discharge to their councils. As they work with, and report to elected members, they discharge

these responsibilities in a political environment. Any allegation of misconduct against any of these officers has to be undertaken by a Designated Independent Person (DIP) and no disciplinary action can be taken other than that which has been recommended in a report by the DIP.

- 3.2. The purpose of this requirement is to ensure that these officers can discharge their duties without any fear of being influenced by elected members or of being dismissed without good reason. However there is concern that the process of appointing a DIP and undertaking an investigation is bureaucratic, complex, time consuming and expensive. The Local Government Association (LGA) has estimated that the minimum legal cost of this process is £100k (excluding the cost of undertaking the actual investigation, preparing the case or briefing lawyers). In practice most local authorities appoint a barrister with experience of employment law as their DIP.

#### **4. The proposed new arrangements**

- 4.1 The intention of the new regulations is to "simplify and localise the disciplinary process for the most senior officers". The requirement to appoint a DIP will be removed and instead a decision will be taken by Full Council who must consider:
- any advice, views or recommendations from an independent panel
  - the conclusions of any investigation into the proposed dismissal
  - any representations from the officer concerned.
- 4.2 If a council wishes to undertake a disciplinary process against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer it must invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel. A panel will be formed if two or more independent persons accept the invitations. Councils should issue invitations in accordance with the following priority order:
- an independent person who has been appointed by the council and who is a local elector
  - any other independent person who has been appointed by the council
  - an independent person who has been appointed by another council or councils
- 4.3 The regulations limit the remuneration that should be paid to the independent persons on the panel to the level that they would receive as an independent person in the conduct regime. It is suggested that this will significantly reduce the costs of any process. The revised arrangements are to come into force by councils modifying their standing orders. Within Portsmouth our process is described in our "Officers' Employment Procedure Rules in Part 3D of the Constitution" rather than in our standing orders. Councils should make this modification no longer than at the first ordinary council meeting held after the 7 May election. This is the first meeting after the Council's Annual Meeting. For Portsmouth, this means that the recommended changes should be taken to the Council meeting scheduled for 7 July 2015.
- 4.4 The wording of the Officers' Employment Procedure Rules in Part 3D of the Constitution, including the proposed changes that will need to be made, is

attached as Appendix 1. The tracked changes version is attached as Appendix 2. In terms of the need to set up any such panel it is recommended that this responsibility should not rest with any of the posts that could be affected by this change in process. On this basis it is proposed that the Director of HR, Legal and Performance should have the responsibility to set up any panel that needs to be created.

4.5 There are a number of concerns that have been raised about these new requirements and these are detailed in Appendix 3.

**5. Reasons for recommendations**

5.1 The City Council is required to modify the procedures for taking disciplinary action against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer. There is a requirement that the Council takes a report to the first Ordinary Council meeting after the elections to approve the changes to Standing Orders (or in Portsmouth's case the Officers' Employment Procedure Rules in Part 3D of the Constitution).

**6. Equality impact assessment (EIA)**

6.1 A preliminary EIA has been completed, indicating that there is no requirement for a full EIA at this stage.

**7. City Solicitor comments**

7.1 All legal comments are contained within the body of the report.

**8. Head of finance's comments**

8.1 No specific budget provision exists for such an event and should this situation arise, costs would represent a call on contingency.

.....  
Signed by: Jon Bell, Director of HR, Legal & Performance Improvement

**Appendices:**

Appendix 1 - Proposed Officers' Employment Procedure Rules from Part 3D of the Constitution

Appendix 2 - Tracked Changes Version of Proposed Officers' Employment Procedure Rules from Part 3D of the Constitution

Appendix 3 - Issues that have been raised nationally about the new process

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by: Name and Title



**Officers' Employment Procedure Rules in Part 3D of the Constitution****Part 3D - Officers' Employment Procedure Rules <sup>1</sup>**

These rules determine procedures to be followed in the recruitment of senior officers of the council and in any disciplinary action which may become necessary and the involvement of Members in such matters. Further details of the disciplinary process for senior officers are contained in relevant policies agreed by the Employment Committee.

1. Recruitment and appointment
  - (a) Declarations
    - i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to, or in a relationship with, any existing councillor or employee of the council; or of the partner of such persons.
    - ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
  - (b) Seeking support for appointment.
    - i) Subject to paragraph (iii), the council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
    - ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the council.
    - iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.
2. Recruitment of head of paid service and chief officers

Where the council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:

  - (a) draw up a statement specifying:
    - i) the duties of the officer concerned; and
    - ii) any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
  - (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request;
3. Where a post has been advertised as provided in paragraph 2(b), the council shall -
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.
4. Where no qualified person has applied the council shall make further arrangements for advertisement in accordance with paragraph 2(b),
5. The council may authorise a chief officer to carry out any or all of the steps in paragraphs 2, 3 and 4 above and unless the council otherwise directs, the chief executive is authorised to carry out those steps in respect of any chief officer post.

---

<sup>1</sup> Last updated on [to be added]

## 6. **Appointment of head of paid service**

- (a) The arrangements for the appointment of the head of paid service (the chief executive) are reserved to the council<sup>2</sup>.
- (b) Where the Employment Committee or an appointments sub committee is acting on behalf of the authority, the full council must approve the appointment before an offer of appointment is made.<sup>3</sup>
- (c) The council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any member of the Cabinet.

## 7. **Appointment of chief officers**

- (a) The arrangements for and appointment of all chief officers and staff on the Joint National Council for Chief Officers conditions of service is delegated to the Employment Committee who are authorised to delegate any such process and appointment (including the terms of any contract for such appointment) to an 'appointments sub committee', which shall comprise such members as the Employment Committee thinks fit, but must include at least one member of the Cabinet.
- (b) An offer of employment under (a) above must not be made by the Employment Committee or the appointments sub committee until —
  - (i) the chief executive has been notified of the names of the shortlisted candidates together with any particulars considered relevant to the proposed appointment;
  - (ii) the chief executive has notified every member of the Cabinet of —
    - the names of the shortlisted candidates;
    - any particulars relevant to the proposed appointment of any of the shortlisted candidates;
    - the period within which any objection to the making of any offer is to be made by the Leader of the Council on behalf of the Cabinet; and
  - (iii) either —
    - The Leader has, within the period specified, notified the committee that the Cabinet has no objection to the making of any offer;
    - the chief executive has notified the committee that no objection was received from the Leader within the period specified; or
    - the committee is satisfied that any objection received from the Leader of the Council within the period specified is not material or is not well-founded.

## 8. **Other appointments**

- (a) Officers other than head of paid service and chief officers  
Appointment of officers on any other scheme of condition of service is the responsibility of the relevant chief officer or his/her nominee, and may not be made by councillors.

---

<sup>2</sup> The head of paid service (usually referred to as the Chief Executive) is a statutory appointment pursuant to section 4 of the Local Government and Housing Act 1989.

<sup>3</sup> Paragraph 4 of Part 2 of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended).

9. **Disciplinary action of Relevant Officers**

- (a) **Suspension.** The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months. - *NB It is arguable (but not entirely clear) that the 2015 regulations require this paragraph to be removed.*
- (b) councillors will not be involved in disciplinary action against any officer other than those employed on the Joint National Council for Chief Officers conditions of service.

10. **Dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer**

- (a) In this paragraph 10:
- "the 2011 Act" means the Localism Act 2011;
  - "independent person" means a person appointed under section 28(7) of the 2011 Act;
  - "local government elector" means a person registered as a local government elector in the council's area
  - "The Panel" means a committee appointed by the council for the purposes of advising the council on matters relating to the dismissal of the head of paid service, the monitoring officer or the chief financial officer;
  - "relevant meeting" means a meeting of the full council to consider whether or not to approve a proposal to dismiss the head of paid service, the monitoring officer or the chief financial officer
- (b) Where the Employment Committee or a committee acting on its behalf is discharging on behalf of the council the function of dismissal of an officer designated as the head of paid service, as the monitoring officer or as the chief finance officer, the full council must approve that dismissal before notice of dismissal is given to that person.  
The head of paid service, monitoring officer or chief finance officer may not be dismissed unless the procedure set out in the following paragraphs 10(b) (i) to (vi) is complied with:
- (i) The council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel
  - (ii) In paragraph (i) "relevant independent persons" means any independent person who has been appointed by the council, or where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the council considers appropriate.
  - (iii) Subject to paragraph (iv), the council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph (i) in accordance with the following priority order-
    - (1) a relevant independent person who has been appointed by the council and is a local government elector;

- (2) any other relevant independent person who has been appointed by the council;
- (3) a relevant independent person who has been appointed by another authority or authorities.
- (iv) the council is not required to appoint more than two relevant independent persons in accordance with paragraph (iii) but may do so.
- (v) The council must appoint any Panel at least 20 working days before the relevant meeting.
- (vi) Before the taking of the vote at the relevant meeting on whether or not to approve such a dismissal, the full council must take into account, in particular-
  - any advice, views or recommendations of the Panel;
  - the conclusions of any investigation into the proposed dismissal; and
  - any representations of the officer whose dismissal is being considered at the meeting
- (vii) Any remuneration, allowances or fees paid by the council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

#### 11. **Dismissal of other Senior Officers**

- (a) councillors will not be involved in the dismissal of any officer other than those who are employed on the Joint National Council for Chief Officers conditions of service.
- (b) Where the Employment Committee or a committee acting on its behalf is discharging the function of dismissal of an officer on the Joint National Council for Chief Officers Conditions of Service, at least one member of the Cabinet must be a member of that committee.
- (c) Notice of the dismissal of an officer on the Joint National Council for Chief Officers Conditions of Service must not be given by the council, the Employment Committee, a sub committee or officer until —
  - (i) the chief executive has been notified of the name of the person whom it is proposed to dismiss and any particulars which are considered relevant to the dismissal;
  - (ii) the chief executive has notified every member of the Cabinet of —
    - the name of the person whom it is proposed to dismiss;
    - any particulars relevant to the proposed dismissal;
    - the period within which any objection to the proposed dismissal is to be made by the Leader of the Council on behalf of the Cabinet; and
  - (iii) either —
    - The Leader has, within the period specified, notified the committee or officer taking the decision that the Cabinet has no objection to the dismissal;
    - the chief executive has notified the committee or officer taking the decision that no objection was received from the Leader within the period specified; or
    - the committee or officer is satisfied that any objection received from the Leader of the Council within the period specified is not material or is not well-founded.

*(These Rules incorporate where required within paragraphs 6, 7, 8, 9, 10 and 11, the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001)(as amended).*

NOTE:

The term chief officer includes Directors.

This page is intentionally left blank

### Tracked Changes Version of Part 3D - Officers' Employment Procedure Rules <sup>1</sup>

These rules determine procedures to be followed in the recruitment of senior officers of the council and in any disciplinary action which may become necessary and the involvement of Members in such matters. Further details of the disciplinary process for senior officers are contained in relevant policies agreed by the Employment Committee.

1. Recruitment and appointment
  - (a) Declarations
    - i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to, or in a relationship with, any existing councillor or employee of the council; or of the partner of such persons.
    - ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
  - (b) Seeking support for appointment.
    - i) Subject to paragraph (iii), the council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
    - ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the council.
    - iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.
2. Recruitment of head of paid service and chief officers

Where the council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:

- (a) draw up a statement specifying:
  - i) the duties of the officer concerned; and
  - i) any qualifications or qualities to be sought in the person to be appointed;

---

<sup>1</sup> Last updated on [\[to be added\]26 January 2011](#)

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
  - (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request;
3. Where a post has been advertised as provided in paragraph 2(b), the council shall -
    - (a) interview all qualified applicants for the post, or
    - (b) select a short list of such qualified applicants and interview those included on the short list.
  4. Where no qualified person has applied the council shall make further arrangements for advertisement in accordance with paragraph 2(b),
  5. The council may authorise a chief officer to carry out any or all of the steps in paragraphs 2, 3 and 4 above and unless the council otherwise directs, the chief executive is authorised to carry out those steps in respect of any chief officer post.
  6. **Appointment of head of paid service**
    - (a) The arrangements for the appointment of the head of paid service (the chief executive) are reserved to the council<sup>2</sup>.
    - (b) Where the Employment Committee or an appointments sub committee is acting on behalf of the authority, the full council must approve the appointment before an offer of appointment is made.<sup>3</sup>
    - (c) The council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any member of the Cabinet.
  7. **Appointment of chief officers**
    - (a) The arrangements for and appointment of all chief officers and staff on the Joint National Council for Chief Officers conditions of service is delegated to the Employment Committee who are authorised to delegate any such process and appointment (including the terms of any contract for such appointment) to an 'appointments sub committee', which shall comprise such members as the

---

<sup>2</sup> *The head of paid service (usually referred to as the Chief Executive) is a statutory appointment pursuant to section 4 of the Local Government and Housing Act 1989.*

<sup>3</sup> *Paragraph 4 of Part 2S4 Part IV (4) of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001(as amended).*



Employment Committee thinks fit, but must include at least one member of the Cabinet.

- (b) An offer of employment under (a) above must not be made by the Employment Committee or the appointments sub committee until —
- (i) the chief executive has been notified of the names of the shortlisted candidates together with any particulars considered relevant to the proposed appointment;
- (ii) the chief executive has notified every member of the Cabinet of —
- the names of the shortlisted candidates;
  - any particulars relevant to the proposed appointment of any of the shortlisted candidates;
  - the period within which any objection to the making of any offer is to be made by the Leader of the Council on behalf of the Cabinet; and
- (iii) either —
- The Leader has, within the period specified, notified the committee that the Cabinet has no objection to the making of any offer;
  - the chief executive has notified the committee that no objection was received from the Leader within the period specified; or
  - the committee is satisfied that any objection received from the Leader of the Council within the period specified is not material or is not well-founded.

## 8. Other appointments

- (a) Officers other than head of paid service and chief officers

Appointment of officers on any other scheme of condition of service is the responsibility of the relevant chief officer or his/her nominee, and may not be made by councillors.

## 9. Disciplinary action of Relevant Officers

- (a) **Suspension.** The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

- (b) ~~**Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.~~

~~(b)(e)~~ councillors will not be involved in disciplinary action against any officer other than those employed on the Joint National Council for Chief Officers conditions of service.

10. Dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer

(a) In this paragraph 10:

- "the 2011 Act" means the Localism Act 2011; councillors will not be involved in the dismissal of any officer other than those employed on the Joint National Council for Chief Officers conditions of service.
- "independent person" means a person appointed under section 28(7) of the 2011 Act;
- "local government elector" means a person registered as a local government elector in the council's area
- "The Panel" means a committee appointed by the council for the purposes of advising the council on matters relating to the dismissal of the head of paid service, the monitoring officer or the chief financial officer;
- "relevant meeting" means a meeting of the full council to consider whether or not to approve a proposal to dismiss the head of paid service, the monitoring officer or the chief financial officer

(b) Where the Employment Committee or a committee acting on its behalf is discharging on behalf of the council the function of dismissal of ~~an~~the officer designated as the head of paid service, as the monitoring officer or as the chief finance officer, the full council must approve that dismissal before notice of dismissal is given to that person.

The head of paid service, monitoring officer or chief finance officer may not be dismissed unless the procedure set out in the following paragraphs 10(b) (i) to (vi) is complied with:

- (i) The council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel
- (ii) In paragraph (i) "relevant independent persons" means any independent person who has been appointed by the council, or where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the council considers appropriate.
- (iii) Subject to paragraph (iv), the council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in

accordance with paragraph (i) in accordance with the following priority order-

- (1) a relevant independent person who has been appointed by the council and is a local government elector;
  - (2) any other relevant independent person who has been appointed by the council;
  - (3) a relevant independent person who has been appointed by another authority or authorities.
- (iv) the council is not required to appoint more than two relevant independent persons in accordance with paragraph (iii) but may do so.
- (v) The council must appoint any Panel at least 20 working days before the relevant meeting.
- (vi) Before the taking of the vote at the relevant meeting on whether or not to approve such a dismissal, the full council must take into account, in particular-
- any advice, views or recommendations of the Panel;
  - the conclusions of any investigation into the proposed dismissal; and
  - any representations of the officer whose dismissal is being considered at the meeting
- (vii) Any remuneration, allowances or fees paid by the council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

## **11. Dismissal of other Senior Officers**

- (a) councillors will not be involved in the dismissal of any officer other than those who are employed on the Joint National Council for Chief Officers conditions of service.
- ~~(b)~~ Where the Employment Committee or a committee acting on its behalf is discharging the function of dismissal of an officer on the Joint National Council for Chief Officers Conditions of Service, at least one member of the Cabinet must be a member of that committee.
- ~~(c)~~ Notice of the dismissal of an officer on the Joint National Council for Chief Officers Conditions of Service must not be given by the council, the Employment Committee, a sub committee or officer until —
- (i) the chief executive has been notified of the name of the person whom it is proposed to dismiss and any particulars which are considered relevant to the dismissal;
  - (ii) the chief executive has notified every member of the Cabinet of —

- the name of the person whom it is proposed to dismiss;
- any particulars relevant to the proposed dismissal;
- the period within which any objection to the proposed dismissal is to be made by the Leader of the Council on behalf of the Cabinet; and

(iii) either —

- The Leader has, within the period specified, notified the committee or officer taking the decision that the Cabinet has no objection to the dismissal;
- the chief executive has notified the committee or officer taking the decision that no objection was received from the Leader within the period specified; or
- the committee or officer is satisfied that any objection received from the Leader of the Council within the period specified is not material or is not well-founded.

*(These Rules incorporate where required within paragraphs 6, 7, 8, 9, 10 and 11, the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001)(as amended).*

NOTE:

The term chief officer includes ~~Strategic Directors~~ and heads of service

**Issues that have been raised nationally about the new process**

- 1) **Distinguishing between dismissal and disciplinary action**
  - a. The regulations state that the new independent panel process must be followed before a Chief Officer can be dismissed. No such obligation applies to other disciplinary action sanctions (unlike the current DIP process). However the view is that it is not often that a disciplinary process will be followed which will not have dismissal as a possible sanction.
  
- 2) **Expertise of the independent panel members**
  - a. It is thought that panel members appointed for the purpose of the members code of conduct under S28 of the Localism Act may well not have the necessary expertise to carry out the investigation and report. The authority will still need to ensure that a proper investigation is carried out as part of the process and so may need to appoint a DIP type person to undertake this role.
  
- 3) **Invites to the independent panel**
  - a. The regulations state that the authority must invite "relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two". It is thought that authorities will have to invite all their independent persons and then appoint in accordance with the priority order set by the regulations. An authority could have a panel larger than 2 and so the authority can decide on the size and the selection criteria (as long as it is line with the recommendations).
  
- 4) **Recommending a level of sanction**
  - a. There is no sanction recommendation requirement so the panel could opt out. Full Council could also decide on a more serious sanction than the panel recommended although this might cause a problem in any future tribunals.
  
- 5) **Who advises the panel?**
  - a. The regulations do not state who should advise the panel and so an authority may want to set up an advice system involving an external independent adviser.

This page is intentionally left blank

# Agenda Item 15

## **GOVERNANCE AND AUDIT AND STANDARDS COMMITTEE** (from 26 June 2015 meeting)

**Revision to Planning Code** (Governance & Audit & Standards Committee minute 47 refers)

G&A&S

**RECOMMENDED that the Planning Code is approved and incorporated into the Constitution.**

This page is intentionally left blank



<b>Title of meeting:</b>	Governance & Audit & Standards Committee and Full Council
<b>Date of meeting:</b>	Governance & Audit & Standards Committee - 26 June 2015 Full Council - 7 July 2015
<b>Subject:</b>	Revision to Planning Code
<b>Report by:</b>	City Solicitor
<b>Wards affected</b>	N/A
<b>Key decision</b>	No
<b>Full Council decision</b>	Yes

---

**1 Purpose of Report**

- 1.1 The Committee is asked to approve the revised Planning Code so that it may be incorporated into the Council's constitution.

**2 Recommendations**

- 2.1 It is recommended that the Planning Code is approved and incorporated into the Constitution.

**3 Background**

- 3.1 The Planning Code, contained in part 4 of the Constitution, sets out the standards of conduct the City Council requires of all members and officers of the Council in dealing with planning matters, including applications, policy development, and enforcement.
- 3.2 Following the changes brought about by the Localism Act 2011, the Council adopted a new code in 2012 and this was further revised in the May 2015 Council meeting. The attached Planning Code reflects the updating which has taken place in the most recent version of the Code of Conduct presented to Council. It is otherwise unchanged.

**4 Reasons for recommendations**

- 4.1 The Committee is asked to approve the revised Planning Code so that it reflects the approved Code of Conduct adopted by the Council in May 2015 so that it may be incorporated into the Council's constitution.

**5 Equality Impact Assessment (EIA)**

- 5.1 The content of this report does not have any relevant equalities impact and therefore an equalities assessment is not required.

**6 Legal implications**

6.1 The adoption of the new proposed Planning Code will ensure that the Planning Code reflects the Code approved by Council in May 2015 and will avoid the inconsistencies arising in its application.

**7 Finance comments**

7.1 There are no financial implications arising from the recommendations set out in this report.

.....  
Signed by: City Solicitor

**Appendices: Appendix A - revised Planning Code**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
None	N/A

The recommendation(s) set out above were approved / approved as amended / deferred / rejected by ..... on.....

.....  
Signed by:

# CODE FOR MEMBERS AND OFFICERS IN RESPECT OF PLANNING MATTERS<sup>1</sup>

## 1. Introduction

1.1. This Planning Code sets out the standards of conduct the City Council requires of all members and officers of the Council in dealing with planning matters, including applications, policy development, and enforcement.

1.2. Councillors and officers must make themselves aware of the Planning Code and put it into practice consistently.

~~1.1. If you have any doubt or concern regarding the appropriate application of the Code in a particular situation, you should refer to the Head of Planning and Regeneration or to the Monitoring Officer as soon as possible.~~

~~1.2. Always bear in mind that, with or without taking advice, you are personally responsible for the standards you apply to your conduct as a councillor or officer.~~

1.3. Officers should be aware of the provisions of the Code, ~~for their own guidance, and to enable them to support councillors who must have regard to it.~~ Officers Planning Code, and must also comply with any professional codes of conduct applicable to their own profession (regardless of whether they are members of the relevant professional body).

## 2. Relationship to the Members Code of Conduct

2.1. If you are a member of the Council, the rules in the Members' Code of Conduct ~~must be applied first and always, including~~ apply as a priority, in particular the rules relating to declarations of personal ~~or prejudicial~~ and disclosable pecuniary interests<sup>2</sup>.

2.2. The rules in this Planning Code supplement the Members' Code of Conduct for the purposes of planning matters. Where members or officers fail to abide by the requirements of the Codes the Council will be at risk of legal challenge ~~which could lead to its decision being quashed, or complaint~~ and sanctions may be ~~made~~ applied to the ~~Ombudsman. If the failure to comply is also a breach of the~~ Ombudsman. ~~Members' Code of Conduct by an individual member, complaints of maladministration may be upheld, and, for the member concerned there is a risk of reference to the~~ by the Governance and Audit and Standards Committee.

## 3. General Role and Conduct of Councillors and Officers

3.1 Whilst this Planning Code deals primarily with development proposals at both the pre application /planning applications and post decisions, its principles also apply ~~with equal vigour~~ to consideration of planning policy, enforcement cases, and all other planning matters.

<sup>1</sup> For ease referred to as "the Planning Code"

<sup>2</sup> See the Council's Constitution, Part 4A

**3.2** You should comply with the Planning Code equally in formal decision making, in Council meetings, and in less formal circumstances, such as member/officer meetings, meetings with the public, and consultative meetings.

**3.3** Decisions by the Council in its role as local planning authority must be made in accordance with the Development Plan unless material considerations indicate otherwise.<sup>3+</sup> There are additional statutory obligations in respect of decisions affecting a listed building or its setting, or development within a Conservation Area, which require impacts to be given special consideration as a priority before other material considerations.<sup>4</sup>

## **4 Member Declaration and Registration of Interests**

**4.1** Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on the Planning Committee.

~~In addition to 4.2~~ Under the Members' Code of Conduct, ~~guidance on personal and prejudicial members are obliged to register disclosable pecuniary interests, and responsibilities for members~~ personal interests. Advice on when to declare ~~disclose~~ such interests is available from the Monitoring Officer.

**4.3** **It is each Councillor's personal responsibility to seek such advice and to decide how to act in respect of the advice received. This should be sought in advance of the Committee meeting (or before any other planning related meeting).** The Members' Code requires Councillors to declare all personal interests ~~and~~. Councillors must not seek to participate if that person they have a disclosable pecuniary interest is also a prejudicial interest in a matter being considered.

**4.4** Whether or not you are a member of the Planning Committee and may be called upon to make decisions in respect of planning matters, when dealing with any planning matter you are required to disclose ~~both the existence and the nature of your interest at any relevant meeting,~~ or in any dealings with planning officers.

**4.5** The need to secure transparent conformity to the highest standards of public service ~~necessitate~~ necessitates compliance with the Members' Code and the Planning Code, and declaration of relevant interests not only in formal situations but also in all informal meetings and discussions with developers, applicants or officers.

**4.6** In the same way as your declaration of interest must be recorded for formal meetings, you should ensure that such declarations are recorded on the application file as soon as possible. It is best practice to disclose your interest at the beginning of the meeting or as soon as it becomes apparent to you.

**4.7** **Effect of having a personal interest in a matter at a Planning Committee Meeting;**

<sup>3</sup> See Section 38(6), Planning and Compulsory Purchase Act 2004

<sup>4</sup> See Sections 66 and 72, Planning (Listed Buildings and Conservation Areas) Act 1990

Once such an interest has been declared and specified, you may stay and take part in the debate and decision on that item. However, if you have an interest that might lead to a perception of bias on your part, either in favour of or opposed to a particular decision, then you should withdraw from the meeting to enable the decision to be made without risk of legal challenge.

**4.8 Effect of having a ~~personal and prejudicial~~ pecuniary interest in a matter;**

During a Planning Committee meeting you must leave the meeting room/

---

<sup>+</sup>~~See Section 38(6), Planning and Compulsory Purchase Act 2004~~

chamber for the duration of consideration and decision on the item and not seek to influence the debate or decision. You are required to leave in these circumstances to avoid inhibiting the freedom of expression of members who remain and who have to discuss and decide the matter before them. ~~If you wish to speak at a Planning Committee meeting in a personal capacity and to exercise your public speaking rights, you may address the Committee (or meeting) make your representations, or answer questions (if any), provided you have made your intention to do so known in accordance with requirements of the Council's Constitution. It is also best practice to make the Chairman aware of your intentions.~~

~~Once **4.9** Where you have finished addressing the Committee you must leave the room immediately.~~

~~Where your **a pecuniary interest** is personal and prejudicial;~~

- Make sure that the Register of Member Interests has been properly completed.
- Do not participate, or give the appearance of trying to participate, in the making of any decision on the matter, including any decision whether the matter should be dealt with by officers or referred to the Planning Committee.
- Do not get involved in the processing of the relevant application.
- Do not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor.
- Your normal rights as councillor to have information about any matter of Council business as required to fulfil the duties of your role and serve those whom you represent are suspended. In a matter where you have a prejudicial interest your role as councillor is also suspended, and you have only the rights of any other private citizen: (except that you may not make personal representations at Committee meetings or in writing as a representation to a planning application). You should not seek information about the matter that would not be available to a member of the general public.
- If members of the public, other councillors or officers attempt to refer to you about a matter where you have a personal and prejudicial disclosable pecuniary interest, you should recommend to them another councillor with whom they might discuss their concerns.

4.11 When you are not a member of the Planning Committee or standing deputy and you attend a meeting of the Committee to observe proceedings generally, or in respect of a particular application, you must also disclose any relevant interests you have in a matter to be considered by the Committee. In these circumstances you must conform to the same rules, including retiring from the room.

**5. Development Proposal Submitted by Councillors and Officers**

5.1 The following requirements apply to city council members making or opposing any planning application or any other application under the Town and Country Planning Acts in respect of land or premises in the city of Portsmouth. The code will apply:

(a) whether the application is made, or opposition expressed by the member, or by his/her agent or other person acting on their behalf;

(b) to applications made, or expressions of opposition ~~expressed by or on behalf of partnerships to which the member belongs or to companies in which the member~~ approval where the councillor has a pecuniary interest where the member knows of the application in the relevant matter;

(c) to applications made or opposition expressed by members of the immediate family of the member where the member knows of the application or objection.

5.2 On or before the date when any application or objection as set out in ~~65.1~~ is made, the Councillor concerned shall inform the ~~Head of Planning and Regeneration Services~~ Monitoring Officer by a letter ~~addressed to "The Head of Planning and Regeneration Services"~~ marked "personal and confidential" and giving:

(a) the address of the site of the relevant application;

(b) a description of the nature of the proposed development, or the other matters referred to by the application or objection; and

(c) full details of the councillor's interest in the site and or the application or the objection.

~~The head of planning and regeneration services~~ The Monitoring Officer shall acknowledge receipt of this letter and will inform the Chief Executive personally that such an application has been made and also advise the City Development Manager.

5.3. Should the Councillor or his/her agent wish to obtain further information concerning the application, or objection, or to carry out any discussions on it, these should be undertaken directly with either the ~~head of planning and regeneration services in person or the chief executive in person~~ City Development Manager or the Officers appointed to act in ~~their~~ her absence and not with any other member of the respective staffs of the departments. A record shall be kept of any verbal or telephone conversation with the relevant application file. The normal rules of information disclosure in regard to planning applications shall apply to such records.

5.4. Any application will be processed in the normal way. Any statutory or other advertisements shall not disclose the applicants' name or status, unless required by statute to do so.

5.5 In the circumstances of such an application, all the other controls and guidance in the Member Code and this Planning Code shall apply.

**5.6** Where a member has any personal or prejudicial pecuniary interest in a planning application made to the Council it must be made known to the Monitoring Officer. Members must comply with the requirement to enter any relevant interests in the Register.

**5.7** In having regard to the aim of assuring public confidence in open, ethical and effective decision-making in respect of planning matters, any member or officer seeking planning permission should take steps to avoid any appearance that they may receive preferential treatment. In such circumstances, to maintain the best appearance of propriety it is preferable to appoint agents to act in their name, rather than dealing directly with planning officers. This necessitates an additional expense, but it protects both the applicant and the Council from allegations of maladministration which may be based on confusion or malice, but nevertheless is time-consuming and expensive to rebut.

**5.8** Where an officer, his or her relatives or friends make an application for permission, the officer should make appropriate reference to the interest in the application in the Register of Officer Interests.

**5.9** Best practice requires that serving councillors, or officers other than planning officers, should not act as agents for private individuals or companies pursuing or objecting to a planning application made to the City Council.

**5.10** Where there appears to be no alternative to submitting an application on your own behalf, or on behalf of a friend or professional client, in addition to being recorded in the Register of Member/Officer interests, the matter should be brought to the attention of the Monitoring Officer. In such a case, all communications about the proposal should be solely through the Council's Planning Service. There should be no reason to contact other officers or Councillors, which would be a form of lobbying prevented by the Member Code and or this Planning Code.

**5.11** Proposals submitted by Councillors and those Council staff who work in the Planning Department, or by agents acting on their behalf, should be reported to the Planning Committee as written agenda items and not dealt with by officers under delegated powers. As part of the committee report, the Monitoring Officer must confirm that, as far as he/she is aware, the application has been processed normally. This requirement applies to contractors working for the Council who, although not part of the Council's established staff, are normally located within the Council's principal office at the Civic Offices, Portsmouth.

## **6** Development proposed by the Council

**6.1** Parliament has decided that local planning authorities are, in the majority of circumstances, the appropriate body for determining planning applications affecting the area, including where the application is submitted by the Council itself. There are separate statutory requirements for the Council in determining applications to develop its own land, or to develop it jointly with another body.



~~determining applications to develop its own land, or to develop it jointly with another body.~~

**6.2** Proposals for the Council's own development (or development involving the Council and another party) should be treated by members and officers involved in reaching a determination of the application in the same way as those by private developers. The planning decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council is seen to be treating such applications on an equal footing with all other applications, as well as actually doing so.

## **7. Making decisions transparently, and fairly**

**7.1** Members who have to make decisions on planning matters and applications will begin to form a view as more information and options become available. When approached by applicants, developers or objectors, members must make it clear that the decision on any planning matter must be taken in accordance with the law, and can only be taken at the Planning Committee when all available information is to hand and has been considered.

**7.2** Individual Councillors should reach their own conclusions on an application or other planning matter after considering all the information, advice and material available to them and relevant to the decision. Rather than follow any previously expressed opinion, the lead of another Councillor, or of any political group, each councillor must weigh up the factors that are relevant, ignore matters that are not relevant, and make a reasonable decision that could be justified if challenged.

**7.3** Officers who are wholly or partly involved in the processing or determination of planning matters should not attend public meetings in connection with pre-application development proposals or submitted planning applications unless their attendance has been agreed by their manager. To do so could lead to allegations of prejudice or bias to a particular point of view. If it occurs accidentally that officers are put in such a position, officers should limit remarks and comments to provide information and give no view on the merits or otherwise of the proposal.

**7.4** When attending public meetings, Councillors should take great care to maintain their impartial role as a Councillor, listen to all the points of view expressed by the speakers and public and not state a conclusive decision on any pre-application proposals and submitted planning applications.

**7.5** If Councillors consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer, who will advise the Councillor.

## **8. Pre-application discussions**

- 8.1** A comprehensive written note of pre-application discussions in meetings and telephone calls must be made to be kept on subsequent related application files. This is best practice: it helps to protect the reputation of the Council, its members and officers, and gives transparency to the planning process. Having a record of discussions may also prevent any misrepresentation by members of the public, whether caused by confusion or malice.
- 8.2** Pre-application discussions between applicants, officers and, on occasions Councillors, can be of great benefit in addressing key issues at an early stage in the application process. It may be of particular relevance to involve Councillors when dealing with major or sensitive development schemes. The exchange of views and information can allow Councillors to understand the proposal and bring to the applicant's attention possible local concerns. Officers may gain some understanding of particular sensitivities and concerns expressed by Councillors on behalf of local residents and businesses. It is now recognised that this interaction can help achieve positive outcomes for all involved in the process.
- 8.3** It is preferable if this form of engagement takes place before the application has been submitted. Before the application is submitted, it may be appropriate for Members of the Planning Committee to be involved in the same way as Ward Councillors. At any such meeting it must be made explicit that these discussions cannot bind in any way the decision of the Council or control the voting intentions of the Councillor.
- 8.4** Planning officers should always be in attendance at pre-application discussions with applicants and agents involving Councillors. A comprehensive note of the meeting should be placed on file and sent to the Member concerned. **If an application is made following such discussions, a copy of the note must be put on that application file.**
- 8.5** Where planning officers are involved in pre-application discussions, it should always be made clear at the outset of discussions that by law they cannot commit the Council to make a particular decision. Officers should also make it known that any views expressed are their provisional professional opinions, based on their knowledge of development plan policies and of locally relevant material considerations. **A note that these statements were made should be kept on file.**
- 8.6** Every effort will be made to ensure that the advice of planning officers is consistent and that there are no significant differences of interpretation of planning policies between planning officers. **A note of the advice given should be kept on file.**
- 8.7** Planning officers will ensure that their advice does not favour the interests of particular individuals or groups, to reduce any risk that their subsequent advice could be seen as advocacy for a particular point of view. Two or more officers will attend potentially contentious meetings and a follow-up letter should be sent, particularly when material has been left with the Council by

the applicant or agent.

**8.8** If a Councillor is approached by a potential applicant the first course of action should be a clear written note from the Councillor to the ~~Head of Planning Service~~City Development Manager recording what has been discussed and any specific comments or advice that has been given by the Councillor.

## **9. Predisposition, Predetermination and Bias**

**9.1** Members of the Planning Committee must avoid giving any appearance that an application or other matter referred to the Committee has already been determined before the Committee has the opportunity to consider the merits and demerits of a matter in accordance with the law, in public, and in accordance with the normal conduct of the Committee business. Every person making application to the Council or objecting to an application must be encouraged to believe that in considering the matter before it, the Committee will give consideration to all views that are expressed, that such views will be openly heard, and fairly considered in a balanced way before the Committee's decision is made.

**9.2** It is particularly important that members of the Planning Committee do not give the impression that they have already made up their mind about a matter that will come before the Committee, or that their minds are closed to any alternative, and that no additional or different information or advice will persuade them to change that fixed view. Such "pre-determination" has been held to amount to the "surrender by a decision-maker of its judgment by having a closed mind and failing to apply it to the task".

**9.3** The Localism Act 2011 has clarified the position of members of the Council who have expressed a preference for a particular outcome of an application as it proceeds to determination. Such a "pre-disposition" is acceptable and the Councillor concerned will not be taken to have had a closed mind when making the decision just because they have previously done or said anything to indicate the view that had been or might be taken in respect of a matter.

**9.4** Members and officers should also be concerned to avoid the appearance of bias, that is, appearing to give undue weight to particular matters on the basis of personal attributes, or social acquaintance, that may influence their conduct generally. Whilst it may remain possible for a member to apply an open mind to the matter to be determined in such circumstances, Councillors must avoid giving the impression or appearance that particular personal interests or attributes would lead them to consider aspects of an application more carefully or with more regard than other aspects unaffected by their own character and experience. ~~Lord Denning stated~~ It should be understood that the perception of justice "is rooted in confidence, and that confidence is destroyed when right-minded people go away thinking that the judge was biased".<sup>5</sup>

---

<sup>5</sup> Lord Denning

~~"is rooted in confidence, and that confidence is destroyed when right-minded people go away thinking that the judge was biased".~~

9.5 From time to time, members are invited by prospective developers or objectors to attend meetings to discuss proposed development schemes and questions have been asked about the propriety of such attendance. Members and the Council have been challenged in the past where they have expressed their opinion of proposals during or after such meetings, or in advance of Committee consideration.

9.6 The administrative system by which planning applications are determined in accordance with the law, and as necessary in a democratic society, would be brought into disrepute if it became evident that decisions favourable to an applicant or an objector could be obtained by lobbying members outside the procedural framework. On the other hand, members may be said to have a duty, particularly as Ward Councillors, to inform themselves of proposals which affect their wards and to be alive to public opinion. Members can play a constructive role in listening to and objectively gathering and reporting such views to the Councillors who will determine the application.

9.7 With these points in mind, it is suggested that the following guidelines may be helpful to members when considering whether to accept an invitation to a meeting.

1. Where members accept invitations to meetings from prospective developers or objectors when an application for planning permission has been received, even if the invitation is made to them ostensibly as a Ward Councillor, they should avoid expressing any fixed view of the matter.
2. Councillors must not make any commitment to determine a matter in a particular way, for any reason
3. Ward Councillors (subject to paragraphs 1 and 2 above) should not accept invitations to meetings from prospective developers or objectors unless it is clear to them that the meeting is either a public meeting or one to which residents or other persons with an interest in the potential development have also been invited. If a Ward Councillor attends such a meeting in the belief that others have been invited but finds that no other persons are present apart from the developer and Councillor(s), s/he should decline to take part in any discussion of the scheme.  
~~Subject to the normal rules about the acceptance of gifts and hospitality,~~ There is no reason to distinguish between meetings in neutral premises and meetings in the prospective developer's or ~~objectors~~objector's own premises.
4. There is nothing to stop members inspecting a site if they choose to do so in order to better acquaint themselves with the details, but members should be aware of the risk of contact with the applicant or objector and inferences which might be made.

5. There is nothing to stop members responding to invitations to a meeting if properly convened through the Chief Executive or ~~head-off by~~ officers in the planning and regeneration services service to which all relevant members have been invited, provided that if the merits and problems of the application are discussed Councillors make it clear that they have no fixed view of the matter at that stage.

It will, of course, remain open for the ~~appropriate~~ Governance and Audit and Standards Committee of the Council to sanction a departure from these guidelines in special circumstances.

## **10. The Decision Making Process and Decisions Contrary to Officer Recommendations and/or the City Plan**

**10.1** All Committee decisions are made by a simple majority.

**10.2** In discussing, and determining a planning application or other planning matter, Councillors should try to confine their discussion to the policies of the Development Plan, and to those material considerations which should influence their decision. The reasons for making a final decision should be clear, convincing and supported by material considerations and the planning merits.

**10.3** However, it is acknowledged that deputations by applicants or members of the public may refer to matters which should not properly be part of the reasoning of the members' decision. On such occasions it may be difficult for members of the Planning Committee to confine their comments to the appropriate planning issues without appearing to disregard expressed concerns. Where it appears that the clarity of the decision-making process may be undermined, the Committee Chairman and officers may give guidance on any elements of the discussions which refer to irrelevant or immaterial considerations, and any elements which should be disregarded by the Committee in formulating its decision. Officers will clarify the weight to be given to the details of reports, or information which comes forward during deputations or in the course of debate.

**10.4** If Councillors wish to refuse an application against officer advice, to impose additional conditions on a planning permission, or to approve an application contrary to officer recommendation, an officer should explain the implications of such action.

**10.5** Where they do not accord with the officer's recommendation, the Committee's reasons to grant an application or to refuse it or any additional conditions to be applied must be clearly stated by the member making the proposal to grant the application.

**10.6** If members cannot give sound and clear-cut reasons for a decision which may override the recommendations of the officers, it is not appropriate to require or

expect that the officers can explain such decisions to applicants, objectors or a planning inspector.

When the Committee has made such a decision, the Chairman will allow brief discussion to ensure that officers have understood the intentions and reasons of the Committee. All conditions, including ones which the Committee may wish to impose on a planning permission, must be<sup>6</sup> necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

10.7 If the report of the ~~Head of Planning Services~~City Development Manager recommends approval of a departure from the City Plan, the full justification for that recommended departure will be included in the report.

## 11 **Member/Officer relations and Planning decisions**

~~An experienced planning officer~~11.1 The City Development Manager or someone deputising will always attend meetings of the Planning Committee to ensure that procedures have been properly followed and planning issues properly addressed.

11.2 Other senior officers with appropriate professional and technical experience will also be present when an application has aspects relating to their professional expertise. Where the Council's professional experts, such as environmental protection officers or highway engineers, attend Committee to ensure that appropriate advice can be given and discussed with their assistance, members must give due weight to such advice. It is the obligation of such officers to give considered and independent advice for the benefit of the Council.

## 12. **Site Visits by Councillors**

12.1 The other guidance in the Member Code and this Code applies equally to considering whether to conduct a site visit, and to the conduct of officers and members during the site visit.

12.2 Members and officers must remember, in conducting a site visit, that their presence is permitted in circumstances where anything said or done by them should be restricted to the purposes and interest of the Council as local planning authority.

12.3 The purpose of an organised Council site visit is for Councillors to gain knowledge of the development proposal, the application site and its relationship to adjacent sites. The potential benefit of attending the site should be sufficient to justify the administrative expense and any consequential delay to determining the application.

---

<sup>6</sup> See National Planning Practice Guidance, Paragraph: 003 Reference ID: 21a-003-20140306



12.4 The decision to hold a site visit prior to the Committee meeting is to be made by the ~~Head of Planning and Regeneration or representative~~most senior planning officer responsible for preparing the agenda in consultation with the Chairman.

12.5 The ~~purpose~~purposes of a formal site visit prior to the Committee meeting ~~is~~are:

- to view the setting of the application,
- to consider any other matters seen on site which may be material to consideration of the application, and
- to find facts, especially when the application site is not visible from public land.

During a site visit members and officers should avoid any appearance of impropriety, and must not accept gifts or hospitality. Comments should be restricted to planning matters, and questions should be put through the planning officers attending the site visit. Officers and members must refrain from making comments that might be construed as supporting or opposing a particular view, and from making any personal comments.

12.6 The purpose of a formal site visit is not to receive or allow representations to be made outside the formal Committee meeting. Where members and officers attending site during a formal visit are approached by persons wishing to speak about the application, officers will explain that any representations may be made by deputation to the Committee at the meeting, and give the website reference to the explanation of how deputations may be made.

12.7 Site visits should be requested by Councillors, prior to the application being reported to Committee. Councillors should only request a site visit when the application has reached the determination stage if they consider it essential to clarify an issue that cannot be understood without such a visit, and which could not have been considered earlier. The Committee may decide to visit a site because particular factors to be seen on site are significant in terms of the weight to be afforded to them in determining the application and because, following discussion in Committee, members have reduced confidence that such factors can be fairly considered in the absence of a site visit to assess such details. In proposing a site visit, the member who wishes the Committee to have additional opportunity to do so should specify the factors to be noted if the site visit is agreed.

12.8 Councillors with a pecuniary interest in a planning application should not make representations seeking a site visit in respect of an application.  
Councillors with a pecuniary interest in a particular application or agenda item must not attend any related site visit

### **13. Review of planning decisions**

13.1 From time to time arrangements will be made for Councillors to visit a sample

of implemented planning permissions, so that a regular review of the quality of planning decisions can be undertaken.

| 13.2 The outcome of this review will be considered by the Planning Committee, and may lead to identification of possible amendments to existing policies or practice.

#### **14. Complaints and record keeping**

| 14.1 In order that planning procedures are undertaken properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interest by Councillors.

| 14.2 The same principles of good record keeping will be observed in relation to all enforcement and planning policy matters. The monitoring of record keeping will be undertaken regularly by the ~~Head of Planning and Regeneration~~. City Development Manager.



# **CODE FOR MEMBERS AND OFFICERS IN RESPECT OF PLANNING MATTERS<sup>1</sup>**

## **1. Introduction**

- 1.1. This Planning Code sets out the standards of conduct the City Council requires of all members and officers of the Council in dealing with planning matters, including applications, policy development, and enforcement.
- 1.2. Councillors and officers must make themselves aware of the Planning Code and put it into practice consistently.
- 1.3. Officers should be aware of the provisions of the Planning Code, and must also comply with any professional codes of conduct applicable to their own profession (regardless of whether they are members of the relevant professional body).

## **2. Relationship to the Members Code of Conduct**

- 2.1. If you are a member of the Council, the rules in the Members' Code of Conduct apply as a priority, in particular the rules relating to declarations of personal and disclosable pecuniary interests<sup>2</sup>.
- 2.2. The rules in this Planning Code supplement the Members' Code of Conduct for the purposes of planning matters. Where members or officers fail to abide by the requirements of the Codes the Council will be at risk of legal challenge and sanctions may be applied to the individual member by the Governance and Audit and Standards Committee.

## **3. General Role and Conduct of Councillors and Officers**

- 3.1 Whilst this Planning Code deals primarily with development proposals at both the pre application /planning applications and post decisions, its principles also apply to consideration of planning policy, enforcement cases, and all other planning matters.
- 3.2 You should comply with the Planning Code equally in formal decision making, in Council meetings, and in less formal circumstances, such as member/officer meetings, meetings with the public, and consultative meetings.
- 3.3 Decisions by the Council in its role as local planning authority must be made in accordance with the Development Plan unless material considerations indicate otherwise.<sup>3</sup> There are additional statutory obligations in respect of decisions affecting a listed building or its setting, or development within a

---

<sup>1</sup> For ease referred to as "the Planning Code"

<sup>2</sup> See the Council's Constitution, Part 4A

<sup>3</sup> See Section 38(6), Planning and Compulsory Purchase Act 2004

Conservation Area, which require impacts to be given special consideration as a priority before other material considerations.<sup>4</sup>

#### **4 Member Declaration and Registration of Interests**

4.1 Councillors who have substantial property interests, or other interests which would prevent them from voting on a regular basis, should avoid serving on the Planning Committee.

4.2 Under the Code of Conduct members are obliged to register disclosable pecuniary interests and personal interests. Advice on when to disclose such interests is available from the Monitoring Officer.

4.3 **It is each Councillor's personal responsibility to seek such advice and to decide how to act in respect of the advice received. This should be sought in advance of the Committee meeting (or before any other planning related meeting).** The Members' Code requires Councillors to declare all personal interests. Councillors must not seek to participate if they have a disclosable pecuniary interest in a matter being considered.

4.4 Whether or not you are a member of the Planning Committee and may be called upon to make decisions in respect of planning matters, when dealing with any planning matter you are required to disclose your interest at any relevant meeting, or in any dealings with planning officers.

4.5 The need to secure transparent conformity to the highest standards of public service necessitates compliance with the Members' Code and the Planning Code, and declaration of relevant interests not only in formal situations but also in all informal meetings and discussions with developers, applicants or officers.

4.6 In the same way as your declaration of interest must be recorded for formal meetings, you should ensure that such declarations are recorded on the application file as soon as possible. It is best practice to disclose your interest at the beginning of the meeting or as soon as it becomes apparent to you.

#### **4.7 Effect of having a personal interest in a matter at a Planning Committee Meeting;**

Once such an interest has been declared and specified, you may stay and take part in the debate and decision on that item. However, if you have an interest that might lead to a perception of bias on your part, either in favour of or opposed to a particular decision, then you should withdraw from the meeting to enable the decision to be made without risk of legal challenge.

#### **4.8 Effect of having a pecuniary interest in a matter;**

During a Planning Committee meeting you must leave the meeting room/ chamber

---

<sup>4</sup> See Sections 66 and 72, Planning (Listed Buildings and Conservation Areas) Act 1990

for the duration of consideration and decision on the item and not seek to influence the debate or decision. You are required to leave in these circumstances to avoid inhibiting the freedom of expression of members who remain and who have to discuss and decide the matter before them.

#### **4.9 Where you have a pecuniary interest;**

- Make sure that the Register of Member Interests has been properly completed.
- Do not participate, or give the appearance of trying to participate, in the making of any decision on the matter, including any decision whether the matter should be dealt with by officers or referred to the Planning Committee.
- Do not get involved in the processing of the relevant application.
- Do not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor.
- Your normal rights as councillor to have information about any matter of Council business as required to fulfil the duties of your role and serve those whom you represent are suspended. In a matter where you have a prejudicial interest your role as councillor is also suspended, and you have only the rights of any other private citizen (except that you may not make personal representations at Committee meetings or in writing as a representation to a planning application). You should not seek information about the matter that would not be available to a member of the general public.
- If members of the public, other councillors or officers attempt to refer to you about a matter where you have a disclosable pecuniary interest, you should recommend to them another councillor with whom they might discuss their concerns.

4.11 When you are not a member of the Planning Committee or standing deputy and you attend a meeting of the Committee to observe proceedings generally, or in respect of a particular application, you must also disclose any relevant interests you have in a matter to be considered by the Committee. In these circumstances you must conform to the same rules, including retiring from the room.

#### **5. Development Proposal Submitted by Councillors and Officers**

5.1 The following requirements apply to city council members making or opposing any planning application or any other application under the Town and Country Planning Acts in respect of land or premises in the city of Portsmouth. The code will apply:

- (a) whether the application is made, or opposition expressed by the member, or by his/her agent or other person acting on their behalf;
- (b) to applications made or expressions of opposition or approval where the councillor has a pecuniary interest in the relevant matter;
- (c) to applications made or opposition expressed by members of the immediate family of the member where the member knows of the application or objection.

5.2 On or before the date when any application or objection as set out in 5.1 is made, the Councillor concerned shall inform the Monitoring Officer by a letter marked "personal and confidential" and giving:

- (a) the address of the site of the relevant application;
- (b) a description of the nature of the proposed development, or the other matters referred to by the application or objection; and
- (c) full details of the councillor's interest in the site and / or the application or the objection.

The Monitoring Officer shall acknowledge receipt of this letter and will inform the Chief Executive personally that such an application has been made and also advise the City Development Manager.

5.3. Should the Councillor or his/her agent wish to obtain further information concerning the application, or objection, or to carry out any discussions on it, these should be undertaken directly with either the City Development Manager or the Officers appointed to act in her absence and not with any other member of the respective staffs of the departments. A record shall be kept of any verbal or telephone conversation with the relevant application file. The normal rules of information disclosure in regard to planning applications shall apply to such records.

5.4. Any application will be processed in the normal way. Any statutory or other advertisements shall not disclose the applicants' name or status, unless required by statute to do so.

5.5 In the circumstances of such an application, all the other controls and guidance in the Member Code and this Planning Code shall apply.

5.6 Where a member has any personal or pecuniary interest in a planning application made to the Council it must be made known to the Monitoring Officer. Members must comply with the requirement to enter any relevant interests in the Register.

5.7 In having regard to the aim of assuring public confidence in open, ethical and effective decision-making in respect of planning matters, any member or officer seeking planning permission should take steps to avoid any

appearance that they may receive preferential treatment. In such circumstances, to maintain the best appearance of propriety it is preferable to appoint agents to act in their name, rather than dealing directly with planning officers. This necessitates an additional expense, but it protects both the applicant and the Council from allegations of maladministration which may be based on confusion or malice, but nevertheless is time-consuming and expensive to rebut.

- 5.8 Where an officer, his or her relatives or friends make an application for permission, the officer should make appropriate reference to the interest in the application in the Register of Officer Interests.
- 5.9 Best practice requires that serving councillors, or officers other than planning officers, should not act as agents for private individuals or companies pursuing or objecting to a planning application made to the City Council.
- 5.10 Where there appears to be no alternative to submitting an application on your own behalf, or on behalf of a friend or professional client, in addition to being recorded in the Register of Member/Officer interests, the matter should be brought to the attention of the Monitoring Officer. In such a case, all communications about the proposal should be solely through the Council's Planning Service. There should be no reason to contact other officers or Councillors, which would be a form of lobbying prevented by the Member Code and or this Planning Code.
- 5.11 Proposals submitted by Councillors and those Council staff who work in the Planning Department, or by agents acting on their behalf, should be reported to the Planning Committee as written agenda items and not dealt with by officers under delegated powers. As part of the committee report, the Monitoring Officer must confirm that, as far as he/she is aware, the application has been processed normally. This requirement applies to contractors working for the Council who, although not part of the Council's established staff, are normally located within the Council's principal office at the Civic Offices, Portsmouth.

## **6 Development proposed by the Council**

- 6.1 Parliament has decided that local planning authorities are, in the majority of circumstances, the appropriate body for determining planning applications affecting the area, including where the application is submitted by the Council itself. There are separate statutory requirements for the Council in determining applications to develop its own land, or to develop it jointly with another body.
- 6.2 Proposals for the Council's own development (or development involving the Council and another party) should be treated by members and officers involved in reaching a determination of the application in the same way as those by private developers. The planning decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the

Council is seen to be treating such applications on an equal footing with all other applications, as well as actually doing so.

## **7. Making decisions transparently, and fairly**

- 7.1 Members who have to make decisions on planning matters and applications will begin to form a view as more information and options become available. When approached by applicants, developers or objectors, members must make it clear that the decision on any planning matter must be taken in accordance with the law, and can only be taken at the Planning Committee when all available information is to hand and has been considered.
- 7.2 Individual Councillors should reach their own conclusions on an application or other planning matter after considering all the information, advice and material available to them and relevant to the decision. Rather than follow any previously expressed opinion, the lead of another Councillor, or of any political group, each councillor must weigh up the factors that are relevant, ignore matters that are not relevant, and make a reasonable decision that could be justified if challenged.
- 7.3 Officers who are wholly or partly involved in the processing or determination of planning matters should not attend public meetings in connection with pre-application development proposals or submitted planning applications unless their attendance has been agreed by their manager. To do so could lead to allegations of prejudice or bias to a particular point of view. If it occurs accidentally that officers are put in such a position, officers should limit remarks and comments to provide information and give no view on the merits or otherwise of the proposal.
- 7.4 When attending public meetings, Councillors should take great care to maintain their impartial role as a Councillor, listen to all the points of view expressed by the speakers and public and not state a conclusive decision on any pre-application proposals and submitted planning applications.
- 7.5 If Councillors consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer, who will advise the Councillor.

## **8. Pre-application discussions**

- 8.1 A comprehensive written note of pre-application discussions in meetings and telephone calls must be made to be kept on subsequent related application files. This is best practice: it helps to protect the reputation of the Council, its members and officers, and gives transparency to the planning process. Having a record of discussions may also prevent any misrepresentation by members of the public, whether caused by confusion or malice.
- 8.2 Pre-application discussions between applicants, officers and, on occasions Councillors, can be of great benefit in addressing key issues at an early stage

in the application process. It may be of particular relevance to involve Councillors when dealing with major or sensitive development schemes. The exchange of views and information can allow Councillors to understand the proposal and bring to the applicant's attention possible local concerns. Officers may gain some understanding of particular sensitivities and concerns expressed by Councillors on behalf of local residents and businesses. It is now recognised that this interaction can help achieve positive outcomes for all involved in the process.

- 8.3 It is preferable if this form of engagement takes place before the application has been submitted. Before the application is submitted, it may be appropriate for Members of the Planning Committee to be involved in the same way as Ward Councillors. At any such meeting it must be made explicit that these discussions cannot bind in any way the decision of the Council or control the voting intentions of the Councillor.
- 8.4 Planning officers should always be in attendance at pre-application discussions with applicants and agents involving Councillors. A comprehensive note of the meeting should be placed on file and sent to the Member concerned. **If an application is made following such discussions, a copy of the note must be put on that application file.**
- 8.5 Where planning officers are involved in pre-application discussions, it should always be made clear at the outset of discussions that by law they cannot commit the Council to make a particular decision. Officers should also make it known that any views expressed are their provisional professional opinions, based on their knowledge of development plan policies and of locally relevant material considerations. **A note that these statements were made should be kept on file.**
- 8.6 Every effort will be made to ensure that the advice of planning officers is consistent and that there are no significant differences of interpretation of planning policies between planning officers. **A note of the advice given should be kept on file.**
- 8.7 Planning officers will ensure that their advice does not favour the interests of particular individuals or groups, to reduce any risk that their subsequent advice could be seen as advocacy for a particular point of view. Two or more officers will attend potentially contentious meetings and a follow-up letter should be sent, particularly when material has been left with the Council by the applicant or agent.
- 8.8 If a Councillor is approached by a potential applicant the first course of action should be a clear written note from the Councillor to the City Development Manager recording what has been discussed and any specific comments or advice that has been given by the Councillor.

## **9. Predisposition, Predetermination and Bias**

- 9.1 Members of the Planning Committee must avoid giving any appearance that

an application or other matter referred to the Committee has already been determined before the Committee has the opportunity to consider the merits and demerits of a matter in accordance with the law, in public, and in accordance with the normal conduct of the Committee business. Every person making application to the Council or objecting to an application must be encouraged to believe that in considering the matter before it, the Committee will give consideration to all views that are expressed, that such views will be openly heard, and fairly considered in a balanced way before the Committee's decision is made.

- 9.2 It is particularly important that members of the Planning Committee do not give the impression that they have already made up their mind about a matter that will come before the Committee, or that their minds are closed to any alternative, and that no additional or different information or advice will persuade them to change that fixed view. Such "pre-determination" has been held to amount to the "surrender by a decision-maker of its judgment by having a closed mind and failing to apply it to the task".
- 9.3 The Localism Act 2011 has clarified the position of members of the Council who have expressed a preference for a particular outcome of an application as it proceeds to determination. Such a "pre-disposition" is acceptable and the Councillor concerned will not be taken to have had a closed mind when making the decision just because they have previously done or said anything to indicate the view that had been or might be taken in respect of a matter.
- 9.4 Members and officers should also be concerned to avoid the appearance of bias, that is, appearing to give undue weight to particular matters on the basis of personal attributes, or social acquaintance, that may influence their conduct generally. Whilst it may remain possible for a member to apply an open mind to the matter to be determined in such circumstances, Councillors must avoid giving the impression or appearance that particular personal interests or attributes would lead them to consider aspects of an application more carefully or with more regard than other aspects unaffected by their own character and experience. It should be understood that the perception of justice *"is rooted in confidence, and that confidence is destroyed when right-minded people go away thinking that the judge was biased"*.<sup>5</sup>
- 9.5 From time to time, members are invited by prospective developers or objectors to attend meetings to discuss proposed development schemes and questions have been asked about the propriety of such attendance. Members and the Council have been challenged in the past where they have expressed their opinion of proposals during or after such meetings, or in advance of Committee consideration.
- 9.6 The administrative system by which planning applications are determined in accordance with the law, and as necessary in a democratic society, would be brought into disrepute if it became evident that decisions favourable to an applicant or an objector could be obtained by lobbying members outside the

---

<sup>5</sup> Lord Denning



procedural framework. On the other hand, members may be said to have a duty, particularly as Ward Councillors, to inform themselves of proposals which affect their wards and to be alive to public opinion. Members can play a constructive role in listening to and objectively gathering and reporting such views to the Councillors who will determine the application.

9.7 With these points in mind, it is suggested that the following guidelines may be helpful to members when considering whether to accept an invitation to a meeting.

1. Where members accept invitations to meetings from prospective developers or objectors when an application for planning permission has been received, even if the invitation is made to them ostensibly as a Ward Councillor, they should avoid expressing any fixed view of the matter.
2. Councillors must not make any commitment to determine a matter in a particular way, for any reason
3. Ward Councillors (subject to paragraphs 1 and 2 above) should not accept invitations to meetings from prospective developers or objectors unless it is clear to them that the meeting is either a public meeting or one to which residents or other persons with an interest in the potential development have also been invited. If a Ward Councillor attends such a meeting in the belief that others have been invited but finds that no other persons are present apart from the developer and Councillor(s), s/he should decline to take part in any discussion of the scheme. There is no reason to distinguish between meetings in neutral premises and meetings in the prospective developer's or objector's own premises.
4. There is nothing to stop members inspecting a site if they choose to do so in order to better acquaint themselves with the details, but members should be aware of the risk of contact with the applicant or objector and inferences which might be made.
5. There is nothing to stop members responding to invitations to a meeting if properly convened through the Chief Executive or by officers in the planning service to which all relevant members have been invited, provided that if the merits and problems of the application are discussed Councillors make it clear that they have no fixed view of the matter at that stage.

It will, of course, remain open for the Governance and Audit and Standards Committee of the Council to sanction a departure from these guidelines in special circumstances.

## **10. The Decision Making Process and Decisions Contrary to Officer Recommendations and/or the City Plan**

- 10.1 All Committee decisions are made by a simple majority.
- 10.2 In discussing, and determining a planning application or other planning matter, Councillors should try to confine their discussion to the policies of the Development Plan, and to those material considerations which should influence their decision. The reasons for making a final decision should be clear, convincing and supported by material considerations and the planning merits.
- 10.3 However, it is acknowledged that deputations by applicants or members of the public may refer to matters which should not properly be part of the reasoning of the members' decision. On such occasions it may be difficult for members of the Planning Committee to confine their comments to the appropriate planning issues without appearing to disregard expressed concerns. Where it appears that the clarity of the decision-making process may be undermined, the Committee Chairman and officers may give guidance on any elements of the discussions which refer to irrelevant or immaterial considerations, and any elements which should be disregarded by the Committee in formulating its decision. Officers will clarify the weight to be given to the details of reports, or information which comes forward during deputations or in the course of debate.
- 10.4 If Councillors wish to refuse an application against officer advice, to impose additional conditions on a planning permission, or to approve an application contrary to officer recommendation, an officer should explain the implications of such action.
- 10.5 Where they do not accord with the officer's recommendation, the Committee's reasons to grant an application or to refuse it or any additional conditions to be applied must be clearly stated by the member making the proposal to grant the application.
- 10.6 If members cannot give sound and clear-cut reasons for a decision which may override the recommendations of the officers, it is not appropriate to require or expect that the officers can explain such decisions to applicants, objectors or a planning inspector.

When the Committee has made such a decision, the Chairman will allow brief discussion to ensure that officers have understood the intentions and reasons of the Committee. All conditions, including ones which the Committee may wish to impose on a planning permission, must be<sup>6</sup> necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 10.7 If the report of the City Development Manager recommends approval of a departure from the City Plan, the full justification for that recommended departure will be included in the report.

---

<sup>6</sup> See National Planning Practice Guidance, Paragraph: 003 Reference ID: 21a-003-20140306

## **11 Member/Officer relations and Planning decisions**

- 11.1 The City Development Manager or someone deputising will always attend meetings of the Planning Committee to ensure that procedures have been properly followed and planning issues properly addressed.
- 11.2 Other senior officers with appropriate professional and technical experience will also be present when an application has aspects relating to their professional expertise. Where the Council's professional experts, such as environmental protection officers or highway engineers, attend Committee to ensure that appropriate advice can be given and discussed with their assistance, members must give due weight to such advice. It is the obligation of such officers to give considered and independent advice for the benefit of the Council.

## **12. Site Visits by Councillors**

- 12.1 The other guidance in the Member Code and this Code applies equally to considering whether to conduct a site visit, and to the conduct of officers and members during the site visit.
- 12.2 Members and officers must remember, in conducting a site visit, that their presence is permitted in circumstances where anything said or done by them should be restricted to the purposes and interest of the Council as local planning authority.
- 12.3 The purpose of an organised Council site visit is for Councillors to gain knowledge of the development proposal, the application site and its relationship to adjacent sites. The potential benefit of attending the site should be sufficient to justify the administrative expense and any consequential delay to determining the application.
- 12.4 The decision to hold a site visit prior to the Committee meeting is to be made by the most senior planning officer responsible for preparing the agenda in consultation with the Chairman.
- 12.5 The purposes of a formal site visit prior to the Committee meeting are:
- to view the setting of the application,
  - to consider any other matters seen on site which may be material to consideration of the application, and
  - to find facts, especially when the application site is not visible from public land.

During a site visit members and officers should avoid any appearance of impropriety, and must not accept gifts or hospitality. Comments should be restricted to planning matters, and questions should be put through the planning officers attending the site visit. Officers and members must refrain

from making comments that might be construed as supporting or opposing a particular view, and from making any personal comments.

- 12.6 The purpose of a formal site visit is not to receive or allow representations to be made outside the formal Committee meeting. Where members and officers attending site during a formal visit are approached by persons wishing to speak about the application, officers will explain that any representations may be made by deputation to the Committee at the meeting, and give the website reference to the explanation of how deputations may be made.
- 12.7 Site visits should be requested by Councillors, prior to the application being reported to Committee. Councillors should only request a site visit when the application has reached the determination stage if they consider it essential to clarify an issue that cannot be understood without such a visit, and which could not have been considered earlier. The Committee may decide to visit a site because particular factors to be seen on site are significant in terms of the weight to be afforded to them in determining the application and because, following discussion in Committee, members have reduced confidence that such factors can be fairly considered in the absence of a site visit to assess such details. In proposing a site visit, the member who wishes the Committee to have additional opportunity to do so should specify the factors to be noted if the site visit is agreed.
- 12.8 Councillors with a pecuniary interest in a planning application should not make representations seeking a site visit in respect of an application. Councillors with a pecuniary interest in a particular application or agenda item must not attend any related site visit

### **13. Review of planning decisions**

- 13.1 From time to time arrangements will be made for Councillors to visit a sample of implemented planning permissions, so that a regular review of the quality of planning decisions can be undertaken.
- 13.2 The outcome of this review will be considered by the Planning Committee, and may lead to identification of possible amendments to existing policies or practice.

### **14. Complaints and record keeping**

- 14.1 In order that planning procedures are undertaken properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interest by Councillors.
- 14.2 The same principles of good record keeping will be observed in relation to all enforcement and planning policy matters. The monitoring of record keeping will be undertaken regularly by the City Development Manager.

# Agenda Item 18



## Portsmouth CITY COUNCIL

### COUNCIL MEETING

#### QUESTIONS FOR THE CABINET OR CHAIR UNDER STANDING ORDER NO 17

CITY COUNCIL MEETING – 7 July 2015

#### QUESTION NO 1

FROM: COUNCILLOR JULIE SWAN

TO REPLY: LEADER OF THE COUNCIL  
COUNCILLOR DONNA JONES

In the full Council meeting of October 14th 2014 it was stated that Library Services brought in 30 people under the workfare scheme.

How many of these people gained direct employment with Portsmouth City Council as a result?

#### QUESTION NO 2

FROM: COUNCILLOR BEN DOWLING

TO REPLY: CABINET MEMBER FOR HEALTH AND SOCIAL  
CARE  
COUNCILLOR LUKE STUBBS

What in-year savings will you be bringing forward to account for the cut in the council's public health budget announced by the Chancellor of the Exchequer in early June 2015?

### **QUESTION NO 3**

FROM: COUNCILLOR COLIN GALLOWAY

TO REPLY: CHAIR OF THE PLANNING COMMITTEE  
COUNCILLOR AIDEN GRAY

Firstly let me say how pleased I am that the Leader of the Administration showed Portsmouth what real democracy is when she listened to the local people who were so incensed by the original Emirates décor of our Spinnaker Tower that she eventually opted for the people's choice. I would like the Council to listen to the very same people of Portsmouth and act upon their choice when we understand the utmost resentment, anger and objection to that hideous carbuncle of a building due to be erected by McCarthy Stone on the old Savoy site opposite the South Parade Pier. Consequently I would like the Chair of the Planning Committee to give an undertaking to call for an officer report to be considered by his Committee to explore whatever avenues are available to overturn the Bristol Planning Inspectorate's bludgeoning decision to permit the fabrication of this vile folly.

### **QUESTION NO 4**

FROM: COUNCILLOR MATTHEW WINNINGTON

TO REPLY: CABINET MEMBER FOR HEALTH AND SOCIAL  
CARE  
COUNCILLOR LUKE STUBBS

Would the Cabinet member update us on the use of places at the Royal Albert Day Centre for the Elderly?

### **QUESTION NO 5**

FROM: COUNCILLOR DARREN SANDERS

TO REPLY: CABINET MEMBER FOR HEALTH AND SOCIAL  
CARE  
COUNCILLOR LUKE STUBBS

How much did the Council receive in its bid to the Care & Support Specialised Housing Fund for a new dementia care home in Milton?

**QUESTION NO 6**

FROM: COUNCILLOR LYNNE STAGG

TO REPLY: CABINET MEMBER FOR PLANNING,  
REGENERATION AND ECONOMIC DEVELOPMENT  
COUNCILLOR LUKE STUBBS

When will Portsmouth City Council be receiving back the £35,000 from the Langstone Harbour Board that was paid as a precept last year, now that the Board has declared a £77,000 surplus on their trading for last year?

This page is intentionally left blank