



NOTICE OF MEETING

SCRUTINY MANAGEMENT PANEL

FRIDAY, 25 JULY 2014 AT 3.00 PM

CONFERENCE ROOM A - CIVIC OFFICES

Telephone enquiries to Vicki Plytas, Customer, Community & Democratic Services on 023 9283 4058

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Membership

Councillor Alistair Thompson (Chair)
Councillor Simon Boshier (Vice-Chair)
Councillor Michael Andrewes
Councillor Alicia Denny
Councillor John Ferrett

Councillor Hannah Hockaday
Councillor Darren Sanders
Councillor Phil Smith
Councillor Matthew Winnington

Standing Deputies

Councillor Ben Dowling
Councillor David Fuller
Councillor Paul Godier

Councillor Terry Hall
Councillor Colin Galloway
Councillor Steve Hastings

(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

AGENDA

- 1 **Apologies for Absence**
- 2 **Declarations of Members' Interests**
- 3 **Minutes of the Meeting held on 4 July 2014 (Pages 1 - 6)**

Minutes of the Scrutiny Management Panel (SMP) held on 4 July 2014

RECOMMENDED that the minutes of the meeting held on 4 July 2014 be confirmed and signed by the Chair as a correct record.

4 Call-in of decision on "Street Scene Enforcement" taken by Cabinet at its meeting on 26 June 2014 (Pages 7 - 44)

Councillors Hugh Mason, Lee Hunt, Phil Smith, Darren Sanders and Margaret Adair have asked that the decision taken by the Cabinet on 26 June 2014 in respect of item 6 on that agenda, "Street Scene Enforcement" be called in for scrutiny on the basis that they believe that the decision may have been taken without adequate information.

The decision today is for the panel to determine whether the Cabinet decision has been taken without adequate information.

If the panel is satisfied that adequate information has been supplied to enable the Cabinet to reach its decision then no further action is required and the matter ends here.

If the panel is not satisfied that adequate information has been supplied, the panel may refer the matter back to Cabinet stating the reasons why the panel considers there has been inadequate information on this matter.

A report by the City Solicitor is attached with following documents as appendices:

- Report entitled "Street Scene Enforcement" considered by the Cabinet on 26 June 2014.
- The minutes of the meeting of the Cabinet held on 26 June 2014
- An extract of the Decision Notice published on Monday 30 June 2014

The relevant members (from both the Cabinet and those calling in the decision) and officers (to represent the Chief Executive and Head of Transport and Environment) have been invited to be in attendance.

The procedure for the meeting will be as follows:-

Process of call-in

- Deputations from the public to be heard first, followed by;
- Presentation of the call-in by one of the call-in members followed by questions from Scrutiny Management Panel members.
- Response from relevant Lead Cabinet member followed by questions from Scrutiny Management Panel members.
- A further response may then be made by the call-in member
- The call-in member may then sum up his case
- The Lead Cabinet member may then sum up her/his case
- General debate among Scrutiny Management Panel members

followed by a decision.

- The call-in member who presented to Scrutiny Management Panel would not be allowed to speak again or vote on the item, unless they are a member of the Scrutiny Management Panel.
- The Panel would then either resolve to take no action (in effect endorsing the original decision) or refer the matter back to Cabinet for further consideration, setting out the nature of its concerns.

RECOMMENDED that the Panel considers the evidence and decides whether or not the decision by Cabinet on 26 June 2014 should be upheld or be referred back to Cabinet for reconsideration with the Panel's reasons why.

5 Work Programme 2014/15 - Education, Children and Young People's Scrutiny Panel

The panel is asked to consider and prioritise topics put forward for review by the Education, Children and Young People's (ECYP) Scrutiny panel.

ECYP has put forward the following topics in the panel's preferred priority order:-

- (1) Pupil Premium
- (2) The provision of Special Educational needs in the city.
- (3) School induction days for pupils

(An item will be included on future agendas as appropriate to consider any new topics put forward for review by themed scrutiny panels during the Municipal Year.)

RECOMMENDED that the Scrutiny Management Panel determine the work programme for the remainder of the Municipal Year for the Education, Children and Young People's Scrutiny Panel.

6 Update report on Economic Development, Culture and Leisure Scrutiny Panel

The panel will receive an oral report back on the reasons why a response report for the EDCL Scrutiny Panel's report (on pathways into work for young people) was delayed.

7 Date of Next Meeting

The suggested date for the next meeting is Friday 10 October 2014 at 2.30pm.

Please note that agenda, reports and minutes are available to view on line on the Portsmouth City Council website: www.portsmouth.gov.uk

Full Council and Cabinet meetings are digitally recorded, audio only.

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Agenda Item 3

SCRUTINY MANAGEMENT PANEL

MINUTES OF THE MEETING of the Scrutiny Management Panel held on Friday 4 July 2014 at 3.00 pm in Conference Room A, Second Floor, Civic Offices.

(NB These minutes should be read in conjunction with the agenda for the meeting which can be viewed at www.portsmouth.gov.uk.)

Present

Councillor Alistair Thompson (Chair)
Councillor Michael Andrewes
Councillor Alicia Denny
Councillor John Ferrett
Councillor Terry Hall (deputising for Cllr Sanders)
Councillor Phil Smith
Councillor Matthew Winnington

Officers

Stewart Agland, Local Democracy Manager
Vicki Plytas, Senior Local Democracy Officer

NB Councillor Julie Swan attended in the public gallery as an observer.

9 Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Darren Sanders.
Councillor Terry Hall attended the meeting today as his standing deputy.

10 Declarations of Members' Interests (AI 2)

Councillor Terry Hall declared a non- prejudicial interest in agenda item 5
(i) as one of the scrutiny topics being put forward was on parking around schools in Portsmouth and she lived close to two schools and
(ii) on the topic on discharge from hospital as one of her sons works with people who have just been discharged from St James' Hospital
Councillor Thompson declared a non-prejudicial interest on agenda item 5 in that as a parent he walks his child to school..

11 Minutes of the Meeting held on 7 February 2014 (AI 3)

RESOLVED that the minutes of the meeting held on 7 February 2014 be confirmed and signed by the chair as a correct record.

12 Scrutiny Report (AI 4)

(TAKE IN REPORT)

The Senior Local Democracy Officer introduced the report and explained that it had been produced because the City Council's Constitution requires information reports to be provided to the Scrutiny Management Panel and subsequently full Council on the work undertaken by the scrutiny panels.

Members discussed the contents of the report.

With regard to the Notice of Motion referral on Transparency and Openness (Filming of meetings), members were aware that a report had been to the 27 June 2014 meeting of Governance and Audit and Standards on this matter and that recommendations had been made from that committee for consideration at full council on 15 July 2014.

The Local Democracy Manager advised that the Council had to comply with the new legislative requirements under the Local Audit and Accountability Act 2014, which (once the necessary secondary legislation is in place) requires Councils to allow the filming, photographing and recording of all meetings of the Council to which the public are admitted.

On 18 March 2014, Full Council considered and agreed the Scrutiny Management Panel's recommendation that a working group be set up to prepare a report on how the practicalities of this impending requirement can be implemented as soon as possible, including how the Council's Standing Orders should be amended. However, the timescale involved over the pre and post-election period had not allowed a working group to undertake this task prior to the Governance and Audit and Standards Committee meeting. That Committee was in turn required to report to the Full Council in July, so the requisite changes could be approved before the relevant Regulations requiring compliance are in place. He explained that the recommendations from the Governance and Audit and Standards Committee seek to help ensure the necessary information is before Full Council for determination before compliance is imposed by Regulation. He acknowledged that some revisions to the proposals going to Council may be necessary when more information becomes available. He confirmed that the setting up of a working group of councillors was still likely to be required pursuant to the Committee's recommendations (although this would be once the secondary legislation was in place and if further revisions were consequently necessary).

With regard to the Economic Development Culture and Leisure Scrutiny Panel (EDCL panel), the Chair of the panel, Councillor Winnington said the report had been signed off on 1 April and had been scheduled to go to the first available Cabinet meeting of the new Municipal Year with the officer response report. He had since been advised that the item had been deferred.

He said he had spoken with other panel members, Councillors Phil Smith and John Ferrett and they agreed with him that the delay seemed to indicate that scrutiny was not being given the priority it deserved. He asked that the Scrutiny Management Panel Chair uses his best endeavours to impress on officers that scrutiny is an important part of the Council's process and was often very time sensitive. Some of the recommendations in the panel's report were crucial to the new academic year and had been designed to dovetail with recommendations made by the Education, Children and Young People scrutiny panel that were going forward to the July cabinet meeting. Councillor Andrewes wished to reiterate the points made about timeliness of response reports.

Councillor Thompson suggested that the Local Democracy Manager be asked to report back to the next meeting of the Scrutiny Management Panel on 25 July with information from the officers concerned on their reasons why their response report had been delayed. This was agreed.

Members agreed the Scrutiny Report going on to Council, subject to the addition of an extra recommendation to thank members of the public, witnesses and officers for their contributions to the reviews and also to democratic services officers who supported the panels.

RESOLVED that

- (1) the report be noted and the work done by the panels be acknowledged**
- (2) an extra recommendation be added to the report as follows - "thanks be formally recorded to all those members of the public, witnesses and officers who contributed to the reviews and to democratic services officers who supported the panels" and**
- (3) the panel receives at its next scheduled meeting on 25 July a report back on the reasons why the response report for the Economic Development, Culture and Leisure Scrutiny Panel had been delayed.**

13 Work Programme 2014/15 Traffic Environment & Community Safety Scrutiny Panel and Economic Development, Culture & Leisure Scrutiny Panel (AI 5)

(TAKE IN HANDOUT)

The Senior Local Democracy Officer (SLDO) circulated a hand-out that included review topics put forward by the panels so far. She explained that the TECS panel and the EDCL panel had already met since the local elections but that ECYP had not so would be putting forward their topics for consideration at the next meeting of Scrutiny Management panel on 25 July. The SLDO explained that Housing and Social Care scrutiny panel membership had changed since the local elections and the new panel would be considering how to take the current review on Hospital Discharge forward. Once the review neared completion, their next suggested review topics would be brought to this panel for consideration.

Traffic, Environment & Community Safety Scrutiny Panel

The SLDO advised that the topics that had been selected by the Traffic, Environment & Community Safety Scrutiny Panel (TECS) were

1. Review into parking around schools in Portsmouth
2. Waste Management

Members were very supportive of the suggested review into parking around schools and hoped it would cover related aspects rather than be confined solely to parking issues - for example encouraging walking to school.

The Scrutiny Management Panel agreed the topics put forward for review by TECS in the order stated.

Economic Development, Culture & Leisure Scrutiny Panel (EDCL)

The SLDO advised that EDCL had put forward two topics for consideration by the Scrutiny Management Panel which were

1. Revitalising local high streets and secondary shopping areas in the city
2. Improving sport and physical activity participation in the city

Councillor Winnington, the Vice Chair of the EDCL scrutiny panel explained that there are areas locally where shops had been empty for some time. He said there had been several applications to convert shops into houses in a number of different shopping centres. He said that should this happen, there was a likelihood that such development would kill local shopping centres. He said that one of the aims of a review would be to seek ways to encourage local people who wished to retain local shopping centres to "self-help." The panel also hoped to look at ways in which local shopping areas could be encouraged to be as thriving as possible - for example looking at good practice in one locality with the aim of encouraging other less thriving areas to adopt similar good practice. Although it was recognised that PCC would not be able to support all the shopping areas itself, it could perhaps act as an enabler to encourage local centres to help themselves. He said the review aimed to look into what could be done to facilitate this and could research what had been done elsewhere.

He said that scrutiny panels could make a difference by making recommendations to Cabinet to enable a focus to be given to local groups.

The SLDO advised that with regard to the second topic, the EDCL panel had been advised at its recent meeting that two strategies were currently being worked on - the sports development strategy and a strategy on physical activity. The sports development strategy was expected to be completed by Autumn 2014 and a strategy on physical activity would follow at a later date. For this reason, the EDCL panel considered it better to review this topic second.

Members discussed the review topics and thought them to be very worthwhile. Scrutiny Management Panel agreed the topics put forward for review in the order stated.

RESOLVED that

(1) the TECS Scrutiny Panel reviews the following topics in the following order:

- (i) Parking around schools in Portsmouth**
- (ii) Waste Management**

(2) the EDCL Scrutiny Panel reviews the following topics in the following order:

- (i) Revitalising local high streets and secondary shopping areas in the city**
- (ii) Improving sport and physical activity participation in the city**

14 Verbal Updates from Chairs of Scrutiny Panels (if any) (AI 6)

There were no separate verbal updates from Scrutiny Chairs at this meeting.

15 Date of Next Meeting (AI 7)

The next meeting is scheduled for 25 July at 3.00pm.

Councillors Thompson and Smith tendered their apologies for the meeting on 25 July. Councillor Hall said she would be unable to deputise for anyone.

The meeting concluded at 3.30 pm.

Chair

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Agenda Item 4

Agenda item:

4

Decision maker: Scrutiny Management Panel

Date: 25th July 2014

Subject : Decision taken by the Cabinet on 26th June 2014 to abandon the proposed contact with 3GS limited to provide street scene enforcement for the Council - Call In

Report by: City Solicitor

Wards affected: All

Key decision: No

Budget & policy framework decision: No

1. Purpose of report

To request the Panel to review the decision taken by the Cabinet on 26th June 2014 at which time it was decided to abandon a proposed contact with 3GS Limited for them to provide street scene enforcement on behalf of the Council. The report which was considered by the Cabinet on the 26th June 2014 together the minute of the Cabinet's decision is attached as Appendix One to this report.

1.1 Call-in and alternative decision making

1.1.1 These decisions were called in in accordance with part 3 of the Constitution of the Council the summary of reasons for call are:-

1. Lack of consultation
2. Inadequate financial information
3. Did not believe that other Council schemes run my 3GS had been explored

Those seeking the call-in request that the Council reinstate the contract with 3GS for a six month trial period.

1.2 Background

1.2.1 Please see the attached report and minute which provide the background to the decision which was made on 26th June 2014 (Appendix 1)

1.2.2 In accordance with the provisions of the Council's call-in procedures officers have already advised the potential contractor that the contract has been abandoned in accordance with the Cabinet's decision. This is because an act of call-in based upon inadequate information does not prevent the implementation of the decision or decisions which have been called in. This would not however prevent negotiations from being re-opened with 3GS which could lead to a contract being entered into as proposed if this was the wish of Cabinet.

2. Recommendations

2.1 The Panel considers the evidence and decides whether or not the decisions made by Cabinet on 10th June should be upheld or be referred back to Cabinet with their reasons why it should be reconsidered. .

3. Equality Impact Assessment

3.1 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.

4. City Solicitor's Comments

4.1 The City Solicitors comments are embodied within this report

5. Head of Finance's comments

5.1 There are no financial implications arising directly from the recommendation contained within this report although there would be financial implications in the event that the Cabinet decided to proceed with a contract with 3GS which could be considered by Cabinet at that time.

.....
Signed by:

City Solicitor

Appendices: Appendix One attached

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
Nil	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by the Chair of the Scrutiny Management Panel

.....

Signed by: Chair of the Scrutiny Management Panel

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Agenda item:

Title of meeting: Cabinet
Subject: Street Scene Enforcement
Date of meeting: 26th June 2014
Report by: Chief Executive
Wards affected: All

1. Purpose

- 1.1. To allow the newly formed Cabinet of the recently elected Administration, to review and re-evaluate the street scene enforcement project prior to the anticipated trial with 3GS.

2. Recommendations

2.1 That:

- a.) **the 6 month pilot scheme by 3GS for the delivery of Fixed Penalty Notices in relation to environmental and dog control offences, be abandoned;**
- b.) **The Strategic Director - City Solicitor & Monitoring Officer be authorised, in consultation with the Cabinet Member - Environment & Community Safety and the Head of Service - Transport & Environment, to close any on-going work relating to the implementation of the original resolution.**
- c.) **the Cabinet continue to support work to improve the current approach to enforcement of environmental and street cleanliness issues through the use of existing City Council Teams and the Shared Services Board.**

3. Background

- 3.1. The previous Administration has previously indicated that they wish to pursue the use of a private company for the purposes of issuing of Fixed Penalty Notices (FPN's) for environmental and dog control offences. That Administration had identified a company, 3GS, to deliver the pilot scheme. The proposal was considered by the Cabinet at the 7th April 2014 meeting where it was agreed to move forward with a 6 month pilot and to delegate to the Cabinet Member for Environment & Community Safety and the relevant officers to agree the necessary terms and details of the pilot.
- 3.2 Appendix A contains a copy of this report and provides further detail on the background to the pilot.

- 3.3 A Service Contract for the pilot, with a commencement date of 15 June 2014. However, as 3GS had disputed the terms of agreement the contract was not signed.
- 3.4 Following the election of a new Administration on the 3rd June 2014, Members of the new Administration have been reviewing policies and contracts across the Council, and in particular they have looked closely at the pilot for the enforcement scheme. After further evaluation it is concluded that it would be better to utilise existing internal resources through the Shared Services work to progress improvements around environmental enforcement and at the same time monitor closely other authorities where pilots are underway. Through the positive work being developed with our partners through the Shared Services Board it would be sensible to ensure that any consideration of pilots of this type are more thoroughly evaluated through this process.

4. Equality impact assessment (EIA)

- 4.1 The Council aims to be consistent and even-handed in all regards. Taking enforcement action to deal with environmental crime is not intended to have either a positive or negative impact upon equality and diversity or apply differently to any particular group.

5. Head of finance's comments

- 5.1 Please refer to the Legal comments that set out the potential risk of challenge that could result in Portsmouth City Council having to reimburse 3GS for any costs incurred to date.
- 5.2 If any challenge were to be made and upheld then potentially Portsmouth City Council could be liable for costs incurred by 3GS and would also result in internal resource being employed to deal with the matter. If costs were to be incurred by the Council a source of funding would have to be identified.

6. Legal comments

6.1 Although there has been considerable discussion between the Council and 3GS with relation to the terms of the proposed pilot as neither side has executed the written terms these have not been finalised. Therefore, as no payments have been made to 3GS there is no contract in place between the parties and it is still possible for the Council to withdraw from the proposed arrangements.

6.2 However it should be noted that if 3GS has taken any actions in reliance on the position as they believed it to be, i.e. there was some sort of agreement between the parties then they may seek to recover from the Council any sums expended on the basis

of the legal doctrine of change of position. This would however be speculative on their part but if pursued would result in the expenditure of time and potentially cost on behalf of the Council in dealing with the claim. Accordingly, the risk of this is considered to be low.

.....
Signed by Chief Executive

Appendices:

Appendix A - Cabinet Report - Street Scene Enforcement (7th April 2014)

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

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Agenda item:

Title of meeting: Cabinet
Subject: Street Scene Enforcement
Date of meeting: 7th April 2014
Report by: Chief Executive
Wards affected: All
Key Decision: No

1. Purpose

- 1.1. To outline the current approach to enforcement of environmental crime, and options for improving the cleanliness and tidiness of the streets by changing the approach.
- 1.2. To provide the Cabinet with details of a scheme whereby a private enforcement company issue Fixed Penalty Notices (FPNs) for environmental and dog fouling offences on behalf of local authorities and to ask Members to consider that such a scheme be introduced in Portsmouth on a pilot basis.

2. Recommendations

2.1 That:

- a.) **A 6 month pilot scheme is delivered by 3GS for the issuing of Fixed Penalty Notices for environmental and dog control offences (as listed in para 8.1);**
- b.) **The Strategic Director - City Solicitor & Monitoring Officer be authorised, in consultation with the Cabinet Member - Environment & Community Safety and the Head of Service - Transport & Environment, to determine all matters relating to the pilot scheme;**
- c.) **A further report is presented to the Cabinet following evaluation of the pilot scheme.**
- d.) **The existing work being undertaken to improve the current approach to enforcement of environmental and street cleanliness issues be noted.**

3. Current situation

- 3.1. A council priority is to promote a cleaner, greener and safer environment and street scene within Portsmouth for all to enjoy.

- 3.2. In our most recent community safety survey (2012), ¹ 20% of residents strongly agreed that anti-social behaviour was a problem in their local area a further 34% agreed it was a problem. This suggests a slightly greater level of concern about anti-social behaviour in Portsmouth than the national average. In Portsmouth's survey:
- 57% of respondents perceived there to be a problem with rubbish or litter
 - 56% were concerned about teenagers hanging around on the street
 - 57% felt there was a problem with people being drunk or rowdy in public places
 - 40% perceived problems with noisy neighbours and loud parties.
- 3.3. The Administration believes that the Council needs to step up enforcement to improve the state of the city's streets and to decrease the cost of cleaning them. It is reasonable to believe that everyone knows that littering is illegal and included in the current dog fouling campaign is the clear message to dog owners that not clearing up after their dogs is illegal too. The whole emphasis is that the council needs to change people's behaviour.

4. Current Solution

- 4.1. Based upon a number of years of experience of local magistrates, guidance from the council's legal team, the press and local politicians, the council has historically taken an approach which aims to resolve problems as quickly and cheaply as possible, rather than focussing on issuing Fixed Penalty Notices (FPNs) or other fines. Typically this approach will include:
- 4.1.1. Investigating an issue based upon information received, either from the public, staff or contractors.
 - 4.1.2. Giving an offender seen committing a crime an opportunity to rectify (pick up their dog mess, litter, early refuse etc). However, in the case of more serious crimes we proceed straight to prosecution
 - 4.1.3. Issuing warning letters which, for many pieces of legislation this is a requirement.
 - 4.1.4. Issuing an FPN
 - 4.1.5. Where an FPN is not appropriate, or ignored, a formal prosecution will be discussed with council's legal team to maximise the chances of success.
- 4.2. The Environmental Enforcement team issued 51 FPNs in 2013. By taking a balanced approach this team have achieved an acceptance and payment rate of 60-70%.

5. Current Resources

- 5.1. The Environmental Enforcement team consists of a Team Leader and five enforcement officers, although as a result of budget reductions agreed in 2012, this team is about to reduce to four enforcement officers, with one officer currently at risk of redundancy.

¹ Sample size 1382

http://www.saferportsmouth.org.uk/files/8013/5220/8814/Portsmouth_Community_Safety_Survey_June_2012.pdf

- 5.2. The team is trained to investigate and resolve problems in a wide range of areas deliver fines and produce prosecution cases on a wide range of legislation. The list of legislation currently enforced is at Appendix A.
- 5.3. The team split their time between patrolling known problem areas, (proactive) investigating specific incidents, delivering “on the spot” fixed penalty notices (FPN'S) (reactive) and office based case work related to investigation and preparation of cases for prosecution.
- 5.4. Over time, the team’s ability to undertake enforcement patrols has reduced as a result of increased involvement in activities to tackle a wide range of environmental nuisance and anti-social behaviour related offences and to ensure that residents comply with the requirements of the council’s household waste collection policy. The reduced amount of time committed to carrying out enforcement patrols is affecting the council’s ability to both deter environmental crime offences and tackle those who commit them. This can be seen by the small number of FPNs issued.
- 5.5. The Community Warden Team consists of a team manager, three supervisors and eighteen wardens.
- 5.6. This team aims to make people feel safer, deter crime, tackle antisocial behaviour, reduce arson and help keep Portsmouth clean and tidy. They work closely with partner agencies, such as the Police, and local people to promote community groups and facilities helping to build stronger and more confident communities. Community Wardens are friendly and approachable point of contact for all residents who need help and advice and welcome reports on all forms of anti-social behaviour.

6. Strategy to increase enforcement

- 6.1. The Administration would welcome a stronger approach to enforcing legislation by issuing more fixed penalty notices.
- 6.2. Evidence from other authorities indicates that a strategy which focuses on the issuing of FPNs rather than education and communication may lead to less FPNs being paid and more challenges to FPNs in court. This can lead to increased administrative costs preparing and defending cases. The risk of these outcomes could be assessed and mitigated by a 6-month trial which would identify the real outcomes from a more prolific enforcement campaign. Therefore it is proposed that the strategy has a short, medium and long-term plan for delivery.
- 6.3. Whichever approach is taken to enforcement, it is proposed that the current contractor responsible for street cleaning, Colas, is required to set up a 'task force' of dedicated cleaning staff to be available to attend specific areas as identified. This could be publicised in the media.

6.4. A clear communications campaign will be devised by operational and communications officers and implemented. It will start following the acceptance of this report and run through the trial period.

7. Option(s) for delivery

7.1. Assuming that the strategy to increase enforcement is adopted, there are three stages to implementation.

Short-term (already started)

7.2. The Community Wardens and Environmental Enforcement Officers are working together on a project to undertake more direct enforcement. Both teams have committed resources and from 24th March had four dedicated officers who will be spend eight hours a day patrolling known hotspot areas looking to enforce any environmental crimes which they witness.

Medium-term (Within 8 weeks of formal agreement)

7.3. In order to put in place the Administration's desire for a stronger approach to enforcement with a greater number of FPN issued, a private company are offering to pilot a scheme to issue FPNs on behalf of, and at no cost at point of issue, to the Council (see 8.2 below).

Long-term (to be completed by the end of 2014).

7.4. Council officers are progressing a project with Police colleagues to integrate the Enforcement Officers, Community Wardens and PCSOs into a single uniformed service. The strategy towards enforcement, and how it is implemented should be reviewed at this time

8. Implementing a pilot project to use a private company to issue FPNs on behalf of the Council

8.1. The Administration has previously indicated that they wish to pursue the use of a private company. The Administration has identified a company, 3GS, who provide this solution. Their details are identified in the information they have provided and summarised as follows

- 3GS deploys a team of fully trained, uniformed Environmental Enforcement Officers 'EEO's' which operate under the supervision of a 'senior officer' (coordinator) who is posted inside the Council's offices.
- 3GS Enforcement Officers would enforce 25 pieces of legislation. However it has been identified by council officers that there are only eight pieces of legislation on which FPNs can be issued. These are:

Offence Type	FPN AMOUNT SET BY PCC or REPORTED FOR PROSECUTION ONLY
Littering	£75
Number of Dogs a person may have under their Control	Would require a change to the current control order
Dog Fouling	£75
Dogs in Prohibited areas, off lead etc.	£75
Presentation of Domestic Waste	£100
Presentation of trade waste	£100
Duty of care Waste transfer documentation	£300

Waste Carriers Licence	£300
Graffiti	£75
Unauthorised Distribution of Literature.	£75
Litter & Refuse Clearing notice	£100
Street litter control notice	£100

- 3GS aim to ensure that their service is not only being delivered professionally but to a standard that strives to exceed expectations. Where possible 3GS try to provide employment to ex-military/police personnel and also operate a local jobs for local people policy.
- The draft SLA from 3GS indicates that their staff would be based within the civic offices, working between 0730-1930, Monday-Sunday. The council would be required to supply them with all equipment needed to carry out their roles and direct their workload. This will all be at the cost of the council.
- 3GS does not remunerate its staff with commission based on the number of FPN's they issue.
- There are no fixed costs to employ 3GS. Instead the council would be expected to commit to pay them £40 for every FPN issued correctly. (N.B. 'correctly issued' does not equate to net income received by the Council)
- 3GS estimate between 4,000 and 6,000 FPN's will be issued annually. 3GS say that they do not set targets, and their aspirations are not related to the number of FPN's issued by their officers. Their estimate is what they believe to be a realistic assumption based on population and their knowledge and experience of delivering the service.
- Although 3GS do not set targets, they have stated that, as with any business, there is a breakeven point, although theirs is not contract specific but company-wide. Where one contract may break even or be operating slightly at a loss others won't be and therefore any loss is covered.
- On average 3GS require 6-8 weeks to deploy a fully trained team on the ground.
- 3GS generally operate either a 6 or 12 month pilot, however to ensure the pilot is fully explored and to enable better assessment of its success pretty much all contracts start with 12 months rolling.
- 3GS would have no objection to Key Performance Indicators being put into the contract as long as the KPI was mutually agreed and realistic.

8.2. 3GS are operating trials in a small number of other authorities. 3GS have advised that they would require 6-8 weeks in order to deploy a service in Portsmouth. Speaking to one of the authorities where they have recently started a trial the period it is suggested that a few months is a more realistic timescale for preparations and agreement of the Service Level Agreement (SLA) with them before actual enforcement takes place on street. Early negotiations have been had with 3GS and if this approach is approved by Members, further detailed dialogue and confirmation of the SLA will take place with the aim of starting enforcement as soon as practically possible. At the same time a communications campaign will begin. We will also continue to build a relationship with those authorities where 3GS are being piloted in order that we share our experiences and learning, such that it will better inform our evaluation of the pilot.

- 8.3. There are many unknown elements as to how the use of a private company issuing FPNs would work in Portsmouth. The delivery of a pilot scheme would give the opportunity for such an initiative to be assessed and, following a detailed analysis of their proposal, it is recommended that a pilot scheme with 3GS be introduced. As this is a pilot scheme the procurement process will not apply, however, should the scheme be deemed a success and should Members wish to continue with the use of a private company for the issuing of FPNs on a longer term basis a procurement exercise would be undertaken to invite proposals from other companies who may be able to offer such a service.
- 8.4. During the trial period the contract will be managed by the Street Environment & Parks Manager who is also currently responsible for the Environmental Enforcement team.

9. Equality impact assessment (EIA)

- 9.1 The Council aims to be consistent and even-handed in all regards. Taking enforcement action to deal with environmental crime is not intended to have either a positive or negative impact upon equality and diversity or apply differently to any particular group.

10. Head of finance's comments

- 10.1 It is very unlikely that there will be any additional costs as a result of engaging the services of 3GS. Additional costs would only arise if the cost of challenge and administration were to outweigh the net fee paid to Portsmouth City Council. This is deemed to be very unlikely.
- 10.2 The business model is such as that a fee is payable to 3GS for each FPN issued. The Council retain the balance and whilst this proposal is intended to support the Council's efforts to deter littering and dog fouling offences, it may as an unintended consequence result in increased income from FPN receipts.

11. Legal comments

- 11.1 Appropriate screening will need to be conducted in relation to transfer rights prior to, and following, the pilot. These may need to be coupled with appropriate indemnities in the appointment terms.
- 11.2 If FPNs are to be issued at the levels suggested by 3GS then a failure to pay will result in a consideration of whether a prosecution should take place. The work may impose a considerable burden on legal services, and will require co-operation from 3GS in any court case, which in addition to the FPN payment, may be charged for by 3GS. Success rates in any court cases will need to be monitored to assist in the

assessment of 3GS' performance, and appropriate terms ought to be included within the contract documentation to avoid 3GS being paid for vexatious or unmerited FPNs - and, correspondingly, the Council should have a means of controlling the upper amount of FPNs issued.

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

Appendices:

Appendix A - Brief Overview of Current Enforcement Actions and Guidelines

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

Appendix A - Brief Overview of Current Enforcement Actions and Guidelines

Figures used from 2013

Currently the council's Environmental Enforcement team are authorised and required to carry out investigations and appropriate enforcement actions for the subjects listed below. We have also identified work the team does not just the whole council but for specific departments/contractors.

As well as the enforcement aspect we also do initial first action measures e.g. removal of offensive graffiti, sealing of dangerous buildings to prevent harm to the public, removal of syringes/drugs litter etc. As a team we also carry out educational patrols to make the public aware of different offences and to show the courts when dealing with prosecution case that we take a reasonable and proportional approach to enforcement while protecting the authority's reputation.

Many of the subjects we have responsibility for are criminal offences, and so

- the investigation
- giving of fixed penalty notices (fines) serving of enforcement notices
- taking of section 9 witness statement
- complying of case files for prosecutions and appearing in court

are all covered by national legislation contained within The Police and Criminal Evidence Act 1984 The Criminal Procedures and Investigations Act 1996, Regulation of Investigatory Powers Act 2000, Police Reform Act 2006 plus other areas of legislation which are touched upon during an investigation. We also carryout joint operations when appropriate with the Police such as stop checks on waste carriers scrap metal dealers etc. as the legislation the council can use allows for the checks to be carried out but we do not have powers to stop vehicles. Many of the report we take will overlap into different areas of legislation and so the chart below gives a break down by offence only not who may have reported it exactly.

Some areas of the legislation place a duty on the council to take appropriate enforcement actions on to give permissions for certain actions to take place and so they are marked with a **Y**. In some instance the numbers reported will not align with notices, FPN's and prosecutions as some of the events may have commenced in 2012 but further enforcement action continued into 2013

Offence Type	Act	Stat Req	Number of incidents or cases reported to PCC	Percentage of hours spent on offences type	% on office based casework	% of hours on site.	Carried Out on behalf of.	Warnings or Advice (Verbal or Written)	Formal Legal Notices served	FPNs given out	Court Cases
Littering	S87/88 Environmental Protection Act 1990 (EPA 1990)	Y	128	2.25%	35%	65%	PCC/COLAS	120	N/A	18	0
Litter	S87/88 EPA Drugs/Clinical REMOVAL	y	20	0.5%	15%	85%	PCC PUBLIC POLICE BIFFA	0	0	0	0
Dog Fouling	Portsmouth Dog Control Order 2011	Y	465	9.5%	15%	85%	PCC/COLAS	250	N/A	6	1
Dogs in Prohibited areas, off lead etc.	Portsmouth Dog Control Orders 2011	Y	56	0.75%	10%	90%	PCC/PUBLIC/ POLICE	25	N/A	0	1
Dog issues, off lead on designated highways.	Road Traffic Act 1988 S27 City Order 2009	Y	18	0.20%	5%	95%	PCC/POLICE	12	N/A	N/A	0
Aggressive	Dangerous										

Offence Type	Act	Stat Req	Number of incidents or cases reported to PCC	Percentage of hours spent on offences type	% on office based casework	% of hours on site.	Carried Out on behalf of.	Warnings or Advice (Verbal or Written)	Formal Legal Notices served	FPNs given out	Court Cases
Dog issues or without name tags	Dogs Act 1991 and Control of dogs order 1992		20	0.5%	40%	60%	PUBLIC POLICE	20	N/A	N/A	0
Dog issues on private land.	1871 DOG ACT	y	10	0.25%	50%	50%	PCC PUBLIC POLICE	10	0	N/A	0
Presentation of Domestic Waste	S46 (EPA 1990)	Y	2131	43.30%	20%	80%	PCC/BIFFA COLAS	2000	62	14	9
Presentation of trade waste	S47 (EPA 1990)	Y	91	2.0%	20%	80%	PCC/BIFFA COLAS	71	15	5	0
All Highways Issues affecting the PFI Contract (skips, building materials, damage to the highway,	Highways Act 1980	Y	225	4.5%	15%	85%	PCC COLAS PFI CONTRACT POLICE	175	50	N/A	0

Offence Type	Act	Stat Req	Number of incidents or cases reported to PCC	Percentage of hours spent on offences type	% on office based casework	% of hours on site.	Carried Out on behalf of.	Warnings or Advice (Verbal or Written)	Formal Legal Notices served	FPNs given out	Court Cases
fly posting etc.)											
Obstructions of the Highway	Sec's 137, 143, 148, 149, 161,162 Highways Act 1980	Y	93	2.0%	15%	85%	COLAS PFI CONTRACT	88	5	N/A	0
Fly Tipping	S33 (EPA 1990)	Y	259	5.5%	20%	80%	PCC/COLAS	220	N/A	N/A	0
Duty of care Waste transfer documentation	S34 (EPA 1990) & S35 The new Waste (Eng./Wales) Regulation 2011	Y	129	2.75%	40%	60%	PCC/BIFFA COLAS/EA	0	123	5	3
Waste Carriers Licence	S5B Control of Pollution Amendment ACT 1989	Y	60	1.25%	10%	90%	PCC	0	60	0	0

Offence Type	Act	Stat Req	Number of incidents or cases reported to PCC	Percentage of hours spent on offences type	% on office based casework	% of hours on site.	Carried Out on behalf of.	Warnings or Advice (Verbal or Written)	Formal Legal Notices served	FPNs given out	Court Cases
Sec 108 Investigation	Environment Act 1995	Y	3	0.25%	80%	20%	PCC	3	3	N/A	1
Fly Posting (Private Land issues)	S224/225 Town & Country Planning Act 1990		10	0.35%	40%	60%	PCC	10	0	0	0
Fly Posting (Highways)	Highways Act 1980 s132	Y	7	0.25%	50%	50%	COLAS	7	0	0	0
Graffiti	S48-52 Anti-Social Behaviour Act 2003 REMOVAL	y	104	2.0%	5%	95%	PCC PUBLIC	0	0	1	0
Private Land and buildings issues which are detrimental to the amenity of an area. E.g.	S215 Town & Country Planning Act 1990	y	662	13.75%	60%	40%	PCC PUBLIC POLICE	647	15	N/A	0

Offence Type	Act	Stat Req	Number of incidents or cases reported to PCC	Percentage of hours spent on offences type	% on office based casework	% of hours on site.	Carried Out on behalf of.	Warnings or Advice (Verbal or Written)	Formal Legal Notices served	FPNs given out	Court Cases
dumped waste on private land											
Prevention of Pests/vermin	Prevention of damage by pests act 1949	Y	0	-	-	-	PCC PUBLIC	0	0	N/A	0
Removal of waste from jointly owned private land	Sec 78 Public Health Act 1936		0	-	-	-	PCC PUBLIC	0	0	N/A	0
Sealing up of Dangerous Building/Land	Sec 29 Local Government (Miscellaneous Provisions) ACT 1982	Y	9	0.20%	25%	75%	PCC POLICE PUBLIC	9	1	N/A	0
Unauthorised Distribution of Literature.	Clean Neighbourhoods and Environment Act 2005	Y	1	0.05%	10%	90%	COLAS PCC	1	0	0	0
Litter &	S92A(1)										

Offence Type	Act	Stat Req	Number of incidents or cases reported to PCC	Percentage of hours spent on offences type	% on office based casework	% of hours on site.	Carried Out on behalf of.	Warnings or Advice (Verbal or Written)	Formal Legal Notices served	FPNs given out	Court Cases
Refuse Clearing notice	(EPA 1990)	Y	262	5.5%	35%	65%	PCC	244	16	2	2
Street litter control notice	S94 (EPA 1990)	Y	6	0.05%	30%	70%	PCC COLAS	6	0	0	0
Litter abatement notice for statutory undertakers	S92(1) (EPA 1990)	Y	3	0.05%	60%	40%	PCC	3	0	0	0
Urinating in Streets	S87/88 (EPA 1990)	Y	4	0.05%	75%	25%	PUBLIC PCC POLICE	0	0	0	0
Vehicles being used for advertising	2007 Regulations regarding vehicles being used for advertising	Y	4	0.05%	70%	30%	PCC COLAS	4	3	0	0
People living in vehicles	Sec 77 of the Criminal						PCC COLAS				

Offence Type	Act	Stat Req	Number of incidents or cases reported to PCC	Percentage of hours spent on offences type	% on office based casework	% of hours on site.	Carried Out on behalf of.	Warnings or Advice (Verbal or Written)	Formal Legal Notices served	FPNs given out	Court Cases
on the highway overnight	Justice and Public Order Act 1994	Y	6	0.05%	50%	50%	POLICE	6	0	N/A	0
Metal Theft	Scrap Metal Dealers Act 2013	Y	15	0.25%	15%	85%	PUBLIC POLICE PCC	15	0	N/A	0
Miscellaneous Issues E.g. garden disputes, vegetation, barb wire, glass atop walls, unsolicited mail etc.	Appropriate checks for suitable legislation and also use of officer's own knowledge and experience.		97	2.0%	60%	40%	PCC PUBLIC POLICE COLAS	97	N/A	N/A	N/A
Total incidents & all offences + actions taken	88 different pieces of legislation current in use by the enforcement team	-	4898	100%	-	-	-	4043	353	51	17

FPNs AMOUNTS

These are the amounts Portsmouth City Council currently sets for its FPNs.

There is no early payment scheme.

The fine is the maximum that the courts can give upon conviction. Non-FPN offences are not included.

All of the Highways Act 1980 offences are all prosecution only. No FPNs can be given as this is not allowed for in the legislation.

Offence Type	Act	FPN AMOUNT SET BY PCC or REPORTED FOR PROSECUTION ONLY	MAX FINE UPON CONVICTION IN COURT. PCC FPN CASES ONLY
Littering	S87/88 Environmental Protection Act 1990 (EPA 1990)	£75	£2500
Number of Dogs a person may have under their Control	Dog Control Order Sec 55 Clean Neighbourhoods & Environment Act 2005	Not currently in force in Portsmouth and would require a change to the current control order	£1000
Dog Fouling	Portsmouth Dog Control Order 2011	£75	£1000
Dogs in Prohibited areas, off lead etc.	Portsmouth Dog Control Orders 2011	£75	£1000
Dog issues, off lead on designated highways.	Road Traffic Act 1988 S27 City Order 2009	No FPN reported for prosecution only	
Aggressive Dog issues or without name tags	Dangerous Dogs Act 1991 and Control of dogs order 1992	No FPN reported for prosecution only	
Dog issues on private land.	1871 DOG ACT	No FPN reported for prosecution only	
Exposing Vehicles for sale on the road	Sec 3-6 Clean Neighbourhoods & Environment Act 2005	Enforcement under taken by parking only and no FPN currently authorised for PCC to	£2500

		use for this offence (£100)	
Repairing vehicles on the road	Sec 4-6s Clean Neighbourhoods & Environment Act 2005	Enforcement under taken by parking and no FPN currently authorised for this offence (£100)	£2500
Fly Posting or affixing things on highways structures	Sec132 The Highways Act 1980	No FPN available for this offence must be reported for prosecution only	
Presentation of Domestic Waste	S46 (EPA 1990)	£100	£1000
Presentation of trade waste	S47 (EPA 1990)	£100	£1000
All Highways Issues affecting the PFI Contract (skips, building materials, damage to the highway, fly posting etc.)	Highways Act 1980	No FPN available for any Highways Act 1980 offences but they must be reported for prosecution only	
Obstructions of the Highway	Sec's 137, 143, 148, 149, 161,162 Highways Act 1980	No FPN available for this offence must be reported for prosecution only	
Fly Tipping	S33 (EPA 1990)	No FPN available for this offence must be reported for prosecution only	
Duty of care Waste transfer documentation	S34 (EPA 1990) & S35 The new Waste (Eng./Wales) Regulation 2011	£300	£5000
Waste Carriers Licence	S5B Control of Pollution Amendment ACT 1989	£300	£5000
Sec 108 Investigation	Environment Act 1995	No FPN available for this offence	

		must be reported for prosecution only	
Fly Posting (Private Land issues)	S224/225 Town & Country Planning Act 1990	No FPN available for this offence must be reported for prosecution only	
Fly Posting (Highways)	Highways Act 1980 s132	No FPN available for this offence must be reported for prosecution only	
Graffiti	S43 Anti-Social Behaviour Act 2003	£75	£1000
Private Land and buildings issues which are detrimental to the amenity of an area. E.g. dumped waste on private land	S215 Town & Country Planning Act 1990	No FPN available for this offence must be reported for prosecution only	
Prevention of Pests/vermin	Prevention of damage by pests act 1949	No FPN available for this offence must be reported for prosecution only	
Removal of waste from jointly owned private land	Sec 78 Public Health Act 1936	No FPN available for this offence must be reported for prosecution only	
Sealing up of Dangerous Building/Land	Sec 29 Local Government (Miscellaneous Provisions) ACT 1982	No FPN available for this offence must be reported for prosecution only	
Unauthorised Distribution of Literature.	Clean Neighbourhoods and Environment Act 2005	£75	£2500
Litter & Refuse Clearing notice	S92A(1) (EPA 1990)	£100	£2500

Street litter control notice	S94 (EPA 1990)	£100	£2500
Litter abatement notice for statutory undertakers	S92(1) (EPA 1990)	No FPN available for this offence must be reported for prosecution only	
Vehicles being used for advertising	2007 Regulations regarding vehicles being used for advertising	No FPN available for this offence must be reported for prosecution only	
People living in vehicles on the highway overnight	Sec 77 of the Criminal Justice and Public Order Act 1994	No FPN available for this offence must be reported for prosecution only	

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CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Thursday, 26 June 2014 at 1.00 pm at the Guildhall, Portsmouth

Present

Councillor Donna Jones (in the Chair)

Councillors Luke Stubbs
Frank Jonas
Lee Mason
Robert New
Linda Symes
Steve Wemyss
Neill Young

50. Apologies for Absence (AI 1)

These had been received from Councillor Ken Ellcome.

Councillor Rob New apologised that he would need to leave the meeting after discussion of the item regarding street scene enforcement therefore the order of business was varied to facilitate this.

51. Declarations of Interests (AI 2)

Councillor Steve Wemyss made a declaration regarding the appointment to the outside body of the New Theatre Royal in that he was a co-opted member but this was a non-prejudicial interest.

52. Record of Previous Decision Meeting - 7 April 2014 (AI 3)

As the minutes were of the meeting of the previous Cabinet composition these were proposed by Councillor Gerald Vernon-Jackson and seconded by Councillor Sanders to be a correct record and this supported by Councillor Donna Jones and Councillor Luke Stubbs who had also been present at that meeting.

DECISION:

That the minutes of the Cabinet meeting held on 7 April 2014 be agreed as a correct record to be signed accordingly by the chair of that meeting.

53. Appointments to Outside Bodies (AI 4)

A deputation was made by Councillor Gerald Vernon-Jackson with reference to the schedule of nominations, including:

- Milton Village Community Association for which he read out an email from the association asking for Councillor Ben Dowling to remain on the association
- The New Theatre Royal - he had spoken to the Leader regarding the officers to continue their appointment
- Southsea Community Association this would be moved to the Somerstown Hub so he felt there was logic for this to be a local councillor
- Age UK Hampshire - he offered the Liberal Democrat nominations of either himself or Councillor Stockdale
- Portsmouth Disability Forum had vacancies and he confirmed that Councillor Stockdale was happy to continue
- Somerstown Adventure Supporters Group - he suggested that a ward councillor was requested.
- LGA Urban Commission - he reported that this no longer existed and had been taken over by the City Regions Board.
- World War 2 Memorial - this was usually the group leaders and would be winding up on completion of the engraving of names.

The Leader reported that she had further nominations to report to the meeting received from UKIP which were dealt with under the appointments.

DECISION:

Appointments were made to the individual portfolios, as outlined on the separate schedule.

54. Forward Plan Omissions (AI 5)

It was noted that the chair of Scrutiny Management Panel had been consulted.

DECISION:

It had been noted that the items relating to street scene enforcement, public toilet review and the Camber be noted as forward plan omissions for the forward plan published on 13 May.

55. Street Scene Enforcement (AI 6)

Deputations in opposition to the proposal were made and a written representation from Councillor Hunt had been made asking the Cabinet to support a contract with 3GS.

Councillor Gerald Vernon-Jackson first spoke regarding his previous administration's proposal to bring in this scheme which they had believed to be an interesting opportunity to add capacity to deal with litter and dog fouling and felt that to cancel this would be a missed opportunity.

Janice Burkinshaw then spoke whose points included that the proposal for the pilot scheme had been welcomed at the neighbourhood forum in Milton as an innovative step and the police were keen to know more about how they could help work with the enforcement team; St James' field was used for community event and each year there would be a pick-up of dog mess there before the event and dog walkers could be intimidating when asked to keep their dogs under control with current enforcement officers not available to provide back up.

Councillor Lynne Stagg then spoke of her experiences as a responsible dog owner at Great Salterns area who was regularly finding other dog walkers were not picking up after their pets. She was also involved in litter picking at the area and presented dog faeces in the meeting. She looked at surveys undertaken by the Liberal Democrat office which had shown that residents were in favour of fining and she was supportive of the aims of 3GS who were focused on enforcement and education to change people's outlooks. She had been in contact with other councils regarding their dealings with 3GS (such as Leeds and Swansea) regarding the success of their scheme and stressed that their policy was not just issuing fixed penalty notices but also changing people's outlooks.

A deputation was then made by Councillor Darren Sanders who believed that the pilot scheme would have been good for the city and challenged the decision to reverse the previous Cabinet's decision. He queried the dispute over the contract start date and number of staff to be involved and felt that the fear of court case costs should not deter the council from undertaking the pilot as other councils had made money from the scheme. He stressed that the use of existing enforcement teams would be alongside 3GS (which would not be a replacement service).

The Head of Transport & Environment then presented his report and stressed that his officers wished to ensure proper evaluation and had spoken to other councils who had dealings with 3GS. Consideration was being given to better use of internal resources with the enforcement officers to work with the community wardens. He stressed that there were other companies undertaking similar work so there would need to be a full procurement process should this be felt appropriate to pursue in the future.

Councillor Donna Jones as Leader stressed that the new Cabinet Members had been fully briefed, receiving professional advice from officers regarding the pilot scheme, and wished to stress their commitment to a clean street agenda. Their concerns had been regarding the cost of the contract and they wished for the council's own various enforcement officers to be used to combat littering and dog fouling more effectively. Concerns were also raised over the apparent lack of procurement and notice taken of the advice given by the police, solicitors and officers. They were also aware of an alternative operator being used by the neighbouring authority of Havant Borough Council and were concerned about the length of legal processes to reclaim income from fines.

Councillor New as Cabinet Member for Environment & Community Safety stressed the need for transparency, whereas there had not been the opportunity for a competitive tender process for the previously suggested scheme.

DECISIONS:

- (1) That the 6 month pilot scheme by 3GS for the delivery of Fixed Penalty Notices in relation to environmental and dog control offences, be abandoned;**
- (2) The Strategic Director - City Solicitor & Monitoring Officer be authorised, in consultation with the Cabinet Member for Environment & Community Safety and the Head of Service - Transport & Environment, to close any on-going work relating to the implementation of the original resolution.**
- (3) The Cabinet continue to support work to improve the current approach to enforcement of environmental and street cleanliness issues through the use of existing City Council Teams and the Shared Services Board.**

56. Public Toilet Review (AI 7)

Councillor Gerald Vernon-Jackson made a short deputation stressing that no-one had liked closing the toilets and he was pleased that the new Administration had found funding to reopen some facilities. He referred to a letter from the City Solicitor dated 17 June saying the decision had been taken not to proceed with the closure of toilets.

The Head of Transport & Environment's report was presented by Paul Fielding; this outlined what had happened to those earmarked for closure with some having been demolished and officers had looked at the options of where some may be reopened such as at Hilsea Lido and Marsden Road with the use of unisex cubicles and these would now be managed by the Green and Clean team. There would be a review of options for Lower Drayton Lane toilets and extended opening at D-Day as well as maintaining the existing community toilet scheme.

Councillor Donna Jones as Leader reported that Councillor Rob New as Cabinet Member for Environment & Community Safety and herself had worked together with colleagues and officers who she thanked for their help on this project and it was acknowledged that savings would need to be made. It was agreed that the use of public toilets was an important facility in the city. She was also grateful to the Housing department for the appropriation of some of the toilets to the Housing Revenue Account to facilitate their opening. The location of facilities at White Hart Road would serve a prime tourist area, especially with the new proposals for the Ben Ainslie Racing site. Councillor Jones was pleased that there would be rent towards the costs of some of these toilets.

DECISIONS:

- (1) That a unisex toilet cubicle be opened to the public at Hilsea Lido, Marsden Road and White Hart Road.**
- (2) That an additional unisex toilet cubicle be provided at Hilsea Lido.**
- (3) That Officers review options for alternative use of the public toilet at Lower Drayton Lane to include a publically accessible unisex toilet cubicle.**
- (4) That the opening hours of the public toilets in the D-Day car park be extended until 9 pm during the summer season.**
- (5) That the existing number of toilets in the Community Toilet Scheme is maintained.**

57. The Camber - East Street and Broad Street, Old Portsmouth (AI 8)

Alan Cufley, the Head of Corporate Assets, Business & Standards presented his report, which followed on from a decision taken by Councillor Stubbs as Cabinet Member for PRED and the Planning Committee decision of 18 June for the Ben Ainslie Racing Ltd (BAR) project on this site and leases were now being prepared between solicitors. Cabinet Members asked questions regarding the alternative uses of the site if the Americans Cup use ceases, whether the land would pass back to the city council or whether it could be sublet without PCC's permission? It was reported that there was a right to assign in the lease with the landlord's consent which is PCC and there would be discussion with the current users regarding taking the interest back if their use ceases, with the city council asking for first refusal. This would be the basis of the negotiations as confirmed by the City Solicitor. Cabinet Members wished to thank the previous administration for their role in promoting this scheme which all parties were supportive of.

Councillor Donna Jones as Leader wished to involve the Cabinet Member for Planning, Regeneration & Economic Development within the ongoing negotiations and therefore wished this to be reflected in the resolutions. She also placed on record her thanks to Admiral Rob Stevens for his report on the economic impact on Portsmouth of the BAE announcement and the maritime task force from which this proposal had come out of. The huge economic benefit to the city of the BAR proposal was recognised.

DECISIONS:

That the Cabinet agreed to:

- (1) enter into a lease agreement with BAR for the Camber site, on the terms set out in paragraph 3.3, together with any necessary associated agreements**
- (2) authorise the City Solicitor and Head of Corporate Assets, Business & Standards in conjunction with the Cabinet Member for**

Planning, Regeneration & Economic Development be authorised to complete all legal documentation in order to give effect to the above recommendation.

Outside Bodies 2014-15 (Appointments Schedule)

The meeting concluded at 2.30 pm.

Councillor Donna Jones
Leader of the Council



**Notification to all Members of the council
of decisions by the Cabinet**

Issued by the Head of Customer, Community & Democratic Services on

Monday, 30 June 2014

The details set out below will be published in the next Members' Information Service, but in the meantime are notified to all Councillors in accordance with Rule 15(a) of the Policy and Review Panels Procedure Rules

The following decisions have been taken by the Cabinet (or individual Cabinet members) and will be implemented unless the call-in procedure is activated. Rule 15 of the Policy and Review Procedure Rules requires a call-in notice to be signed by any 5 members of the Council. The call-in request must be made to democratic@portsmouthcc.gov.uk and must be made by not later than 5pm on Monday 7 July 2014.

If you want to know more about a proposal, please contact the officer indicated. You can also see the report(s) on the Council's web site at www.portsmouth.gov.uk

	WARD	DECISION	OFFICER CONTACT
		<p>Cabinet Decision Meeting - 26 June</p> <p>The cabinet Member has made the following decisions:-</p>	<p>Joanne Wildsmith, Democratic Services Tel 9283 4057 joanne.wildsmith@portsmouthcc.gov.uk</p>
4		<p>Appointments to Outside Bodies</p> <p>DECISION: appointments were made to the individual portfolios, as outlined on the separate schedule.</p>	
6		<p>Street Scene Enforcement</p> <p>DECISIONS:</p> <p>(1) That the 6 month pilot scheme by 3GS for the delivery of Fixed Penalty Notices in relation to environmental and dog control offences, be abandoned;</p> <p>(2) The Strategic Director - City Solicitor & Monitoring Officer be authorised, in</p>	<p>Simon Moon, Head of Transport and Environment Tel: 9283 4955</p>

	WARD	DECISION	OFFICER CONTACT
		<p>consultation with the Cabinet Member for Environment & Community Safety and the Head of Service - Transport & Environment, to close any on-going work relating to the implementation of the original resolution.</p> <p>(3) the Cabinet continue to support work to improve the current approach to enforcement of environmental and street cleanliness issues through the use of existing City Council Teams and the Shared Services Board.</p>	
7		<p>Public Toilet Review</p> <p>DECISIONS:</p> <p>(1) That a unisex toilet cubicle be opened to the public at Hilsea Lido, Marsden Road and White Hart Road.</p> <p>(2) That an additional unisex toilet cubicle be provided at Hilsea Lido.</p> <p>(3) That Officers review options for alternative use of the public toilet at Lower Drayton Lane to include a publically accessible unisex toilet cubicle.</p> <p>(4) That the opening hours of the public toilets in the D-Day car park be extended until 9 pm during the summer season.</p> <p>(5) That the existing number of toilets in the Community Toilet Scheme is maintained.</p>	<p>Mark Woolnough, Built Environment & Recreation Manager Tel: 9283 4035</p>
8		<p>The Camber - East Street and Broad Street, Old Portsmouth</p> <p>DECISIONS:</p> <p>That the Cabinet agreed to:</p> <p>(1) enter into a lease agreement with BAR for the Camber site, on the terms set out in paragraph 3.3, together with any necessary associated agreements</p>	<p>Alan Cufley Head of Corp. Assets, Business & Standards Tel: 9283 4450</p>