

MINUTES OF A MEETING OF THE COUNCIL held at the Guildhall
Portsmouth on Tuesday, 17 October 2017 at 2.00 pm

Council Members Present

The Right Worshipful The Lord Mayor
Councillor Ken Ellcome (in the Chair)

Councillors

Dave Ashmore	Hugh Mason
Simon Boshier	Lee Mason
Jennie Brent	Stephen Morgan
Ryan Brent	Gemma New
Yahiya Chowdhury	Robert New
Alicia Denny	Steve Pitt
Ben Dowling	Stuart Potter
John Ferrett	Darren Sanders
Jim Fleming	Lynne Stagg
David Fuller	Luke Stubbs
Colin Galloway	Julie Bird
Paul Godier	Linda Symes
Steve Hastings	David Tompkins
Hannah Hockaday	Gerald Vernon-Jackson CBE
Suzy Horton	Steve Wemyss
Lee Hunt	Matthew Winnington
Frank Jonas BEM	Neill Young
Donna Jones	Rob Wood
Ian Lyon	Tom Wood
Leo Madden	

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

Councillor John Ferrett declared a disclosable pecuniary interest in agenda item 12(d) - Living Wage in that his wife works for a school that is under local authority control and said he would leave for that item.

Councillor Steve Wemyss declared a pecuniary interest in item 12(d) - the Living Wage and left the chamber part way through the debate.

66. Minutes of the Extraordinary and Ordinary Council Minutes held on 11 July 2017 and the Extraordinary Council Meeting held on 2 August 2017

It was

Proposed by Councillor Donna Jones

Seconded by Councillor Gerald Vernon-Jackson

That the minutes of the extraordinary and ordinary council meetings held on 11 July 2017 and the extraordinary council meeting held on 2 August 2017 be confirmed and signed as a correct record.

RESOLVED that the minutes of the extraordinary and ordinary meetings of council held on 11 July 2017 and the extraordinary meeting held on 2 August 2017 be confirmed and signed as a correct record.

67. Communications and Apologies for Absence

Apologies for absence were received on behalf of Councillors Will Purvis and Scott Harris.

Apologies for having to leave the meeting early were given by Councillors Paul Godier, Lee Mason, Leo Madden and Frank Jonas.

Apologies for lateness were received from Councillor Jim Fleming.

The Lord Mayor gave detailed information concerning filming in the chamber and advised members that the council chamber had undergone a refurbishment and upgrade to improve its capability and address the previous system's increasing microphone unreliability. He thanked Peter Smith-Parkyn for his work in connection with this. The Lord Mayor then gave detailed information to members about how the new system would work. He reiterated the council's rules which strictly prohibit the filming, photographing or recording of members of the public unless they are addressing the meeting and only then if they do not actively object. Filming from gallery to gallery is also prohibited.

The Lord Mayor then gave details of the evacuation procedure and reminded everyone that there are building evacuation signs displayed both inside the public galleries and in the chamber itself.

The Lord Mayor then welcomed the council's recently appointed Director of Regeneration, Tristan Samuels, to the meeting.

He also welcomed year 2 students from Portsmouth University who are studying public policy and who were in attendance to observe the proceedings.

On behalf of the council, the Leader of the Council, Councillor Donna Jones congratulated Councillor Gemma New on the recent birth of her baby daughter in September.

68. Deputations from the Public under Standing Order No 24

The City Solicitor advised that six deputation requests had been received by the deadline. He also advised that one written representation on agenda item 12(b) - Notice of Motion - Economic Viability Assessments from Developers had been received from Shelagh Simmons and had been circulated in the chamber.

A deputation on agenda item 8 - Treasury Management Outturn Report 2016/17 was given by Mr Simon Docker.

Deputations on agenda item 12(b) - Economic Viability Assessments from Developers - were given by Ms Charlotte Udy and Ms K Barrett.

Deputations on agenda item 12(c) - Flooding - were given by Mr Charles Burns and Ms J Smyth.

A deputation was given on agenda item 12(d) - Living Wage - by Mr A Tier - Unison.

The City Solicitor thanked all those who had made deputations.

69. Questions from the Public under Standing Order No 25

There were no questions from the public.

70. Appointments

There were no appointments.

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

The Lord Mayor advised that there was no urgent business.

Recommendations from the Cabinet Meeting held on 28 September

72. Minute 43 - Treasury Management Outturn Report 2016/17

Minute 43 was approved unopposed.

73. Minute 44 - Treasury Management Mid-Year Review 2017/18

Minute 44 was approved unopposed.

Recommendations from the Resources Portfolio Meeting held on 12 October 2017

74. Minute 14 - Broadcasting Council Meetings

Minute 14 was approved unopposed.

Recommendations from the Scrutiny Management Panel held on 26 July 2017

75. Minute 13 - Hampshire Fire and Rescue Service - Response Following Motion Referral

Minute 13 - Hampshire Fire and Rescue Service - response following Motion referral was opposed.

It was

Proposed by Councillor Steve Hastings
Seconded by Councillor Alicia Denny

That the recommendation from the Scrutiny Management Panel as set out on the agenda papers be approved.

As an amendment it was

Proposed by Councillor Steve Pitt
Seconded by Councillor Tom Wood

That the following wording be added to the end of the SMP recommendation

"This Council thanks SMP for its work and the Hampshire Fire Service and the FBU for assisting their deliberations.

This Council welcomes Hampshire Fire Service's adoption of changes proposed by the Fire Brigades Union, to the pre-determined attendance (PDA) procedures for tall building fires in Portsmouth.

The previous policy, implemented following last year's Hampshire Risk Review, meant that Southsea's Aerial Ladder Platform (ALP) would not, on occasion, have been able to be deployed were there to have been a high rise incident in Portsmouth, through being part of the PDA for tall buildings fires. As a result, there would be occasions, had the FBU's changes not been adopted, where Portsmouth would be dependent on Southampton's ALP to provide cover whilst Southsea's ALP remained at the Fire Station.

At the time of the Risk Review, this Council was warned that such an issue would arise but decided to ignore the FBU's concerns.

In order to provide a solution, the FBU proposed crewing changes to their management, which have now been fully implemented, enabling Southsea's ALP to be deployed in almost all circumstances.

The council wishes to thank the FBU for its sensible and pragmatic approach to solving the problem, and regrets that it did not listen to the city's FBU representatives, when they brought a deputation to Full Council last year.

The council recognises that the solution of 'triple-jumping' a crew onto the ALP is not ideal and thanks the FBU for proposing changes to its established

working practices, which have enabled this to be possible, in order to better guarantee their safety and the safety of the people of Portsmouth.

Finally, this council wishes to thank Hampshire Fire Service management for agreeing to make the changes proposed by the FBU and for working constructively with them to implement the new policy."

The Leader of the Council, Councillor Donna Jones said that it was likely that the additional wording could be agreed subject to a small amendment. To allow this to happen, it was

Proposed by Councillor Donna Jones
Seconded by Councillor Vernon-Jackson

That standing orders be suspended in order to agree an amendment to the proposed amendment by Councillor Pitt. The Lord Mayor agreed to proceed on this basis. Upon being put to the vote it was agreed to suspend standing orders for the purpose outlined above.

Councillor Steve Hastings agreed to the amendment to the amendment (which was to agree all of the wording except the words "but decided to ignore the FBU's concerns" to be subsumed into the original recommendation. Upon being put to the vote, the recommendation from the Scrutiny Management Panel including the amended wording was CARRIED.

RESOLVED that

"Scrutiny Management Panel (SMP) have considered the notice of motion on the 'Hampshire Fire and Rescue Service'.

SMP notes (having heard from representatives of the FBU and Hampshire Fire and Rescue Service) that the ALP has never been taken off the pre-determined attendance (PDA) procedure for tall buildings fires.

SMP notes that the Council as landlord of its own housing, as well as in its private-sector housing regulation role, depends on a strong partnership with Hampshire Fire and Rescue Service and works with them and other stakeholders including the FBU to promote and maintain fire safety and to continue to be vigilant and seek to plan for the evolving risks and pressures in which they operate. This involves examining for a range of fire safety issues and solutions, beyond ALPs.

SMP welcomes the expertise of Hampshire Fire and Rescue Service and the Fire Brigade Union and recognise that they have jointly worked toward a solution in this instance, and strongly encourages the continuation of the strong partnership ethos which characterises the relationships.

This Council thanks SMP for its work and the Hampshire Fire Service and the FBU for assisting their deliberations.

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The council recognises that the solution of 'triple-jumping' a crew onto the ALP is not ideal and thanks the FBU for proposing changes to its established working practices, which have enabled this to be possible, in order to better guarantee their safety and the safety of the people of Portsmouth.

Finally, this council wishes to thank Hampshire Fire Service management for agreeing to make the changes proposed by the FBU and for working constructively with them to implement the new policy."

Notices of Motion

The Lord Mayor advised that there five notices of motion before council.

76. Notice of Motion (a) - The Committee System

It was

Proposed by Councillor Colin Galloway
Seconded by Councillor Stuart Potter

That this notice of motion be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Colin Galloway
Seconded by Councillor Stuart Potter

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

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

Council adjourned at 4.45 pm.

Council resumed at 5.15 pm.

77. Notice of Motion (b) - Economic Viability Assessments from Developers

It was

Proposed by Councillor Steve Pitt
Seconded by Councillor Ben Dowling

That Notice of Motion (b) as set out on the agenda be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Steve Pitt
Seconded by Councillor Ben Dowling

That Notice of Motion (b) as set out on the agenda be adopted.

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

RESOLVED that Council adopted the following Notice of Motion

This council recognises the need to provide quality homes which are affordable to those on low and middle incomes in Portsmouth, and for transparency in regard to planning applications to ensure that the council's own policies, on affordable housing requirements, as laid out in the Portsmouth Plan, are met.

It has become clear that there are companies who are openly boasting in their promotion, that they can help developers to avoid paying Section 106 monies and making appropriate levels of affordable housing provision.

These companies produce what are known as Economic Viability Assessments or EVAs, in order to demonstrate that developers are not making sufficient profits to enable councils to insist on full 106 or affordable housing contributions.

This issue has caused concern among councillors across the political spectrum in the city, along with notable contributions from both members of the public and party activists of different hues.

Whilst some of these EVAs are no doubt submitted in good faith, there is sufficient evidence to suggest that the reports are often prepared in such a way as to attempt to confuse local planning committees and present a misleading picture. Indeed, some councils, especially in London, are now insisting that EVAs are no longer able to be submitted unless they are able to be viewed by members of the public and in open session at planning committee meetings.

In principle, this council supports this view and will take every action possible in order to ensure that there is transparency in this regard and that developers are making the appropriate contributions to benefit our communities.

Accordingly, this council, which is committed to increasing the delivery of affordable housing as set out in the Portsmouth Plan, requests that the Cabinet Member for Planning, Regeneration and Economic Development, commissions the development of a Draft Development Viability Supplementary Planning Document to:

- 1. Consider offering a 'fast-track' planning service to applications which deliver 30%, or more, affordable housing, to incentivise this behaviour by developers.**
- 2. Require any planning application which does not meet the affordable housing requirement, contained in the Portsmouth Plan, to submit an Economic Viability Assessment which must be fully public and will be published online alongside the other planning application materials.**
- 3. Require such Economic Viability Assessments to be in a standard form, to be agreed by Portsmouth City Council, to aid understanding and comparison by members of the planning committee and the public.**
- 4. Consider a threshold approach to internal review of Economic Viability Assessments, whereby large applications would be reviewed by external experts to ensure the accuracy of the assessments, especially around residual land values and assumed sales rates.**
- 5. Employ 'clawback' mechanisms as standard when large applications cannot comply with the affordable housing thresholds, to ensure that any subsequent improvement in viability is accompanied by an appropriate increase in the affordable housing provision.**

Such a document would enable these factors to become a material consideration for the Planning Committee dependent on the circumstances of individual applications.

78. Notice of Motion (c) - Flooding

It was

Proposed by Councillor Luke Stubbs
Seconded by Councillor Hugh Mason

That notice of motion (c) be debated today

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Luke Stubbs
Seconded by Councillor Hugh Mason

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

Following debate, on being put to the vote, this was CARRIED

RESOLVED that notice of motion (c) as set out on the agenda be adopted.

"As a low lying city with an extensive coastline, Portsmouth will be dangerously exposed if climate projections that show rising sea levels and more frequent storms prove to be accurate.

It is therefore welcome news that the City Council has secured £5.8m from the Environment Agency to work up a detailed scheme to protect homes and businesses in Southsea from the increased risk of flooding that may arise over the coming century.

While acknowledging the critical role public consultation has to play, the City Council is keen for this work to progress. It is opposed to any suggestion which would involve the War Memorial and the Pyramids being moved and it considers the likely cost of an underground car park to be prohibitive. It notes that central government funding is not available for any works not directly associated with reducing flood risk and it acknowledges the pressure on its own capital resources, which it expects to continue for the foreseeable future.

The City Council therefore puts on record its support for the general approach to flood defences taken by this administration and by its predecessor."

79. Notice of Motion (d) - Living Wage

It was

Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Leo Madden

That notice of motion (d) be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Gerald Vernon-Jackson
Seconded by Councillor Leo Madden

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

As an amendment, it was

Proposed by Councillor Luke Stubbs
Seconded by Councillor Jennie Brent

"To amend paragraph two to say

The City Council notes that local government is not covered by the public pay cap, but that due to the financial constraints they have had to operate under, local government employers have voluntarily adopted a policy of restraint. The City Council believes that increases in pay should be funded by central government.

Amend paragraph three to say:

Council recommends to the Employment Committee that in respect of PCC, it asks for a paper on whether or not to introduce a policy of paying the Living Wage (as defined by the Living Wage Foundation)."

Following debate upon being put to the vote the amendment standing in the name of Councillor Luke Stubbs was CARRIED

Upon being put to the vote the substantive notice of motion incorporating the amendment was CARRIED.

RESOLVED that

The City Council recognises that many people in Portsmouth working in both the public and private sector have not seen a pay rise for some years. The rise in inflation caused by the fall in the value of the pound means this is a real wage cut for many.

The City Council notes that local government is not covered by the public pay cap, but that due to the financial constraints they have had to

operate under, local government employers have voluntarily adopted a policy of restraint. The City Council believes that increases in pay should be funded by central government.

Council recommends to the Employment Committee that in respect of PCC, it asks for a paper on whether or not to introduce a policy of paying the Living Wage (as defined by the Living Wage Foundation).

80. Notice of Motion (e) - Cycling

It was

Proposed by Councillor Hugh Mason
Seconded by Councillor Matthew Winnington

That notice of motion (e) be debated today.

Upon being put to the vote this was CARRIED.

It was

Proposed by Councillor Hugh Mason
Seconded by Councillor Matthew Winnington

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

As an amendment it was

Proposed by Councillor Stephen Morgan
Seconded by Councillor Yahiya Chowdhury

That

"In bullet point b.

Replace "financing" with "funding"

Add after "relevant bodies and that,", "once the Local Transport Plan Capital Programme is approved at the Annual Budget meeting,"

Replace "capital funds" with "allocation"

Add at the end after " accomplishment of the strategy", "progressively increasing by 1% per year, with a view to reaching £20 per person per year (in line with Cycling All Party Parliamentary Group recommendations) as a combination of local and national funding contributions".

Amended bullet point b. to therefore read

- b. "Identifies all implementation costs associated with the strategy and seeks **funding** for these costs through bids to the Department for Transport and other relevant bodies and that, **once the Local**

Transport Plan Capital Programme is approved at the Annual Budget meeting, the Cabinet considers allocating 5% of the Local Transport Plan **allocation** each year towards the accomplishment of the strategy, **progressively increasing by 1% per year, with a view to reaching £20 per person per year (in line with Cycling All Party Parliamentary Group recommendations) as a combination of local and national funding contributions**".

As an amendment it was

Proposed by Councillor Simon Boshier,
Seconded by Councillor Ryan Brent

to

Delete paragraph three and replace with:

The Portsmouth Cycle forum a "City to share" has paved the way to provide the aims of space for cycling. It notes that the Local Transport Plan has committed to cycling £2.5m in the last three years.

Add paragraph four:

This council recognises the government support for our LCWIP (Local Cycling and Walking Investment Plan) which includes our other named interested parties: Portsmouth Friends of the Earth, Ramblers, Walking Friends, Portsmouth Cycle Forum, Sustrans and Cycling UK.

Amend recommendation (a) to:

Continue to develop a cycling strategy based on the Portsmouth Cycle forum's a "city to share" to include a network of safe, accessible and direct routes. This strategy to be drawn up in consultation with stakeholders, including the Portsmouth Cycle Forum.

Amend recommendation (b) to:

Change 5% to 10%

Following debate upon the Labour amendment standing in the name of Councillor Morgan being put to the vote, this was LOST.

The mover of the original motion, Councillor Hugh Mason agreed to subsume into it the Conservative amendment standing in the name of Councillor Boshier.

Upon being put to the vote, the substantive notice of motion incorporating the Conservative amendment was CARRIED.

RESOLVED that the following notice of motion be adopted

"Portsmouth City Council aims to protect residents and visitors from road danger, air and noise pollution, and improve the health economy and wellbeing of our local communities. The Council recognises that creating a public environment that encourages cycling and walking is a low cost and highly effective way of achieving these aims and should therefore invest in changing patterns of travel towards walking and cycling.

This Council showed initiative by being the first to introduce a city-wide 20 mph limit in residential roads. This has improved safety. The Council recognises that the Cycling UK's 'Space for Cycling' campaign highlights areas where further improvement should be made.

The Portsmouth Cycle forum a "City to share" has paved the way to provide the aims of space for cycling. It notes that the Local Transport Plan has committed to cycling £2.5m in the last three years.

This council recognises the government support for our LCWIP (Local Cycling and Walking Investment Plan) which includes our other named interested parties: Portsmouth Friends of the Earth, Ramblers, Walking Friends, Portsmouth Cycle Forum, Sustrans and Cycling UK.

In order to progress this the City Council request that the Cabinet

- a. Continue to develop a cycling strategy based on the Portsmouth Cycle forum's a "city to share" to include a network of safe, accessible and direct routes. This strategy to be drawn up in consultation with stakeholders, including the Portsmouth Cycle Forum.**
- b. Identifies all implementation costs associated with the strategy and seeks financing for these costs through bids to the Department for Transport and other relevant bodies and that the Cabinet also considers proposing the allocation of at least 10% of all Local Transport Plan capital funds each year towards the accomplishment of the strategy."**

81. Questions from Members under Standing Order No 17

There were five questions before council.

Question No 1 was from Councillor Linda Symes

"Could the Leader give an update on the property portfolio and outline the criteria under which the government allows this money to be spent?"

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

Question No 2 was from Councillor Neill Young

"Following the recent spate of burglaries across Portsmouth, would the Cabinet Member for Community Safety agree that the re-establishment of the Community Tasking Coordination Group meetings would ensure that there was a co-ordinated response to these incidents?"

This and supplementary questions were answered by the Cabinet Member for Environment & Community Safety, Councillor Robert New.

The 45 minutes allowed for questions expired before the remaining questions could be put and so in accordance with Standing Order 17(h) written replies would be circulated to members.

The Lord Mayor thanked everyone for their attendance.

The meeting concluded at 9.15 pm.

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Lord Mayor