

EXECUTIVE

RECORD OF THE DECISIONS of the Executive taken at the meeting held in the Guildhall, Portsmouth on Tuesday 6 July 2004 at 2.30 pm.

(NB This record of decisions should be read in conjunction with the agenda for the meeting.)

Present

Councillor Gerald Vernon-Jackson (Leader)
Councillors Alex Bentley
Terry Hall
Mike Hancock CBE MP
Eleanor Scott
Phil Shaddock

Also in attendance

Councillor Howard Jones (Deputy Executive Member)

Councillor Frank Worley
(In accordance with Standing Order 60
for agenda item 4)

52 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Les Stevens.

53 Members' Interests (AI 1)

There were no declarations of interest.

54 Provisional Outturn 2003/4 - Summary (AI 2)

(TAKE IN REPORT)

DECISION:

(1) That the forecast outturn be noted;

DFR (2) The proposed virements contained within paragraph 4.3 of the report be approved;

DFR (3) Consideration is given in the future as to how any improvement in balances should be used.

55 Provision of a New Security Search Bay and Associated Equipment at the Continental Ferry Port (AI 3)

(TAKE IN REPORT)

DECISION:

PM

That approval for an additional £40,000 for the provision of a new security search bay and associated equipment be granted, to be funded from the increased port reserves at outturn for 2003/4.

56 Somerstown Regeneration Project (AI 4)

(TAKE IN REPORT)

Councillor Frank Worley was in attendance in accordance with Standing Order 60 and addressed the Executive Members. He asked for confirmation that the relevant ward members (six in total) would be advisory members of the Project Board. The Director of Finance and Resources and Director of Economic Regeneration & Tourism confirmed that this would be the case. Councillor Worley indicated his wish for the City Council to consult extensively and explain its actions in respect of the planned regeneration of Somerstown at all times.

Councillor Mike Hancock CBE MP indicated that, in relation to financial matters that the City Council was responsible for, the relevant Executive Member, the Full Executive or the City Council would take a decision. He emphasised his agreement with Councillor Worley however that it was important for the City Council to act in a consultative, co-operative manner in an effort to take the project forward. The Director of Economic Regeneration and Tourism advised that the regeneration consultation group chaired by a local resident (Mr Simon Marsh) would be considering the next phase of consultation and the best way to take it forward in the near future.

DECISION:

DER&T
CPlan

- (1) The proposed management and reporting structure, which reflects the City Council's commitment to working jointly with residents in the development of the Somerstown Regeneration Master Plan, be agreed;**
- (2) The project will be undertaken in accordance with the City Council's project management procedures;**
- (3) That the review board which is to be established and which will be chaired by the Chief Executive be noted;**

DER&T
CPlan

- (4) That the level of City Council staff resources required in order to achieve the adoption of a new master plan as City Council policy be agreed by early 2005;**
- (5) That the commitment to use of external expertise, particularly in the assessment of development options, be noted.**

57 Suspension of Director of Corporate Services (AI 6)

Having given consideration to Standing Order 37, it was agreed that this item should be taken in exempt session.

58 Moving Towards Excellence (AI 7)

(TAKE IN REPORT)

Members of the Executive noted that the report was due to be considered at the City Council meeting to be held later in the afternoon.

DECISION:

CX

That the contents of the report and its proposals be noted.

59 Palmerston Road Shopping Precinct (AI 8)

(TAKE IN REPORT)

DECISION:

RECOMMENDED to the City Council that

(1) The sale of 2 to 42 Palmerston Road, with lease back provisions in respect of the residential units, be concluded with The Retail Group Plc.

60 Tower Update (AI 9)

The Leader reminded Members of the Executive that an item regarding progress being made in respect of the Tower would appear on the agenda for Executive meetings on a regular basis. It was further noted that the Director of Finance and Resources would be making a formal presentation to the Full City Council later in the afternoon.

61 Appointments to Outside Bodies (AI 5)

(TAKE IN SCHEDULE OF APPOINTMENTS)

At this stage, each Executive Member proceeded to make appointments within his/her portfolio. Where required by the protocol, the Executive confirmed the appointments involving Executive Members collectively.

In the absence of Councillor Les Stevens, decisions falling to the Executive Member with responsibility for Environment and Public Protection were deferred.

(NB. The full list of appointments made, including those subsequently made by Councillor Stevens, is attached to this record of decisions for information.)

62 Exclusion of Press and Public

DECISION:

- (1) that the public be excluded from the meeting during the following items of business because it is likely that if members of the public were present, there would be disclosure to them of "exempt information" within the respective paragraphs of Part I of Schedule 12A to the Local Government Act 1972;
- (2) that in the event of the recommendations or resolutions of this Sub-Committee in relation to the following items of business being considered by any other Committee or by the City Council, they be recommended to exclude the public during such consideration because it is likely that if members of the public were present there would be disclosure to them of "exempt information" within the respective paragraphs of Part I of Schedule 12A to the Local Government Act 1972.

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63 Suspension of Director of Corporate Services (AI 6)

(TAKE IN EXEMPT REPORT)

The Chief Executive asked the Executive to note the action that she had taken in respect of the suspension of the Director of Corporate Services. She advised that she was seeking and taking the advice of counsel at all times. The Chief Executive also asked the Executive to confirm the appointment of the suggested Designated Independent Person (DIP).

CX/
DCS

It was noted that the Director of Corporate Services had written a letter to all members of City Council. The Executive agreed that the Chief Executive, or interim Director of Corporate Services, should respond on behalf of the whole Council and that individual councillors should not reply.

DECISION:

RECOMMENDED to the City Council that

- (1) The action taken by the Chief Executive in suspending the Director of Corporate Services be noted;

- CX
- (2) **The City Council determine that allegations of misconduct against the Director of Corporate Services, arising from the District Auditor's report and the Millennium Tower Scrutiny Panel report, both of 26 March 2004, require to be investigated, the final form of the allegations to be determined by the Chief Executive;**
 - (3) **The appointment of a professional lawyer as the Designated Independent Person to carry out that investigation in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 be confirmed.**

64 South Hampshire Rapid Transit (Phase I) - Compulsory Land Acquisition for the Scheme (AI 11)

(TAKE IN EXEMPT REPORT)

The Director of Finance and Resources reminded the Executive that the proposals before them related to land contained purely within the City's boundaries.

DECISION:

RECOMMENDED to the City Council that, in the absence of a final government decision on revised funding for the SHRT-1 scheme authority be given for:-

- DCS
- (1) **The Director of Corporate Services being authorised to make and serve the General Vesting Declaration and serve all necessary statutory Notices under the Compulsory Purchase (Vesting Declarations) Act 1981 so that the City Council may acquire land for the scheme by means of a General Vesting Declaration;**
- HAMS
- (2) **That the Head of Asset Management Service be authorised to settle the necessary claims for compensation under the compensation code and deal with any referrals to the Lands Tribunal;**
- HAMS
- (3) **That where vendors have chosen to negotiate by agreement, and where these agreements are finalised before the General Vesting Declaration is made, then the Head of Asset Management Service be authorised to complete these transactions;**
 - (4) **That in the event of the SHRT-1 scheme being terminated, the City Council liability for any irrecoverable costs connected with the acquisition of the scheme land will be restricted to irrecoverable costs associated with the land acquired in the Portsmouth area.**

65 Portsmouth Spinnaker Tower - Financial Terms with Heritage Projects Limited (AI 12)

(TAKE IN EXEMPT REPORT)

The Director of Finance and Resources indicated that the proposed terms had been submitted and approved by the Continuum Group board (Continuum Group being the parent company for Heritage Projects PLC.) Outside advice had been taken in respect of the financial terms being proposed, with the advisors who had been consulted having been asked to comment on whether it would be reasonable for the City Council to enter in to agreements on the terms proposed. Both of the advisers that had been consulted had concluded that the terms being proposed were reasonable.

DECISION:

RECOMMENDED to the City Council that

- (1) The proposed financial terms to be submitted by Heritage Projects Limited to their main board for approval be commended;**
- (2) It notes the presentation on all aspects of the Spinnaker Tower that is to be made by the Director of Finance and Resources to the City Council Meeting on 6 July 2004.**

The meeting concluded at 3.10 pm

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Leader