

## EXECUTIVE

RECORD OF THE DECISIONS of the Executive taken at the meeting held in the Guildhall, Portsmouth on Tuesday 27 July 2004 at 12 noon.

(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  
Les Stevens

### Also in Attendance

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

#### **68 Declaration of Members' Interests in accordance with Standing Order 14 (AI 2)**

Councillors Gerald Vernon-Jackson and Terry hall declared personal, non prejudicial interests in respect of agenda item 14 (Portsmouth Highways Management Contract) following receipt of a letter from the Portsmouth Society in respect of the PHM contract. Councillors Hall and Vernon-Jackson stated that they were both members of the Portsmouth Society.

#### **69 Record of Decisions (AI 3)**

(TAKE IN RECORD OF DECISIONS FOR MEETING HELD ON 24 MAY 2004)

#### **DECISION:**

**That the record of decisions for the Executive meeting held on 24 May 2004 be confirmed and signed by the Leader as a correct record.**

#### **70 Approval to New Capital Schemes (AI 4)**

(TAKE IN REPORT)

Councillor Frank Worley was in attendance in accordance with Standing Order 60 and addressed the Executive Members. He expressed reservations regarding the proposed process and timing of the capital investment that was being suggested for Charles Dickens and St Thomas Wards (£150,000 per ward) following the disruption caused by the Gunwharf redevelopment to residents living in those areas.

The Director of Finance and Resources advised that the decisions and proposed new schemes laid out in paragraph 4 of the report set out the broad principle proposals. With regard to the specific investment being suggested for Charles Dickens and St Thomas Wards, the Director of Finance and Resources advised that it was intended for Members to consult with residents in those areas, with the funding being earmarked for those wards in recognition of the disruption that residents had experienced. Should any proposals emerge from the consultation with local residents as to how the allocations of £150,000 per ward could be used, they would be brought back to the relevant portfolio holder for decision and possible implementation.

**DECISION:**

**Recommended to the City Council that**

- DFR (1) **the schemes set out in Section 4 of the report be added to the approved capital programme for 2004/5 at a total estimated cost of £660,000;**
- DFR (2) **the funding for these schemes be approved as set out in Section 5 of the report;**
- (3) **the schemes be implemented in accordance with the City Council's standing orders.**

**71 Provisional Outturn 2003/04 – Summary (AI 5)**

(TAKE IN REPORT)

Councillor Eleanor Scott, the Executive Member for Education, Children & Families advised that the first item falling within her portfolio and outlined in paragraph 6.4 of the report should be amended to read “three social workers to sustain the drive towards increasing the number of allocated children.”

**DECISION:**

**Recommended to the City Council that**

- (1) **the forecast outturn be noted;**
- (2) **the total forecast improvement in balances be used as follows:-**
- (i) **The sum of £60,000 accrue to balances in order to finance the City Council's obligation to contribute towards the Hampshire Fire & Rescue Authority's opening balances;**

- (ii) **The requests to carry forward under spendings in 2003/04 to 2004/05 totalling £509,700 contained within paragraph 6.4 (as amended) be approved subject to those under spendings being achieved on finalisation of the accounts. Should those under spendings not be achieved then the carried forward amount be restricted to the final under spend;**
- (iii) **On finalising the accounts for 2003/04 any remaining sum representing the net improvement in balances after the transfer to the Hampshire Fire & Rescue Authority and the carry forward of under spendings be transferred to the MTRS (Medium Term Resource Strategy) reserve.**

**72 Housing Investment Programme 2004/5 - 2010/11 (AI 6)**

(TAKE IN REPORT)

Councillor Phil Shaddock, Executive Member for Housing, Health & Social Care stated that he was recommending the report for adoption as shown.

**DECISION:**

**Recommended to the City Council that**

- (1) **the revised 2004/5 programme of £38.6 million in Appendix 4 of the report be approved;**
- (2) **the programmes of £25.4 million, £23.4 million, £24 million; £24.2 million; £24.5 million and £24.5 million for the six financial years 2005/06 to 2010/11 be approved as the basis of the bid to the Government Office for the South East;**
- (3) **the Prudential Indicators set out in Appendix 6 be approved;**
- (4) **for the purposes of the Local Authorities (Capital Finance) (Amendment) Regulations 2003 the City Council resolve to spend £20 million on affordable housing in both 2004/5 and 2005/6 and the capital receipts arising in each year for the disposal of surplus HRA assets be used 100% for the provision of affordable housing;**
- (5) **the Head of Housing Service be given delegated authority to submit a Cash Incentive Scheme for the approval of the Office of the Deputy Prime Minister;**
- (6) **repayments of loans made to owner occupiers to help tackle disrepair in private housing be used to finance future HIP schemes for that purpose;**

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HHS

(7) in respect of works to tackle asbestos Housing Revenue Account (HRA) revenue contributions budgets be reduced and HRA repairs and maintenance budgets increased by the amounts set out in paragraph 25 of the report;

HHS (8) the Head of Housing Service be given delegated authority in consultation with the Housing, Health & Social Care Executive Member to approve arrangements for the joint City Council and Housing Corporation programme for 2004/5 to 2006/7;

DFR (9) in the event that expenditure on the HIP exceeds resources in 2004/5 then non housing capital resources be used to meet the shortfall, to be offset by a corresponding transfer back in 2005/6 of housing receipts plus an adjustment to reflect loss of interest as agreed by the Director of Finance and Resources.

**73 Local Transport Plan – Annual Progress Report 2004 (AI 7)**

(TAKE IN REPORT)

Councillor Alex Bentley, Executive Member for Traffic & Transportation advised that he was recommending the annual progress report for adoption, having considered it as his own portfolio decision meeting on 26 July 2004.

**DECISION:**

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**That the annual progress report 2003/4 be approved.**

**74 Portsmouth Spinnaker Tower (AI 8)**

(TAKE IN REPORT)

The Director of Finance and Resources advised that the report outlined the current situation following the City Council meeting held on 6 July 2004. He advised that notice to quit had been served by the Berkeley Group and Land Securities and that this would require the relocation of approximately 15-18 staff as a result. The Director of Finance and Resources advised that he would update Members further with regard to any significant information that he became aware of as and when he received it.

**DECISION:**

(1) That the report be noted;

DFR (2) the proposals to strengthen the City Council's Project Management Team, as outlined in Section 4(vi) of the report be approved.

**75 Appointments to Outside Bodies 2004/5 (AI 9)**

(TAKE IN REPORT)

The Democratic Services Manager advised that one further nomination, for Portsmouth Council of Community Service – Portsmouth Disability Forum was still to be made.

The relevant Executive Members (for Housing, Health & Social Care; Planning, Regeneration and Economic Development and Education, Children and Families) then made appointments for the 2004/05 municipal year as laid out in the report.

**DECISION:-**

- (1) That appointments be made as listed in the report.

**76 Byelaws for the Registration of Cosmetic Piercing and Semi-Permanent Skin Colouring Businesses (AI 10)**

(TAKE IN REPORT)

**DECISION:**

**Recommended to the City Council that**

- (1) the common seal of Portsmouth City Council be affixed to the byelaws;
- CEH&TSO (2) the City Environmental Health & Trading Standards Officer be authorised to carry out the necessary procedure to advertise the byelaws;
- CEH&TSO (3) the City Environmental Health & Trading Standards Officer be authorised to apply to the office of the Secretary of State for Health for confirmation of the byelaws.

**77 Plans for 60<sup>th</sup> Anniversary of the End of World War 2 (AI 11)**

(TAKE IN REPORT)

The Executive Member for Planning, Regeneration & Economic Development recommended the proposals to the Executive. The Director of Finance and Resources indicated that he was seeking authority to release contingency provision of £50,000 to assist the planning of this event from this year's budget and authority to build a further £50,000 into next year's budget.

**DECISION:**

- (1) That the proposals for setting up a working group to plan activities to commemorate the 60<sup>th</sup> anniversary of the end of World War 2 in July 2005 be noted;

- DER&T (2) That a bid(s) be submitted to the Big Lottery Fund as appropriate;
- DFR (3) the Director of Finance & Resources be authorised to make the necessary financial provision of £50,000 in the contingency for 2004/05 and 2005/6.

**78 Exclusion of Press and Public (AI 12)**

**RESOLVED (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 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 of Part I of Schedule 12A to the Local Government Act 1972.**

Item		Paragraph
13	Extra Care Sheltered Housing Development (Exempt Appendix Only)	9
14	Portsmouth Highways Management Contract (Exempt Appendix Only)	8 & 9
15	Copnor Bridge	8 & 9

**79 Extra Care Sheltered Housing Development (AI 13)**

(TAKE IN REPORT AND EXEMPT APPENDICES)

Councillor Phil Shaddock, Executive Member for Housing, Health & Social Care recommended the proposals to the Executive. He reminded members of the Executive of the contents of the appendices to the report, which contained significant information with regard to the funding for the scheme.

**DECISION:**

**Recommended to the City Council that the Executive**

- (1) agrees in principle for the proposal to go ahead with the scheme;**
- (2) approves in principle the financial plan for funding the scheme;**
- (3) supports the preparation of a second bid for central government grant funding.**

## **80 Portsmouth Highways Management Contract (AI 14)**

(TAKE IN REPORT AND EXEMPT APPENDIX)

The Director of Finance and Resources reported receipt of a letter from the Portsmouth Society. Copies of the letter were circulated to all members of the Executive. Councillors Vernon-Jackson and Hall then declared personal, non prejudicial interests by virtue of being members of the Portsmouth Society

The interim Director of Corporate Services answered questions in relation to the “force majeure” clause contained in the draft contract. The interim Director of Corporate Services also advised that, in the light of further discussions with the firm of solicitors advising the City Council, a number of modified recommendations were being proposed.

The Executive Members asked that the hard work of all of the staff involved in the negotiations pertaining to the highways management contract project be formally acknowledged in the minutes of this meeting. They also indicated that they were minded to approve the modified recommendations being put forward to them and recommend them to the City Council. This was however, subject to all members of the City Council being given an explanation as to the significance of the wording contained within the force majeure clause and the alternative recommendations being put forward, at the City Council meeting which was to follow later in the afternoon.

### **DECISION:**

#### **Recommended to the City Council that**

- (1) subject to approval from the District Auditor and receipt from the Department for Transport of a promissory note in respect of central government funding, the City Council before 31 July 2004 enter into:**
  - i) a 25 year highways management and maintenance contract on the basis of the technical scope, terms and conditions, and financial implications set out in the report (and including the terms of the call-off contract set out therein);**
  - ii) a direct agreement with the lenders to the Service Co., on the basis set out in this report; and**
  - iii) any other associated and linked agreements,**

**and that the Chief Executive be given delegated authority to settle the final form of the contracts;**
- (2) that standing orders be varied or overridden to the extent necessary to enable the City Council to enter into and perform the said contracts in accordance with their terms;**

- (3) that the City Council issues certificates under section 3 of the Local Government (Contracts) Act 1997 in respect of the highways management and maintenance contract and the direct agreement of the lenders referred to above;**
- (4) that the Executive Members for Traffic & Transportation and Environment & Public Protection be authorised to agree the re-allocation of budgets within those portfolios to meet the costs of the highways management and maintenance contract;**
- (5) the City Council increase the 2005/06 and future years highways maintenance budget by approximately £0.8 million to restore funding levels to those implied in the revenue support grant formula;**
- (6) that the City Council grant a lease of the depot site at Walton Road on the terms set out in the report.**

**81 Copnor Bridge (AI 15)**

(TAKE IN EXEMPT REPORT)

**DECISION:**

**The City Engineer be authorised to**

- 1) continue to finance development of the scheme from the £1.252 million 2003/4 Local Transport Plan funding until the end of December 2004;**
- 2) seek tenders for the bridge replacement from the five consortia identified in the report, the procurement strategy to be founded on Early Contract Involvement and Partnering principles;**
- 3) award the contract for the bridge replacement to the most advantageous tender received;**
- 4) The City Engineer report back on progress to the Executive meeting to be held in September 2004.**

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The meeting closed at 1.15pm

Councillor Gerald Vernon-Jackson  
Leader of the City Council