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# NOTICE OF MEETING

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## CABINET

**MONDAY, 3 FEBRUARY 2014 AT 12.00 PM**

**EXECUTIVE MEETING ROOM - THE GUILDHALL**

Telephone enquiries to Joanne Wildsmith, Democratic Services Tel: 9283 4057

Email: [joanne.wildsmith@portsmouthcc.gov.uk](mailto:joanne.wildsmith@portsmouthcc.gov.uk)

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## Membership

Councillor Gerald Vernon-Jackson (Chair)

Councillor Hugh Mason (Vice-Chair)

Councillor Jason Fazackarley

Councillor Mike Hancock CBE MP

Councillor Lee Hunt

Councillor Leo Madden

Councillor Rob Wood

Councillor Eleanor Scott

Councillor Darren Sanders

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(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](http://www.portsmouth.gov.uk)

**Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendations). Email requests are accepted.**

## AGENDA

**1 Apologies for Absence**

**2 Declarations of Interests**

**3 Record of Previous Decision Meeting - 6 January 2014 (Pages 1 - 6)**

The record of decisions of the Cabinet meeting of 6 January 2014 is attached.

RECOMMENDED that the record of decisions of the Cabinet Meeting of 6 January 2014 be agreed and signed by the Chair as a correct record.

**4 Forward Plan Omission - Anson Road**

The Forward Plan for February, published on 13 January 2014 did not include the report for Anson Road, Fratton which is a key decision and this report contains exempt information within the appendices 1 & 3. A public notice has been published and the Chair of Scrutiny Management has been notified.

**RECOMMENDED** that the omission of this key decision report, containing exempt information, in the February Forward Plan be noted.

**5 Exclusion of Press and Public**

**That in view of the contents of the following items on the agenda the Cabinet is RECOMMENDED to adopt the following motion:**

**“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded for the consideration of the following items on the grounds that the reports contain information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972”.**

**The public interest in maintaining the exemption must outweigh the public interest in disclosing the information.**

**Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012, regulation 5, the reasons for exemption of the listed items is shown below.**

**Members of the public may make representation as to why the item should be held in open session. A statement of the Council’s response to representations received will be given at the meeting so that this can be taken into account when members decide whether or not to deal with the item under exempt business.**

**(NB The exempt/confidential committee papers on the agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. Members are reminded of standing order restrictions on the disclosure of exempt information and are invited to return their exempt documentation to the Local Democracy Officer at the conclusion of the meeting for shredding.)**

<u>Item</u>	<u>Exemption Para No.*</u>
Anson Road (Appendices 1 & 3 only)	3

\* Paragraph Numbers:

1. Information relating to any individual
2. Information that is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular

person (including the authority holding that information)

**6 Freehold Disposal and Removal of Restrictive Covenant in respect of land at Anson Road, Fratton, Portsmouth (Pages 7 - 12)**

The purpose of report by the Head of Corporate Assets, Business and Standards (with exempt appendices 1 & 3) is to seek authority to:

- Dispose of the freehold interest in Area 1 of the former Jayhards Site to the existing long leaseholder and;
- To release the restrictive covenant in respect of land sold by the City Council in 2003 to BT.
- To grant consent in the City Council's capacity as Landlord to an assignment of the lease of Area 2 of the Jayhards Site to Portsmouth Community Football Club Limited and a change of use to car parking.

(The parcels of land referred to are shown on the plan at Appendix 2)

RECOMMENDED that:

- (1) The Head of Corporate Assets, Business and Standards be authorised to dispose of the freehold interest in Area 1 of the Jayhards Site to Point Estates LLP, for the consideration as detailed in the exempt appendix of the report.
- (2) Landlord's consent be granted for an assignment of the leasehold interest in Area 2 Jayhards Site from Point Estates LLP to Portsmouth Community Football Club Ltd and a change of use (subject to Planning consent) to car parking.
- (3) That the City Council release the restrictive covenant in its favour affecting the former BT Site for the consideration detailed in the exempt appendix of the report.
- (4) The City Solicitor be authorised to conclude all legal documentation relating to this matter.

**7 Date of Special Cabinet - Budget meeting (information item)**

To agree the date of a Special Cabinet Meeting regarding the Budget (the reports for this to be submitted to Council on Tuesday 11 February 2014) to be held on Monday 10<sup>th</sup> February, at a suggested time of 9am.

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

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

24 January 2014

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# Agenda Item 3

## CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Monday, 6 January 2014 at 12.00 pm at the Guildhall, Portsmouth

### Present

Councillor Gerald Vernon-Jackson (in the Chair)

Councillors Jason Fazackarley  
Mike Hancock  
Lee Hunt  
Leo Madden  
Rob Wood  
Hugh Mason  
Darren Sanders

#### 1. Apologies for Absence (AI 1)

Apologies for absence had been received from Councillor Eleanor Scott.

The Leader introduced and welcomed to the meeting Dr Janet Maxwell the new Director of Public Health.

#### 2. Declarations of Interests (AI 2)

There were no declarations of members' interests.

#### 3. Record of Previous Decision Meeting - 2 December 2013 (AI 3)

DECISION: That the record of decisions of the Cabinet Meeting of 2 December 2013 be confirmed as a correct record and signed by the Chair accordingly.

#### 4. Clarification of Minute 81 - Scrap Metal Fees (AI 4)

**DECISION: that minute 81, resolution (3) be clarified to read:**

**The Cabinet approved the fees as set out in the original report considered by the Licensing Committee with the exception that the fee for the grant and renewal of a site licence should be increased from £450 to £1000.**

#### 5. Car Boot Sales (AI 5)

(Report by the Seafront Manager)

Councillor Eddis had indicated that he would be attending but was represented by Councillor Hugh Mason. Councillor Mason wished to amend recommendation 1 regarding the exact siting of the car boot sales at different times of the year.

**DECISIONS:**

- (1) Cabinet agreed that future car boot sales on the seafront will be held in D-day Car Park from October until March and from April to September (dates are inclusive) when there is inclement weather with priority in the summer to be given to using the land adjacent to the Skate Park with the alternative use of land at the eastern side of Pier Road when there are events at Castle Field and/or land by the Skate Park.**
- (2) That a full trial for one year from February 2014 will take place under the same terms and conditions as for the previous test sales.**

**6. Effective School Governance Strategy (AI 6)**

(Report by the Director of Children's and Adults' Services)

**DECISIONS:**

**That Cabinet:**

- (1) Adopted the Effective School Governance Strategy and approve the action plan.**
- (2) Delegated authority to the Director of Children's and Adults' Services in consultation with the Portfolio Holder for Education, Children and Young People to:**
  - (i) Further develop the medium- and long-term actions outlined in the action plan;**
  - (ii) Agree the arrangements for governance and performance management of the strategy's delivery.**

**7. Textile Banks - allocation of income (AI 7)**

(Report by the Head of Transport)

Whilst Councillor Stubbs had indicated he may wish to speak on this item (and agenda item 11 on City Deal) he was not present at the meeting. The Cabinet members were supportive of the efforts to significantly increase recycling rates.

**DECISIONS:**

- (1) That the addition of 35 new textile banks across the city, with the aim of raising recycling rates, is supported.**

- (2) That the first call on the anticipated £60k income earned from textile bring banks (previously run by charities and located on City Council controlled land) be to the charities, then to the City Council as providers of the service (of up to the £100k mark of income), thereafter should there be a surplus this be put into a pot to be distributed between local charities.
- (3) That the council continues to support and promote the use of textile banks across the city as a way to raise money for local and national charities, and increase the level of recycling.
- (4) That all textile banks will be branded in the same way to reflect that they are supporting local and national charities, and a promotional campaign will begin in 2014 designed to increase the use of these banks.
- (5) That the council supports those charities who previously had textile banks on city council land, by making a donation to them for each tonne of textiles collected. This donation will be the same for each charity (per tonne of textiles received) and based upon the top end of the average range from an independently recognised index. Any remaining income would be used to support the continuation of council services and support local charities.
- (6) That the success of the contract, levels of recycling, and donations, are reviewed on an annual basis.

#### **8. Forward Plan Omissions (AI 8)**

The Forward Plan omission arrangements were noted.

#### **9. Provision of free school meals for infant aged children (AI 9)**

(Report by the Director of Children's and Adults' Services)

The Cabinet Members were supportive of this government initiative to improve educational attainment levels.

#### **DECISIONS:**

##### **Cabinet Members:**

- (1) noted the report and the financial implications;
- (2) authorised officers to immediately proceed with the procurement of capital works and purchase of equipment / vehicles as set out in paragraphs 5.5, 5.6 and 5.9 at an estimated minimum cost of £367,265, in order to achieve the implementation date of September 2014;

- (3) acknowledged the School Forum's agreement in principle to provide a voluntary revenue contribution from Primary and Infant Schools towards the cost of any capital shortfall for the new investment / infrastructure that will be required to implement the new free school meal arrangements.
10. Calculation of the tax base for 2014/15 and estimation of the Council tax collection fund balance at 31st March 2014 (AI 10)

(Report by the Head of Financial Services and Head of Revenues and Benefits)

**DECISIONS:**

- (1) That in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Portsmouth City Council as its Council Tax Base for 2014/15 shall be 51,532.1
- (2) That in accordance with The Local Authorities (Funds) (England) Regulations 1992 as amended, the amount calculated by Portsmouth City Council as the surplus on its Collection Fund at 31 March 2014 shall be £1.4 million.
11. City Deal (AI 11)

(Report by the Chief Executive)

**DECISIONS:**

- (1) The City Deal Sites aims as set out in this report and agreed with the Government are approved.
- (2) The City Deal Sites Governance arrangements set out in section 7 are approved.
- (3) Subject to the Governance arrangements set out in section 7 authority to implement the City Deal Sites proposals as set out in this report is delegated to the Strategic Director Regeneration and Head of Financial Services and Section 151 Officer.
- (4) The attached financial appraisal for the City Deal sites is approved and the Corporate Capital Programme is amended to reflect the revised capital budgets.
- (5) Authority to implement the skills, labour market and business support proposals as set out in this report is delegated to the Strategic Director Regeneration and Head of Financial Services



**and Section 151 Officer in consultation with the Leader and Cabinet Member PRED.**

**12. Dates of Future Meetings of Cabinet (AI 12)**

**DECISIONS:**

**Scheduled dates for the next municipal year are:**

**9 June, 7 July, 6 October, 3 November, 8 December  
5 January 2015, 2 February & 2 March**

**An additional special meeting will be held on Tuesday 21 January 2014  
at 12 noon regarding Palmerston Road.**

The meeting concluded at 12.05 pm.

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Councillor Gerald Vernon-Jackson  
Leader of the Council

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# Agenda Item 6

Agenda item:

**Decision maker:** Cabinet

**Date of Meeting:** 3<sup>rd</sup> February 2014

**Subject:** Freehold Disposal and Removal of Restrictive Covenant in respect of land at Anson Road, Fratton

**Report by:** Head of Corporate Assets, Business and Standards

**Wards affected:** Fratton

**Key decision (over £250k):** Yes

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## 1. Purpose of report

1.1 To seek authority to:

1.2 Dispose of the freehold interest in Area 1 of the former Jayhards Site to the existing long leaseholder and;

1.3 To release the restrictive covenant in respect of land sold by the City Council in 2003 to BT.

1.4 To grant consent in the City Council's capacity as Landlord to an assignment of the lease of Area 2 of the Jayhards Site to Portsmouth Community Football Club Limited and a change of use to car parking.

1.5 The parcels of land referred to are shown on the attached plan.

## 2. Recommendations

It is recommended that:

2.1 The Head of Corporate Assets, Business and Standards be authorised to dispose of the freehold interest in Area 1 of the Jayhards Site to Point Estates LLP, for the consideration as detailed in the exempt appendix of this report.

2.2 Landlord's consent be granted for an assignment of the leasehold interest in Area 2 Jayhards Site from Point Estates LLP to Portsmouth Community Football Club Ltd and a change of use (subject to Planning consent) to car parking.

- 2.3 That the City Council release the restrictive covenant in its favour affecting the former BT Site for the consideration detailed in the exempt appendix of this report.
- 2.4 The City Solicitor be authorised to conclude all legal documentation relating to this matter.

### **3. Background**

- 3.1 The existing lessee, Point Estates LLP, is proposing to construct a large Tesco supermarket and petrol filling station at the above mentioned location. In addition to the terms outlined in this report, the implementation of the development will upon the granting of planning consent result in the existing lessee making substantial monetary payment(s) to Portsmouth Community Football Club Ltd in order to facilitate ground improvements and the provision of additional car parking to the North of Fratton Park. It is intended that these payments will be administered by the City Council.

- 3.2 Details of the existing tenure arrangements (by reference to the attached plan) are as follows:

#### **Areas 1 and 2 Former Jayhards Site 17-21 Anson Road - Lease dated 10<sup>th</sup> August 1953**

- 3.3 The freehold interest in this (0.99 acre) site is owned by the City Council. This land is let on a 99 year lease wef December 1949 at a fixed ground rental of £290 per annum exclusive. The land is shown edged red on drawing no. AR/PM/01. The Lessee is Point Estates LLP.

#### **Former Liningtons Site 75 Alverstone Road - Lease dated 7<sup>th</sup> October 1986**

- 3.4 The freehold interest in this (0.65 acre) site is owned by the City Council. This land is let on a 125 year lease wef 1<sup>st</sup> November 1985 at a current ground rental of £2,100 per annum exclusive. The Land is shown edged Green on drawing no. AR/PM/01. The Lessee is Point Estates LLP.

#### **Former BT Site, Anson Road**

- 3.5 The freehold interest in this (2.93 acre) site was sold by the City Council to Portsmouth City Football Club Ltd in 2003 for £1,200,000. This land was subsequently purchased from Miland Development 2004 Ltd (in administration) by Point Estates LLP in 2013. This land is shown edged Blue on drawing no. AR/PM/01.

#### **4. The Proposal**

4.1 In order to facilitate the proposed development, it will be necessary for Point Estates to acquire the freehold interest in that part of the site located to the west of Anson Road and already held by them on a long lease (Area 1). It is intended that the leasehold interest in the remaining land, (Area 2 Jayhards Site), will be assigned to Portsmouth Football Club in order to provide car parking. This will also include land at 75 Alverstone Road which is also currently let on a long lease.

4.2 In addition, the City Council, in 2003, sold its freehold interest in the former BT Site. The transfer contained a restrictive covenant which provided that the Transferee was: "Not to use the Property for residential purposes nor for the retail sale of goods provided that the use of the Property for retail purposes which are reasonably ancillary to the Transferee's use of the Property as a football stadium shall not be prohibited..."  
In order to permit the supermarket development to take place, consent is required from the City Council to remove this covenant for which consideration is due as detailed in the exempt appendix of this report.

#### **5. Financial Considerations:**

##### **The Offer:**

See Exempt Appendix 1.

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

Not required

#### **7. Legal Implications**

7.1 In disposing of the land the statutory constraints in Section 123 Local Government Act 1972 must be taken into account.

7.2 Under s123 of the Local Government Act 1972 the Council may dispose of any land in any manner they wish provided that it must be for the best consideration that can reasonably be obtained. If the disposal is not for the best consideration obtainable then the consent of the Secretary of State will be required.

7.3 See Exempt Appendix 1.

#### **8. Head of Finance's comments**

See Exempt Appendix 1

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Signed by:  
Alan Cufley, Head of Corporate Assets, Business and Standards

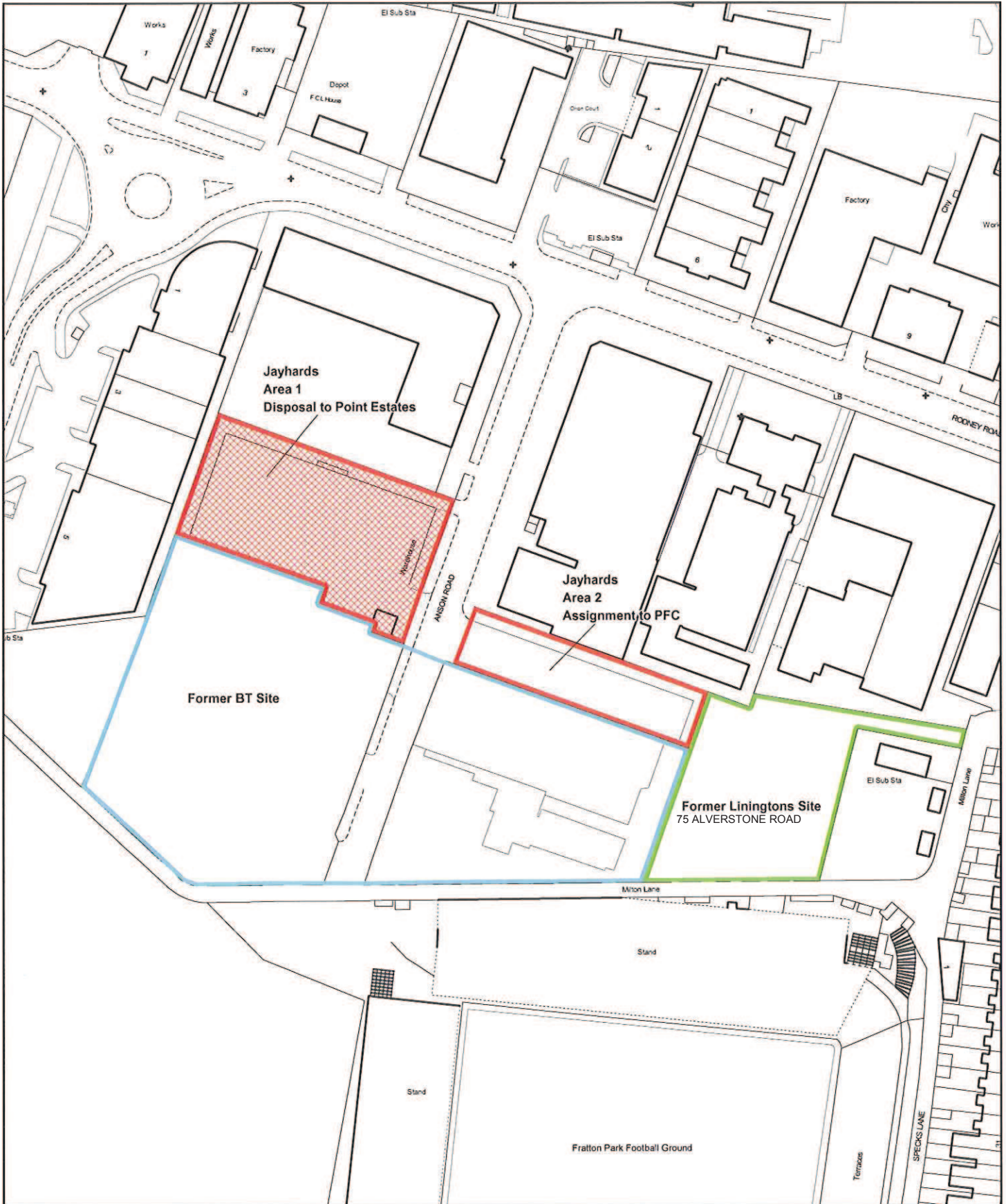
**Background list of documents: Section 100D of the Local Government Act 1972**

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 ..... on .....

.....  
Signed by:  
Cllr Gerald Vernon-Jackson, Leader of the City Council



Title: **Land adjoining Anson Road, Portsmouth.**

Drg No: **AR/PM/01**

Scale: **1:1500**

Date: **14/01/2014**



**Portsmouth**  
CITY COUNCIL

Prepared for: **Legal Service**

Prepared by: **Geographic Information Service**



