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# NOTICE OF MEETING

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## CABINET

**THURSDAY, 26 JUNE 2014 AT 1.00 PM**

**THE COUNCIL CHAMBER, FLOOR 2, GUILDHALL (PUBLIC GALLERY UPPER 2ND FLOOR)**

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 Donna Jones (Chair)

Councillor Luke Stubbs  
Councillor Ken Ellcome  
Councillor Frank Jonas  
Councillor Lee Mason

Councillor Robert New  
Councillor Linda Symes  
Councillor Steve Wemyss  
Councillor Neill Young

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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**

Apologies for absence have been received from Councillor Ellcome.

**2 Declarations of Interests**

**3 Record of Previous Decision Meeting - 7 April 2014 (Pages 1 - 6)**

The minutes of the Cabinet meeting held on 7 April 2014 are attached for approval.

RECOMMENDED that the minutes of the Cabinet Meeting of 7 April be

confirmed as a correct record to be signed by the previous chair accordingly.

#### **4 Appointments to Outside Bodies (Pages 7 - 28)**

The purpose of this item is to facilitate appointments to outside bodies, mostly for the 2014/15 municipal year, but in some cases for longer terms.

The scheme of delegation to individual cabinet members include authority to make appointments to outside bodies falling within that member's portfolio. This authority has to be exercised in accordance with a political proportional protocol (the protocol provides, amongst other things, that the appointments must be made at a formal decision making meeting, that where an appointment involves the proposed appointment of the cabinet member, the appointment must be made by the Cabinet collectively.

The schedule prepared by the Local Democracy Manager, with nominations from all groups will be circulated separately.

**RECOMMENDED that the individual cabinet members make appointments to the outside bodies falling within their remit as per the circulated schedule, other than in certain circumstances where the Cabinet collectively needs to make appointments.**

#### **5 Forward Plan Omissions**

The following items did not appear on the last published Forward Plan of 13 May 2014 for May/June/July; these items have been requested by the Leader to revisit decisions taken under the previous Administration which were key decisions. The Forward Plan Omission procedure has been followed for the inclusion of these items on this agenda:

- Street Scene Enforcement
- Public Toilet Review

RECOMMENDED that it be noted that these items did not appear on the Forward Plan published on 13 May.

#### **6 Street Scene Enforcement (Pages 29 - 54)**

The attached report by the Head of Transport & Environment was requested to allow the newly formed Cabinet, to review and re-evaluate the street scene enforcement project prior to the anticipated trial with 3GS.

**RECOMMENDED**

- (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) That 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.**

**(3) That 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.**

**7 Public Toilet Review (Pages 55 - 74)**

Following previously agreed closures of a number of public toilets a report has been requested to consider options for the reprovision of public toilets at four sites across Portsmouth. A report by the Head of Transport & Environment is attached.

**8 The Camber - East Street and Broad Street, Old Portsmouth (Pages 75 - 82)**

Following the resolution of the Planning Committee to approve planning permission to Ben Ainslie Racing Ltd (BAR), the report will advise Cabinet of the opportunity to enter into a new lease on the Camber site (East Street) with BAR. This will allow development of the site as a team base from which to launch a bid to contest the America's Cup; and to request authority to enter into the necessary legal and financial agreements with the proposed tenant, BAR. A report by the Head of Corporate Assets, Business and Standards is attached which was circulated after the initial publication of the agenda and is also a Forward Plan Omission item.

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.

16 June 2014

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# Agenda Item 3

## CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Monday, 7 April 2014 at 12.00 pm at the Guildhall, Portsmouth

### Present

Councillor Gerald Vernon-Jackson (in the Chair)

Councillors Jason Fazackarley  
Terry Hall  
Lee Hunt  
Leo Madden  
Hugh Mason  
Darren Sanders  
Sandra Stockdale  
Rob Wood

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

There were no apologies for absence with all Cabinet Members being present.

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

There were no declarations of Members' Interests.

#### **43. Record of Previous Decision Meeting - 3 March 2014 (AI 3)**

DECISION: that the record of decisions of the Cabinet meeting held on 3 March 2014 be agreed as a correct record and signed by the Chair.

#### **44. Special Educational Needs and Disabilities (SEND) Reform Grant (AI 4)**

Julia Katherine, Child Support Commissioning Manager, introduced her report and explained that additional work is required for the transition to the new system coming into effect in September 2014 and that there would be restructuring of services to deliver this.

DECISIONS: the Cabinet

- (1) Approved the full allocation of the Special Educational Needs Reform Grant of £253,647 in 2014-15.**
- (2) Approved the proposals for utilising the grant to enable the successful implementation of the Special Educational Needs and Disabilities Reform in Portsmouth as set out within the report.**

#### **45. 'Growing Our Own' - Delivering Apprenticeships for Portsmouth (AI 5)**

Penny Lane, Strategic Intelligence and Information Manager, presented her report which was welcomed by the Cabinet Members who were supportive of PCC's enabling role and appreciated the cross-department involvement in taking forward apprenticeships. The Housing Service already employs apprentices and Councillor Sanders as Cabinet Member for Housing was keen that they are local appointees where possible. Penny Lane was formally thanked for her report.

Councillor Donna Jones spoke, reiterating the links with the Business Growth & Skills Plan and Solent LEP, especially with job losses at BAE and the moving of apprentices there to BAE's Maritime Services wing. She had visited a Hilsea precision engineering company who recruited from local schools and stressed the importance of encouraging girls into engineering services.

DECISIONS: the Cabinet:

- (1) Approved the Apprenticeships report and endorsed the proposed Delivery Plan.**
- (2) Delegated authority to the Director of Regeneration in consultation with the Cabinet Member for Planning, Regeneration & Economic Development to make any future amendments to the Delivery Plan.**
- (3) Agreed the development of a renewed and ambitious apprenticeships programme within the City Council, along with an Apprenticeships Policy which includes provision for care leavers, to be approved by the Council's Employment Committee.**
- (4) Agreed that progress on increasing apprenticeship numbers within each of the Council's Services is reported to Strategic Directors and Employment Committee on a regular basis.**
- (5) Thanked Penny Lane for her report and all the officers working on the implementation of these initiatives.**

#### **46. North Portsea Island Coastal Flood and Erosion Risk Management Scheme (AI 6)**

Simon Moon, Head of Transport & Environment, introduced his report and reported that the Environment Agency had been impressed by the consultation work undertaken on the scheme. He anticipated that construction work would commence on site in March 2015. Councillor Hugh Mason thanked officers for their work in carrying out consultation at an early stage and stated that whilst Options D and C were favoured there would be some areas where it may be necessary to use another option.

**DECISIONS: That in order to implement the Council adopted Shoreline Management Plan and Portsea Island Coastal Strategy, the Cabinet agreed:-**

- (1) To commence development of the detailed design using the information gathered from the public consultation exercise.**
- (2) That whilst option D is shown to be the preferred option, the final design for the scheme will also have to take into account costs, local topography and various stakeholder interests. It is likely that the final scheme will be a combination of options C and D and that detailed design should commence on this basis.**
- (3) To delegate authority to the Head of Service for Transport and Environment to submit the final business case to the Environment Agency in consultation with the Cabinet Member for Environment and Community Safety.**

#### **47. Street Scene Enforcement (AI 7)**

Simon Moon, Head of Transport & Environment, introduced this report. Councillor Luke Stubbs was generally supportive but urged caution in the implementation of enforcement against leaflet distribution in the street where this was a legitimate activity. Councillor Donna Jones also spoke to ask for targeted enforcement against dog fouling at the right locations/times (such as sports pitches) and she also felt that there should be clear guidelines regarding unauthorised distribution of literature.

Councillor Jason Fazackarley responded that this had been proposed to deal with two of the main issues raised with ward councillors, dog fouling and littering, and would supplement the efforts of PCC's enforcement team, for a trial period. Councillor Sandra Stockdale as Cabinet Member for Environment and Community Safety welcomed the proposals to deal with the city-wide problems. The Cabinet Members were grateful to Councillor Fazackarley for bringing this forward to increase street cleanliness and stressed that this would be monitored, would not be target-driven to ensure the right response was taken and publicised so that fines did not come as a shock to transgressors. It was hoped that this would also enable Stewart Lennard's enforcement team to give increased focus to fly-tipping and members were grateful for the work they were currently undertaking.

**DECISIONS: that**

- (1) A 6 month pilot scheme be delivered by 3GS for the issuing of Fixed Penalty Notices for environmental and dog control offences (as listed in para 8.1);**
- (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 for**

**Transport & Environment, to determine all matters relating to the pilot scheme;**

- (3) A further report is presented to the Cabinet following evaluation of the pilot scheme.**
- (4) The existing work being undertaken to improve the current approach to enforcement of environmental and street cleanliness issues be noted.**

**48. Approval of Policy with Havant Borough Council for Langstone Harbour Board (AI 8)**

Councillor Donna Jones spoke to support the Council's strategy to reduce financial assistance to the Langstone Harbour Board and to review its governance arrangements. Councillor Luke Stubbs also welcomed the report and the intention for LHB to become more efficient.

Councillor Gerald Vernon-Jackson wished this efficiency to come into effect for the 2015/16 financial year (not 2016/17 as specified in the policy within the appendix to the report). Michael Lawther, the City Solicitor, asked that the recommendations include delegation to him in consultation with the Leader, to agree amendments as this policy had not yet been considered by Havant Borough Council. The Cabinet Members were supportive of the suggested approach and as one of the major stakeholders PCC should be setting the parameters of the organisation's operation to encourage its sustainability.

**DECISIONS:**

- (1) The Cabinet approved the draft policy, subject to the financial year for moving to sustainable management be 2015/16 rather than 2016/17;**
- (2) Delegated to the City Solicitor in agreement with the Leader of the Council the approval of any amendments subsequently agreed by Havant Borough Council.**

**49. Portsmouth Retail Centres - Occupancy Report 2014 (Information Item) (AI 9)**

Councillor Gerald Vernon-Jackson had requested this item by the Head of Corporate Assets, Business and Standards, and welcomed the retail occupancy rates which were noted to be above the national and South East region averages.

Councillor Donna Jones also spoke to welcome the report; the Cosham shopping centre had benefitted from the one-way system and pavement widening, but there were still issues with the length of time for train crossings, but this was outside PCC control. Northern Quarter was a disappointment at this stage but may effect occupancy rates in the future.



The Cabinet Members welcomed the good rates of occupancy across the retail centres, thanking Barry Walker the City Centre Manger and those officers working to promote the centres. They believed that the development of the Northern Quarter would be delivered by Centros in the future and Councillor Terry Hall, Cabinet Member for Planning, Regeneration & Economic Development stressed the need for a good quality design for the scheme.

(As an information item there were no decisions taken and this is not subject to call-in.)

The meeting concluded at 12.51 pm.

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Councillor Gerald Vernon-Jackson  
Leader of the Council

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# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

23/06/2014

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Children and Education	Francia Trust (University of Portsmouth)	For time being	1 Ex officio	Eric Bell, Commissioning Manager left Portsmouth City Council.	11 Feb 2013	Meets periodically to allocate funding to disabled students attending eligible HE and FE institutions.	Awaiting confirmation from the service on who is replacing former appointee and confirmation from the Trust.
Children and Education	Motiv8 (Registered Charity and Company)	Annual	1	Dru Moody	20 May 2013	An elected member is requested. The representative becomes a director of the registered company. Meets 4 times a year at 9.15-11.30am at the Omega Centre. No remuneration or expenses.	Labour - John Ferrett Conservative - Neill Young
Children and Education	Portsmouth Governor Support Panel	Annual	Increased from 3 to 4 following 2014 elections.	David Horne, Luke Stubbs, Matthew Winnington	20 May 2013	One from each main political group and one governor representative (currently Derek Good). Meets every 8 weeks for about 2 hours at 5pm in the Civic Offices. No remuneration or expenses.	Labour - David Horne Lib Dem - Matthew Winnington Conservative - Neill Young

Agenda Item 4

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Children and Education	School Standards & Improvement Group	Annual	5	David Horne, Leo Madden, Rob Wood, Frank Jonas, Eleanor Scott Plus: David Fuller as Deputy	20 May 2013	Deputies may also be appointed. Meets twice a year at 3pm in the Civic Offices. No remuneration or expenses.	Labour - David Horne Lib Dem - Rob Wood & Lynne Stagg Conservative - Neill Young & Donna Jones
Children and Education	University of Portsmouth Nominations Committee	Annual	1	Leo Madden	20 May 2013	Needs not be an elected member. Meets as needed for 1-2 hours at University House. No remuneration but travel expenses can be claimed.	Labour - John Ferrett.
Children and Education	Standing Advisory Council for Religious Education (SACRE)	4 years - but annual review of members is usual	4	Maria Cole, David Horne, Taki Jaffer, Lynne Stagg	Various	At least 2 must be Councillors. Meets 3 times a year at 2pm on a Wednesday for 2 hours in Civic Offices, educational and religious establishments. No remuneration or expenses.	Labour - Ken Ferrett Conservative - Flick Drummond
Children and Education	Children's Trust Board	For time being	4 (Cabinet Member and spokespersons for Children & Education)	Rob Wood	On-going	Meets 8 times a year from 4-7pm in the Civic Offices. No remuneration or expenses.	Conservative - Neill Young

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Children and Education	<b>Fostering Panel</b> (A statutory requirement) (Formerly the Family Placement Panel)	3 years to 2014	1	Sandra Stockdale	11 June 2012	Meets monthly for a whole day (last Wednesday) in Civic Offices. No remuneration or expenses.	Conservative - Hannah Hockaday Lib Dem - Sandra Stockdale
Culture Leisure & Sport	<b>Aspex Visual Arts Trust (Registered Charity and Company)</b>	Annual	1 (observer)	Rob Wood, Senior Arts Officer also attends	20 May 2013	6 meetings a year for about 2 hours on a Tuesday or Wednesday morning at Gunwharf. The Senior Arts Officer also attends. No remuneration or expenses.	Labour - John Ferrett Lib Dem - Rob Wood
Culture Leisure & Sport	<b>Baffins Community Association</b> (Registered Charity)	Annual	1	Karen Tyrrell	20 May 2013	Meets every 2 months on a Monday at 10am for about an hour at the Centre. No remuneration or expenses.	Lib Dem - Darren Sanders Conservative - Jenny Brent
Culture Leisure & Sport	<b>Bournemouth Symphony Orchestra LA Forum</b>	Annual	1	Matthew Winnington	20 May 2013	Meets twice a year in Poole. No remuneration or expenses.	Lib Dem - Matthew Winnington Conservative - Rob New
Culture Leisure & Sport	<b>Buckland Community Association</b> (Registered Charity)	Annual	2	Leo Madden and Steve Wylie	20 May 2013	Meets monthly on 4 <sup>th</sup> Tuesday of the month at 7.30pm at the Centre. No remuneration or expenses.	Labour - Ken Ferrett & Robert Smith Lib Dem - Leo Madden

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Culture Leisure & Sport	Charter Community Sports Centre Joint Management Committee (formerly St Luke's)	Annual	2	Steve Wylie and Rob Wood	20 May 2013	Meets twice a year for an hour or less at 4.30pm in Civic Offices. No remuneration or expenses.	Labour - Ken Ferrett & Sion Reynolds
Culture Leisure & Sport	City of Portsmouth Sports Council	Annual	3	Steve Wemyss, Rob Wood, David Fuller	20 May 2013	Meets 3 times a year on Thursdays at 7.00pm for about 2 hours at the Mountbatten Centre. No remuneration or expenses.	Labour - Aiden Gray Linda Lee
Culture Leisure & Sport	Cosham Community Association – Management Committee (Registered Charity)	Annual	1	Kirstine Impey	20 May 2013	Meets monthly on 3 <sup>rd</sup> Wednesday of the month at 7.30pm for about an hour at the Centre. No remuneration or expenses.	Labour - Aiden Gray Conservative - Hannah Hockaday
Culture Leisure & Sport	Duke of Edinburgh Award Scheme – Hampshire Forum (Registered Charity)	Annual	1	Les Stevens	20 May 2013	Needs not be an elected member. Meets 3/4 times a year at 7.30pm for about 2 hours at the Castle, Winchester. No remuneration; expenses can be claimed.	Lib Dem - Les Stevens Conservative - Linda Symes

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Culture Leisure & Sport	Eastney & Milton Allotment Holders' Association - Management Committee	Annual	1	Les Stevens	20 May 2013	Does not need to be an elected member. Meets 6 times a year at 7.30pm at a private house in Southsea. No remuneration or expenses.	Lib Dem - Les Stevens
Culture Leisure & Sport	Eastney Area Community Association (Registered Charity)	Annual	1	Suzy Horton	20 May 2013	Meets every 2 months at the Centre in the evening for 1-2 hours. No remuneration; travel expenses can be claimed.	Lib Dem - Suzy Horton Conservative - Ken Ellcome, Simon Boshier, Steve Wemyss & Luke Stubbs
Culture Leisure & Sport	Farlington Marshes Management Committee	Annual	4	Eleanor Scott, Peter Eddis, Phil Smith, Ken Ellcome	20 May 2013	Must be Councillors. Meets as and when required. No remuneration or expenses.	Lib Dem - Phil Smith & Lynne Stagg
Culture Leisure & Sport	Fratton Community Association (Registered Charity)	Annual	1	Phil Shaddock	20 May 2013	Meets monthly from 6 – 7.30pm at the Centre. No remuneration or expenses.	Labour - Thomas Coles
Culture Leisure & Sport	Hampshire & Isle of Wight Trust for Maritime Archaeology	Annual	1	Peter Eddis	20 May 2013	Meets 3 times a year at 11am on a Tuesday at various venues. No remuneration or expenses.	Lib Dem - Peter Eddis Conservative - Alistair Thompson
Culture Leisure & Sport	Hampshire Archives Trust - Annual Meeting	Annual	1	No nominations	20 May 2013	Annual meeting only on a Sunday for about 2 hours. Optional visits. No remuneration or expenses.	Conservative - Linda Symes

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

23/06/2014

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Culture Leisure & Sport	Portsmouth Indoor Tennis Centre Management Committee	Annual	1	Lee Hunt	01 May 2013	Meets 3 times a year for about 2 hours in the day generally in the Civic Offices. No remuneration or expenses.	Conservative - Alistair Thompson
Culture Leisure & Sport Page 12	Kings Theatre Trust Ltd (Charitable Company)	Annual	3	Hugh Mason, Phil Smith, Kathy Wadsworth	20 May 2013	Do not need to be elected members. Meets monthly on Wednesdays at 3pm for about 2 hours at the theatre. No remuneration or expenses. The representatives become directors of the company.	Lib Dem - Hugh Mason & Phil Smith Conservative - Neill Young & Linda Symes
Culture Leisure & Sport	Landport Community Association (Registered Charity)	Annual	1	Margaret Foster	20 May 2013	Meets monthly in the morning for about 2 hours at the centre. No remuneration or expenses.	Labour - Sion Reynolds Lib Dem - Margaret Foster
Culture Leisure & Sport	Mary Rose Trust (Registered Charity and Company)	Annual	2 nominations (for Trust approval) + Lord Mayor ex officio	Rob Wood, Sandra Stockdale	20 May 2013	Meets twice a year in June and December from 11am in Historic Dockyard. No remuneration or expenses.	Labour - John Ferrett Lib Dem - Rob Wood Conservative - Lee Mason & Linda Symes
Culture Leisure & Sport	Milton Village Community Association (Registered Charity)	Annual	1	Ben Dowling	20 May 2013	Meets 6 times a year on Wednesdays at the village hall for about 2 hours. No remuneration or expenses.	Labour - Alex Bentley Lib Dem - Ben Dowling Stu Crow



# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014	
Page 13	<b>Culture Leisure &amp; Sport</b>	<b>New Theatre Royal Trust</b> (Registered Charity and Company)	Annual	1 or 2	Nominations for approval by the New Theatre Royal: Claire Looney and Susan Aistrope	20 May 2013	The trust prefers elected members but constitution does not stipulate this. The representatives become directors of the company. Meets 5 times a year usually on a Tuesday or Thursday at 6 pm for 2 hours at the Theatre. No remuneration or expenses.	Conservative - Linda Symes & Ken Ellcome
	<b>Culture Leisure &amp; Sport</b>	<b>Overlord Embroidery Trust Liaison Committee</b>	Annual	3	Paula Riches, Margaret Adair, Phil Smith	20 May 2013	One annual meeting with the Overlord Embroidery Trustees at the D-Day Museum. No remuneration or expenses.	Lib Dem - Margaret Adair & Phil Smith Conservative - Simon Boshier, Steve Wemyss & Frank Jonas
	<b>Culture Leisure &amp; Sport</b>	<b>Paulsgrove Community Association</b> (Registered Charity)	Annual	1	John Ferrett	20 May 2013	Meets monthly on Tuesdays at 7pm for 2-3 hours at the centre. No remuneration or expenses.	Labour - John Ferrett
	<b>Culture Leisure &amp; Sport</b>	<b>Peter Ashley Activity Centre Management Committee</b> (Registered Charity)	Annual	2 plus 2 standing deputies	Lee Hunt, Kirstine Impey. Deputies: Hugh Mason, Leo Madden	20 May 2013	Meets every 6 - 8 weeks at 7.15pm for 2-3 hours at Fort Purbrook. No remuneration or expenses.	Labour - Aiden Gray Conservative - Hannah Hockaday
	<b>Culture Leisure &amp; Sport</b>	<b>International Boatbuilding Training College Portsmouth</b>	1 year	1	n/a	n/a	Preferably a member with skills including boatbuilding industry, finance, marketing or education.	

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

23/06/2014

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Culture Leisure & Sport	Portsmouth Royal Dockyard Historical Trust	Annual	1	Ben French	20 May 2013	Meets twice a year at 19 College Road. No remuneration or expenses.	Labour - Ken Ferrett Conservative - Flick Drummond
Culture Leisure & Sport	Portsmouth Cultural Trust - Board of Trustees	4 years	2	Terry Hall, Robin Sparshatt (resigned)		Don't need to be councillors.	UKIP - Julie Swan
Culture Leisure & Sport Page 14	Royal Marines Museum Trust	Annual	1	Mike Hancock	20 May 2013	Does not need to be an elected member. Meets 2/3 times a year on a Wednesday or Thursday morning for about 3 hours at the Museum.No remuneration. Travel expenses can be claimed.	Labour - Sue Castillon Conservative - Alistair Thompson
Culture Leisure & Sport	Southsea Community Association	Annual	1	Rob Wood	20 May 2013	Meets 4 times a year in the evening at the Community Centre. No remuneration; travel expenses may be paid.	Labour - Sue Castillon Lib Dem - Rob Wood Conservative - Linda Symes
Culture Leisure & Sport	St George's Beneficial School Community Sports Facility Joint Management Committee	Annual	1	Margaret Foster	20 May 2013	Only meets if need arises. No remuneration or expenses.	Labour - Sion Reynolds Lib Dem - Margaret Foster

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Culture Leisure & Sport	Stacey Community Centre Management Committee	Annual	1	Darron Phillips	20 May 2013	Meets monthly on first Wednesday at 7pm at Stacey Centre for about 2 hours. No remuneration or expenses.	Lib Dem - Lynne Stagg Consevative - Jennie B
Culture Leisure & Sport	Stamshaw & Tipner Community Centre Association General Management Committee	Annual	1	Jason Fazackarley	20 May 2013	Meets monthly at 7pm on first Monday at the Centre. No remuneration or expenses.	Labour - Ken Ferrett
Culture Leisure & Sport	Warrior Association (the Portsmouth based Warrior supporters' group)	Annual.	1	Phil Smith	20 May 2013	Does not need to be an elected member but is preferred. Meets 4 times a year on Tuesdays or Thursdays at 10.15 for 1 - 2 hours onboard Warrior. No remuneration or expenses. Ideally the same member should be appointed to the Warrior Association and the Warrior Preservation Trust (see separate entry), but the representative on the Trust must be an elected member.	Labour - Ken Ferrett Lib Dem - Phil Smith

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Culture Leisure & Sport	Warrior Preservation Trust (Registered Charity and Company)	2 years	1	Phil Smith	11 June 2012	Must be elected member. Meets 3 - 4 times a year at 10.30 on a Friday for 1 - 2 hours on Warrior. No remuneration but travel expenses.	Labour Labour - Ken Ferrett Lib Dem - Phil Smith
Environment and Community Safety	Coastline - Standing Conference on Problems Associated with the Coastline (SCOPAC)	Annual	1	Hugh Mason	20 May 2013	Meets 3 times a year at 10.15am on a Thursday or Friday for about 3 hours in Havant. No remuneration; some expenses.	Conservative - Rob New Lib Dem - Hugh Mason
Environment and Community Safety	LGA Coastal Issues Special Interest Group	Annual	1	Lynne Stagg	20 May 2013	Meets 4 times a year on Thursdays at 11am in London and one field trip meeting hosted by a coastal authority. No remuneration or expenses.	Conservative - Rob New Lib Dem - Hugh Mason
Environment and Community Safety	Portchester Crematorium Joint Committee	Annual	2 Cabinet Members	Hugh Mason, Jason Fazackarley	20 May 2013	Must be Cabinet Members. Meets 4 times a year on Mondays for about an hour in Portsmouth, Gosport, Havant or Fareham. No remuneration or expenses.	Conservative - Rob New & Ken Ellcome
Environment and Community Safety	Solent Sea Rescue Organisation	Annual	1	Lee Hunt	20 May 2013	Meets 6 times a year on various days and at various venues in the region. No remuneration or expenses.	Labour - John Ferrett Conservative - Rob New

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014	
Page 17	<b>Environment and Community Safety</b>	<b>Project Integra Strategic Board</b>	Annual	1 + deputy	Sandra Stockdale Deputy: Jason Fazackarley	20 May 2013	A formal joint committee between the partner authorities. A deputy may be appointed. The Member must be a Cabinet Member, the deputy should therefore also be Cabinet Member. Meets 4 times a year in the morning for about 3 hours at council offices in Hampshire. No remuneration or expenses.	Conservative - Rob New & Donna Jones
	<b>Environment and Community Safety</b>	<b>Southern Inshore Fisheries &amp; Conservation Authority</b> (formerly Southern Sea Fisheries Cttee)	Annual	1	Matthew Winnington	20 May 2013	Expected to meet 4 times a year at various venues around the region. No remuneration or expenses.	Labour - Aiden Gray Lib Dem - Matthew Winnington

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Page 18	<b>Environment and Community Safety</b> <b>Safer Portsmouth Partnership</b>	Ongoing	5 ex officio: reps to fire auth; police & crime panel and ECS cabinet member. Current reps are: Phil Smith, Luke Stubbs, Stephen Hastings, Ken Ellcome and Robert New.	Phil Smith, Jason Fazackarley, Luke Stubbs, Lynne Stagg, Sandra Stockdale	On-going	Meets 5 times a year usually on a Thursday for about 3 hours in the Civic Offices. No remuneration or expenses.	Lib Dem - Phil Smith (fire rep) UKIP - Steve Hastings (fire rep) Conservative - Luke Stubbs (fire rep), Ken Ellcome (Cabinet Member for ECS and Police & Crime Panel rep)
	<b>Environment and Community Safety</b> <b>Portsmouth and Gosport Joint Board</b>	3 years (to Dec 2014)	6	Peter Eddis, Jason Fazackarley, David Horne, Lee Hunt, Leo Madden, Eleanor Scott	Various	Must be elected members. Political proportionality applies. Exists as a legal entity and representation must be maintained. Proportionality will require: 3 Lib Democrats, 2 Conservatives and 1 UKIP member.	Lib Dem - Lynne Stagg, Lee Hunt, Leo Madden Conservative - Ken Ellcome & Lee Mason
	<b>Environment and Community Safety</b> <b>Trading Standards South East Limited (known as TSSE)</b>	For time being	1 Ex-officio	Peter Emmett, Trading Standards Manager) is the representative on this body, no member involvement expected. Sandra Stockdale was appointed 3 March 2014	On-going	The appointee is a member of the company, but not a director. Attendance required only at annual meeting, held during the day in various locations in the south east. No remuneration or expenses	Conservative - Rob New

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Health & Social Care	<b>Age UK Portsmouth</b> (Registered Charity) (formerly Age Concern)	Annual	2	Margaret Adair, Mike Park	20 May 2013	6 meetings a year (9.30am) in Portsmouth for about 2 hours. No remuneration; travel expenses may be claimed.	Labour - David Horne Lib Dem - Margaret Adair Conservative - Frank Jonas
Health & Social Care	<b>Age UK, Hampshire</b> (Registered Charity) (formerly Age Concern)	Annual	1	Mike Park	20 May 2013	2 meetings a year for 3-6 hours in Winchester during day. No remuneration or expenses.	
Health & Social Care	<b>Portsmouth Disability Forum</b> (Registered Charity and Company)	Annual	2	Sandra Stockdale, Mike Park	20 May 2013	Meets 4 times a year in the afternoon at the Frank Sorrell Centre. No remuneration or expenses. Merged with Frank Sorrell Trust in 2011.	Labour - Aiden Gray Conservative - Jennie B
Health & Social Care	<b>Portsmouth Hospitals NHS Trust Council of Governors</b>	2 years	1	Will Purvis	11 June 2012	Needs to be committed to the wellbeing of the hospital. 6 meetings per year + 4 with Board of Directors. Dates available well in advance. Not open to members of Health Overview & Scrutiny Panel (HOSP).	Labour - John Ferrett Lib Dem - Will Purvis Conservative - Hannah Hockaday

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

23/06/2014

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Housing	Portsmouth/Havant Joint Housing Group	Annual	5	David Horne, Hugh Mason, Lee Mason, Luke Stubbs, Darren Sanders	20 May 2013	Appointments must be in political proportion, with 2 Lib Democrat, 2 Conservatives and 1 UKIP member. Meets rarely. No remuneration or expenses.	Lib Dem - Darren Sanders Conservative - Steve Wemyss & Luke Stubbs
Page 20	Somerstown Adventure Supporters' Group	Annual	1	Rob Wood	20 May 2013	The committee was formed to help the staff at the Somerstown playground enhance the quality of the provision and safeguard its future in terms of future funding.	Labour - Sion Reynolds Lib Dem - Rob Wood
Housing	Lord Mayor of Portsmouth's Coronation Homes - Board	Ex officio	1	Lord Mayor	On-going	Provides housing for the elderly poor.	
Leader	St Thomas's Cathedral Council	Annual	1	Phil Smith	1 July 2013 (at Cabinet)	Must be an elected member. No remuneration or expenses.	Lib Dem - Phil Smith Conservative - Rob New
Leader	Fratton Big Local	Annual	1	Eleanor Scott	26 July 2013 (via MIS)	Must be an elected member <b>and</b> a Fratton ward councillor	
Leader	Hampshire & Isle of Wight Local Government Association	Annual	3	Robert New, Leo Madden, Darren Sanders	20 May 2013	Must be an elected member. No remuneration or expenses.	Labour - Aiden Gray Lib Dem - Darren Sanders & Leo Madden Conservative - Luke Stubbs & Lee Mason



# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Leader	<b>HM Submarine Affray Disaster Relief Fund Trust</b> (Registered Charity)	Annual	2 + Lord Mayor (ex officio).	Peter Eddis, Darron Phillips	20 May 2013	The future of this trust is under review as the number of beneficiaries dwindle. Meetings are currently being held about twice a year in Gosport. No remuneration or expenses.	Conservative - Frank Jonas
Leader	<b>Improvement &amp; Efficiency South East (IESE)</b>	Annual	1	Darren Sanders	20 May 2013	Meets twice yearly for 2 hours in London. No remuneration; travel expenses may be claimed.	Lib Dem - Darren Sanders
Leader	<b>LGA Urban Commission</b>	Annual	2	Hugh Mason, Darren Sanders	20 May 2013	Meets twice a year in London from 10am to 3.30pm. No remuneration or expenses.	Labour - John Ferrett Lib Dem - Darren Sanders

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

23/06/2014

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Page 22	<b>Port Advisory Board</b>	On-going	1 ex officio + 5 (+ deputies if deemed appropriate)	Terry Hall (ex officio chair of the Board) + Hugh Mason, Les Stevens, Lynne Stagg, Donna Jones, Frank Jonas + Luke Stubbs (deputy)	20 May 2013	The Board was established at the Leader's request to provide an informal forum for discussion of the full range of the activities of the commercial port. Chaired by the Cabinet Member for PRED the frequency of meetings is determined by the chair and, as it is a non decision making body, no quorum exists. The Leader has agreed that the appointment of deputies may be helpful.	Labour - Aiden Gray & John Ferrett Lib Dem - Les Stevens Conservative - Luke Stubbs & Frank Jonas
Leader	<b>PUSH (Partnership for Urban South Hampshire) Joint Committee</b>	Annual	1 + 1 deputy	Gerald Vernon-Jackson Deputy: Hugh Mason	20 May 2013	The Joint Committee meets 6 times a year at 6pm at Fareham for 2-3 hours. No remuneration or expenses. A deputy should be appointed.	Lib Dem - GVJ Conservative - Luke Stubbs Deputy: Ken Ellcome
Leader	<b>PUSH Overview &amp; Scrutiny Committee</b>	Annual	1 + deputy	Donna Jones - resigned 31 July 2013 (no nominees for deputy)	20 May 2013	Meets on an ad hoc basis about twice a year generally at 6 pm at Fareham. No remuneration or expenses.	Labour - John Ferrett

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Leader	<b>Relate Portsmouth &amp; District</b> (Registered Charity and Company)	Annual	1	Robert New	20 May 2013	The representative is a director of the limited company. Meets 4 times a year at 2.15pm at 32 Chaucer House. No remuneration or expenses. Although rep does not have to be an elected member it is helpful - treat as such.	Conservative - Rob New
Leader	<b>SIGOMA</b> (Special Interest Group of Municipal Authorities administered by the LGA)	Annual	1 + deputy	Hugh Mason. Deputy: Gerald Vernon-Jackson	20 May 2013	A deputy may also be appointed. Meets quarterly on Fridays 11am for about 2 hours at various venues. No remuneration or expenses. AGM to be held 4 July during LGA Conference.	Conservative - Lee Mason
Leader	<b>Fitzherbert &amp; Moody Charity</b> (Registered Charity) Relieves hardship	4 years	2	Mike Blandford (to 2016), Les Stevens (to 2014)	Various	Do not need to be elected members. Meets twice a year at St Mary's Vicarage. No remuneration or expenses.	
Leader	<b>Public Service Board</b>	Ex officio	1	Gerald Vernon-Jackson	On-going	Meets every 6-8 weeks. Replaced Portsmouth Local Strategic Partnership.	Conservative - Luke Stubbs
Leader	<b>World War 2 Memorial Fund</b>	Ex officio	3 PCC ex officio + 2 others	Gerald Vernon-Jackson, John Ferrett, Donna Jones + Jean Louth, Colin Barrell	On-going	Campaign to raise funds to install stone panels around the WW2 memorial and inscribe 3000 names.	Labour - John Ferrett Conservative - Linda Symes & Ken Ellcome

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Planning Regeneration & Economic Development (PRED)	Hampshire Buildings Preservation Trust – Annual Meeting (Registered Charity)	Annual	1	Frank Jonas	03 June 2013	Although elected member representation is not required, it is preferred. Annual meeting only on a Friday (all day) in November/ early December. No remuneration or expenses.	Conservative - Lee Mason
Planning Regeneration & Economic Development (PRED)	PATCH Ltd (Registered Company)	Annual	Up to 3	Rob Wood, Sandra Stockdale, Les Stevens	03 June 2013	Promotes physical regeneration of the Somerstown/ North Southsea area. PATCH has requested a representative from each of the 3 political parties: only two nominations were forthcoming in 2012/13.	Labour - Sion Reynolds Lib Dem - Rob Wood Conservative - Steve Wemyss
Planning Regeneration & Economic Development (PRED)	Paulsgrove Enterprise Centre Board (Registered Charity)	Annual	1	Kathy Wadsworth, Strategic Director	03 June 2013	A member or officer can be appointed. The person appointed becomes a director of the company. The manager of the centre is also ex officio a director. Meets once a year in June for about 2 hours in Fareham or Southampton. No remuneration or expenses.	

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Planning Regeneration & Economic Development (PRED)	Solent Forum	Annual	1	Phil Smith	03 June 2013	Meets twice a year in the morning for about 4 hours in rotation at Portsmouth, Southampton and Isle of Wight. No remuneration or expenses. Must be an officer if not an elected member.	Labour - Aiden Gray Lib Dem - Phil Smith
Planning Regeneration & Economic Development (PRED)	Tourism South East (Registered Company)	Annual	2	Hugh Mason, Lee Hunt	03 June 2013	The representatives become directors of the company. Plus the relevant Strategic Director as a non-voting representative. Meets twice a year in March and September during the day in venues around the region. No remuneration or expenses.	Labour - Ken Ferrett Lib Dem - Lee Hunt Conservatives - Linda Symes & Luke Stubbs
Planning Regeneration & Economic Development (PRED)	West of Waterlooville Forum	Annual	2 observers	Simon Boshier, Kathy Wadsworth	03 June 2013	May be members or officers. Meets as and when required at various venues in the Havant area. No remuneration or expenses.	Conservative - Simon Boshier

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Planning Regeneration & Economic Development (PRED)	Minerals and Waste Development Framework Members' Steering Group	Ex officio	1	Cabinet Member, PRED (represented by Cllr Eleanor Scott, Cabinet Member for the Environment and Community Safety)	On going	Formerly Material Resources Strategy Group. Meets 4 times a year in Bournemouth and Winchester. No remuneration or expenses.	Conservative - Luke Stubbs
Resources	South East Employers	Annual	2 (+ 2 deputies may also be appointed to attend full meetings of SEE on behalf of the authority's representatives)	Hugh Mason, David Fuller Standing deputies: Darren Sanders, Leo Madden	20 May 2013	Must be elected members. Representatives should have an interest in strategic employment issues influencing the future direction of local government. They should not be employees of another local authority or an employee or official of any of the local government unions. The representative should be in a position to attend the meetings of South East Employers which are held during the day – usually in London or Winchester. AGM to be held 17 July 2014.	Labour - John Ferrett & Aiden Gray Conservative - Luke Stubbs

# PORTSMOUTH CITY COUNCIL

## OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR

23/06/2014

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Resources	Duisburg/ Portsmouth Friendship Committee	3 years (to 2015)	5	Jason Fazackarley, David Steven Butler, David Fuller, Ben French, Margaret Adair	20 May 2013	Lord Mayor and Leader are ex-officio members. No remuneration or expenses.	Labour - Aiden Gray & Ken Ferrett Lib Dem - Lynne Stagg & Margaret Adair Conservative - Ken Ellcome & Linda Symes Kevin Chippindall- Higgin
Resources	Haifa/ Portsmouth Friendship Committee	2 years (to 2014).	5	Matthew Winington, David Stephen Butler, Alex Bentley, Phil Smith, David Fuller	20 May 2013	The Lord Mayor and Leader are ex-officio members. No remuneration or expenses.	Labour - John Ferrett & Alex Bentley Lib Dem - Lynne Stagg & Phil Smith Conservative - Rob New & Ken Ellcome
Traffic and Transportation	Transport Liaison Group	Annual	3 ex officio	Jason Fazackarley, Ken Ellcome, Jim Patey	On-going	Cabinet Member for Traffic & Transportation chairs the meetings. Meet 3 times a year on Thursdays at 10am for about 3 hours in the Civic Offices. No remuneration or expenses.	Labour - Aiden Gray Lib Dem - Lynne Stagg Conservative - Ken Ellcome Stuart Pitter
Traffic and Transportation	National Parking Adjudication Service Management Committee	Ex officio	1	Jason Fazackarley	On-going	Meets 3 or 4 times a year, usually in Manchester. No remuneration or expenses. No attendance from Portsmouth is currently required.	Conservative - Ken Ellcome

**PORTSMOUTH CITY COUNCIL**  
**OUTSIDE BODY APPOINTMENTS 2014/15 MUNICIPAL YEAR**

23/06/2014

Appointing body	Name of Body	Period of service	Number of Appointees required	Current appointee/s	Date appointed	Notes	Nominations 2014
Traffic and Transportation	Transport for South Hampshire - Joint Committee	Ex officio	1	Jason Fazackarley	On-going	Meets 4 times a year at Portsmouth, Southampton or Winchester. No remuneration or expenses.	Conservative - Ken Ellcome



# Agenda Item 6



Portsmouth  
CITY COUNCIL

Agenda item:

Title of meeting: Cabinet  
Subject: Street Scene Enforcement  
Date of meeting: 26<sup>th</sup> 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 7<sup>th</sup> 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 3<sup>rd</sup> 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 (7<sup>th</sup> 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: 7<sup>th</sup> 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), <sup>1</sup> 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.

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<sup>1</sup> Sample size 1382

[http://www.saferportsmouth.org.uk/files/8013/5220/8814/Portsmouth\\_Community\\_Safety\\_Survey\\_June\\_2012.pdf](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 24<sup>th</sup> 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

<b>Offence Type</b>	<b>Act</b>	<b>Stat Req</b>	<b>Number of incidents or cases reported to PCC</b>	<b>Percentage of hours spent on offences type</b>	<b>% on office based casework</b>	<b>% of hours on site.</b>	<b>Carried Out on behalf of.</b>	<b>Warnings or Advice (Verbal or Written)</b>	<b>Formal Legal Notices served</b>	<b>FPNs given out</b>	<b>Court Cases</b>
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										

<b>Offence Type</b>	<b>Act</b>	<b>Stat Req</b>	<b>Number of incidents or cases reported to PCC</b>	<b>Percentage of hours spent on offences type</b>	<b>% on office based casework</b>	<b>% of hours on site.</b>	<b>Carried Out on behalf of.</b>	<b>Warnings or Advice (Verbal or Written)</b>	<b>Formal Legal Notices served</b>	<b>FPNs given out</b>	<b>Court Cases</b>
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

<b>Offence Type</b>	<b>Act</b>	<b>Stat Req</b>	<b>Number of incidents or cases reported to PCC</b>	<b>Percentage of hours spent on offences type</b>	<b>% on office based casework</b>	<b>% of hours on site.</b>	<b>Carried Out on behalf of.</b>	<b>Warnings or Advice (Verbal or Written)</b>	<b>Formal Legal Notices served</b>	<b>FPNs given out</b>	<b>Court Cases</b>
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



<b>Offence Type</b>	<b>Act</b>	<b>Stat Req</b>	<b>Number of incidents or cases reported to PCC</b>	<b>Percentage of hours spent on offences type</b>	<b>% on office based casework</b>	<b>% of hours on site.</b>	<b>Carried Out on behalf of.</b>	<b>Warnings or Advice (Verbal or Written)</b>	<b>Formal Legal Notices served</b>	<b>FPNs given out</b>	<b>Court Cases</b>
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

<b>Offence Type</b>	<b>Act</b>	<b>Stat Req</b>	<b>Number of incidents or cases reported to PCC</b>	<b>Percentage of hours spent on offences type</b>	<b>% on office based casework</b>	<b>% of hours on site.</b>	<b>Carried Out on behalf of.</b>	<b>Warnings or Advice (Verbal or Written)</b>	<b>Formal Legal Notices served</b>	<b>FPNs given out</b>	<b>Court Cases</b>
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)										

<b>Offence Type</b>	<b>Act</b>	<b>Stat Req</b>	<b>Number of incidents or cases reported to PCC</b>	<b>Percentage of hours spent on offences type</b>	<b>% on office based casework</b>	<b>% of hours on site.</b>	<b>Carried Out on behalf of.</b>	<b>Warnings or Advice (Verbal or Written)</b>	<b>Formal Legal Notices served</b>	<b>FPNs given out</b>	<b>Court Cases</b>
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				

<b>Offence Type</b>	<b>Act</b>	<b>Stat Req</b>	<b>Number of incidents or cases reported to PCC</b>	<b>Percentage of hours spent on offences type</b>	<b>% on office based casework</b>	<b>% of hours on site.</b>	<b>Carried Out on behalf of.</b>	<b>Warnings or Advice (Verbal or Written)</b>	<b>Formal Legal Notices served</b>	<b>FPNs given out</b>	<b>Court Cases</b>
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	<b>Not currently in force in Portsmouth and would require a change to the current control order</b>	£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	<b>No FPN reported for prosecution only</b>	
Aggressive Dog issues or without name tags	Dangerous Dogs Act 1991 and Control of dogs order 1992	<b>No FPN reported for prosecution only</b>	
Dog issues on private land.	1871 DOG ACT	<b>No FPN reported for prosecution only</b>	
Exposing Vehicles for sale on the road	Sec 3-6 Clean Neighbourhoods & Environment Act 2005	<b>Enforcement under taken by parking only and no FPN currently authorised for PCC to</b>	£2500

		<b>use for this offence (£100)</b>	
Repairing vehicles on the road	Sec 4-6s Clean Neighbourhoods & Environment Act 2005	<b>Enforcement under taken by parking and no FPN currently authorised for this offence (£100)</b>	£2500
Fly Posting or affixing things on highways structures	Sec132 The Highways Act 1980	<b>No FPN available for this offence must be reported for prosecution only</b>	
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	<b>No FPN available for any Highways Act 1980 offences but they must be reported for prosecution only</b>	
Obstructions of the Highway	Sec's 137, 143, 148, 149, 161,162 Highways Act 1980	<b>No FPN available for this offence must be reported for prosecution only</b>	
Fly Tipping	S33 (EPA 1990)	<b>No FPN available for this offence must be reported for prosecution only</b>	
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	<b>No FPN available for this offence</b>	

		<b>must be reported for prosecution only</b>	
Fly Posting (Private Land issues)	S224/225 Town & Country Planning Act 1990	<b>No FPN available for this offence must be reported for prosecution only</b>	
Fly Posting (Highways)	Highways Act 1980 s132	<b>No FPN available for this offence must be reported for prosecution only</b>	
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	<b>No FPN available for this offence must be reported for prosecution only</b>	
Prevention of Pests/vermin	Prevention of damage by pests act 1949	<b>No FPN available for this offence must be reported for prosecution only</b>	
Removal of waste from jointly owned private land	Sec 78 Public Health Act 1936	<b>No FPN available for this offence must be reported for prosecution only</b>	
Sealing up of Dangerous Building/Land	Sec 29 Local Government (Miscellaneous Provisions) ACT 1982	<b>No FPN available for this offence must be reported for prosecution only</b>	
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)	<b>No FPN available for this offence must be reported for prosecution only</b>	
Vehicles being used for advertising	2007 Regulations regarding vehicles being used for advertising	<b>No FPN available for this offence must be reported for prosecution only</b>	
People living in vehicles on the highway overnight	Sec 77 of the Criminal Justice and Public Order Act 1994	<b>No FPN available for this offence must be reported for prosecution only</b>	





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# Agenda Item 7

Agenda item:

7

**Title of meeting:** Cabinet Decision Meeting  
**Date of meeting:** Thursday 26<sup>th</sup> June 2014  
**Subject:** Public Toilet Review  
**Report by:** Head of Transport & Environment  
**Wards affected:** Hilsea, Drayton-Farlington, Paulsgrove, St. Thomas  
**Key decision:** Yes  
**Full Council decision:** No

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## 1. Purpose of report

- 1.1. Following previously agreed closures of a number of public toilets this report considers options for the reprovision of public toilets at four sites across Portsmouth.

## 2. Recommendations

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

## 3. Background

- 3.1. At the council meeting on 11<sup>th</sup> December 2012, councillors agreed a full year reduction of £200,000 from the £539,000 budget for the provision of public toilets.
- 3.2. After public consultation, the following recommendations were accepted by Cabinet on 4 March 2013 to meet the required savings;
  - Permanently close 11 of the 25 public toilets and the Southsea Kiosk facility

- Retain Eastney Esplanade toilets for an additional 2-3 years until suitable alternatives are available in the area
- Charge 20p per use at Clarence Pier
- Corporate Assets take responsibility for the sale/lease/demolition of former toilet sites to obtain maximum value for the council
- Bring the cleaning and maintenance contract in-house to be delivered by the council's Green & Clean team
- To explore the implementation of a community toilet scheme

#### 4. Closures

4.1. As recommended in the March report, the responsibility for all closed facilities has been transferred to the Council's Corporate Assets team for disposal/sale/lease to obtain maximum value for the council.

4.2. The table below provides a current update on the status of each facility approved for closure.

Closed site	Date closed	Future use and current status
Castle Field	1 <sup>st</sup> Nov 2013	Lease completed to a bike hire/accessory operator.
Hilsea Lido	3 June 2013	Identified for use by Housing for staff rest areas.
Marsden Road		
Highland Road	2 Sept 2013	Demolished. Bidder for two houses has just withdrawn. A scheme for a single detached house has been prepared by Corporate Assets and agreed with Planning. Plot needs to be remarketed.
Bransbury Park	2 Sept 2013	Demolished and reinstated as park land.
Milton Park	2 Sept 2013	Demolished and reinstated as park land.
Clarkes Road	1 <sup>st</sup> Nov 2013	Successful bidder has yet to gain planning approval for nursery/flat scheme. A draft freehold transfer has been prepared.
College Park	1 <sup>st</sup> Nov 2013	Freehold transfer completed for a dog parlour.
Lower Drayton Lane	1 <sup>st</sup> Nov 2013	Site has been remarketed. Subject to contract discussion on-going with one party with a view to providing a publically accessible toilet as part of the development.

Paradise Street	1 <sup>st</sup> Nov 2013	Planning application submitted for a café. Due to be determined shortly. Lease has been agreed and is ready for completion once planning approval has been granted.
South Parade Kiosk	1 <sup>st</sup> Nov 2013	Agreement for Lease completed with adjoining unit for a café (capital works on fit out almost complete).
White Hart Road	Jan 2014	Terms have been agreed with the prospective tenant for commercial storage but agreement has not yet been concluded.

- 4.3. As well as making revenue savings to the public conveniences budget through closure, it should be noted that the lease of former toilet sites will bring additional annual revenue to the council.

## 5. Facility Review

- 5.1 In accordance with guidance from Members options to reprovide a public toilet service has been considered at four sites; Hilsea Lido, Marsden Road, Lower Drayton Lane and White Hart Road.
- 5.2 A map showing the location of the existing public toilets including those included within the Community Toilet Scheme and those being considered for reopening is included in Appendix 1.
- 5.3 Options for partial reopening of a number of toilets have been considered.
- 1 - Provision of a unisex cubicle at Hilsea Lido
  - 2 - Provision of a unisex cubicle at Marsden Road
  - 3 - Provision of a unisex cubicle at White Hart Road
  - 4 - Provision of a unisex cubicle at Lower Drayton Lane
- 5.4 Following concern that during the summer between 6.00pm and 9.00 pm there is no public toilet provision at the D-day car park it is proposed that these toilets remain open until this time.
- 5.5 With the opening of the toilets identified in 5.3 and following difficulty in signing up additional members to the Community Toilet Scheme in the areas where these facilities are located, this will address a shortfall in provision in the north of the City. On this basis it is proposed that the numbers of facilities in the Community Toilet Scheme is now sufficient and that no new facilities be signed up and that the existing number of members in the scheme is maintained.

## **6. Proposal Details**

- 6.1 Information about each facility being considered for reopening together with site plans is included in Appendix 2.
- 6.2 Option 1, provision of a unisex cubicle at Hilsea Lido using the existing disabled cubicle. Previously this site was open twenty four hours a day but due to previous issues associated with antisocial behaviour it is proposed that this site reopens between 7.45 am - 7.00 pm as the main use will be associated with recreational use of the surrounding area. It is proposed that an additional unisex cubicle will be provided adjacent to the new unisex cubicle after the busy summer season with the remaining area being used as a rest area for Green and Clean staff.
- 6.3 Option 2, provision of unisex toilet at Marsden Road using the existing disabled cubicle. Previously this site was open twenty four hours a day but due to previous issues associated with antisocial behaviour it is proposed that this site reopens between 7.45 am - 5.00 pm as the main use will coincide with shop opening hours. The remaining part of the building will either be used as a rest area for Green and Clean staff or remarketed for alternative use.
- 6.4 Option 3, provision of a unisex toilet at White Hart Road using the existing disabled cubicle. Discussions have taken place with the prospective tenant who would not wish to proceed with the proposed lease if the disabled toilet was retained for public use as it would impact on their proposals for the site. It could be possible to reconfigure the site to provide an alternative for providing a unisex cubicle but this would require additional capital cost. Officers are to review options to include the provision of the existing disabled cubicle which will be retained for general public use. Previously this site was open twenty four hours a day it is proposed that this site will reopen between 6.00 am - 9.00 pm to be in line with other local public toilet provision.
- 6.5 Option 4, unisex toilet at Lower Drayton Lane - Following a tender exercise officers are reviewing proposals to consider alternative options for use of the site but to include a publically accessible unisex toilet cubicle. The outcome of this review will be fed back to members in due course together with associated costs.

## **7. Budget / Operational Implications**

- 7.1 The on-going revenue costs together with one off costs for providing a unisex cubicle at Hilsea Lido, Marsden Road and White Hart Road are included in Appendix 3.
- 7.2 There are no additional costs for extending the summer opening hours at the D-Day car park toilets until 9pm.
- 7.3 It should be noted that at peak times, particularly at Hilsea Lido, by providing only one cubicle queues could develop which will impact on the ability to service the toilet and consequently have an adverse impact on service provision. The provision of an additional cubicle at Hilsea Lido by next summer will assist in addressing this.

- 7.4 The unisex toilets at Hilsea Lido, Marsden Road and White Hart Road can be opened by Monday 23<sup>rd</sup> June as only minor works are required to the existing disabled cubicles.
- 7.5 Consideration has been given for the likelihood of obtaining revenue associated with advertising at all the public toilet sites. A number of companies have been approached, the indication to date is that there is little value in this.

## **8. Equality Impact Assessment (EIA)**

- 8.1. A full impact assessment was undertaken as part of the 4<sup>th</sup> March 2013 Cabinet report.
- 8.2. The existing disabled toilet cubicles at Marsden Road, Hilsea Lido and White Hart Road need minor works to make them more accessible which have been included in the associated reopening costs. Once reopened a full access audit would be undertaken of each toilet which could result in additional works being required.
- 8.3. There is currently no disabled toilet at Lower Drayton Lane.

## **9. Legal implications**

- 9.1. The appropriation of the Hilsea Lido toilets to the Housing Service (HRA) has not yet taken place. The basis of the appropriation was conversion to a facility to be used by Green and Clean. On the basis that the facility will be used as a staff area for the Green and Clean team the appropriation of this facility will proceed.
- 9.2. Marsden Road has previously been appropriated to HRA and adjoins other facilities that benefit Local Authority tenants in the main and can, therefore, remain in HRA.

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

- 10.1. The additional costs associated with the provision of a toilet cubicle at White Hart Road as detailed in this report will be met within existing Transport and Environment revenue budgets. There are no additional costs associated with extending the existing summer opening hours at the D-Day car park toilets.
- 10.2. The toilet facilities at Marsden Road and Hilsea Lido will be held and operated by the Housing Revenue Account (HRA), as the majority of each site will be dedicated to providing rest areas for the HRA's Green and Clean service. As a result, the costs associated with operating these toilet cubicles together with the provision of an additional toilet cubicle at Hilsea Lido as detailed in this report, will also be met from existing HRA budgets.
- 10.3. Once known the costs associated with providing a unisex cubicle at Lower Drayton Lane will be presented to Members. It should be noted that there is currently no budget cover for this additional facility.

.....  
Signed by:



**Appendices:**

- Appendix 1 Map of Current Toilet Provision
- Appendix 2 Facility Information & Plans
- Appendix 3 Budget Costs

**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
Public toilet provision. Cabinet decision meeting 4 <sup>th</sup> March 2013.	Online

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:


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<b>Name</b>	<b>Marsden Road</b>	
Primary Customers	Shopping Area	
Secondary Customers	Night Time Economy	
Opening Hours (prev24hr)	Proposed: 0745 - 1700	
Location	Paulsgrove	
Asset Number	A2045	
		
Disabled Access	Yes	
Baby Change	No	
Usage 2012/13	38510	
Cleans per day	2	
Local alternatives	Paulsgrove Community Centre (not w/ends)	
<b>PROJECTED COSTS</b>		<b>TOTAL : £10920</b>
	Of which - CLEANING	£7445
	MAINTENANCE/VANDALISM	£700
	BUSINESS RATES	£830
	WATER	£1011
	ELECTRICITY	£779
	OTHER (Wallgate servicing, sanitary bin provision)	£155

<b>Name</b>	<b>Hilsea Lido</b>
Primary Customers	Recreation
Secondary Customers	Transport infrastructure
Opening Hours: ( prev 24 hr)	Proposed 0745 - 1900
Location	Bus Terminus, Hilsea
Asset Number	A1954



Disabled Access		Yes
Baby Change		No
Usage 2012/13		56800
Cleans per day		2 + 1
Local alternatives		None
<b>PROJECTED COSTS</b>		<b>TOTAL : £13558</b>
Of which - CLEANING		£8769
MAINTENANCE/VANDALISM		£700
BUSINESS RATES		£2303
WATER		£1043
ELECTRICITY		£478
OTHER (Wallgate servicing, sanitary bin provision)		£265

<b>Name</b>	<b>Lower Drayton Lane</b>
Primary Customers	Shopping Area
Secondary Customers	Local
Opening Hours	0730- 1700
Location	Drayton
Asset Number	A2037



Disabled Access	No
Baby Change	No
Usage 2012/13	45235
Cleans per day	2
Local alternatives	None



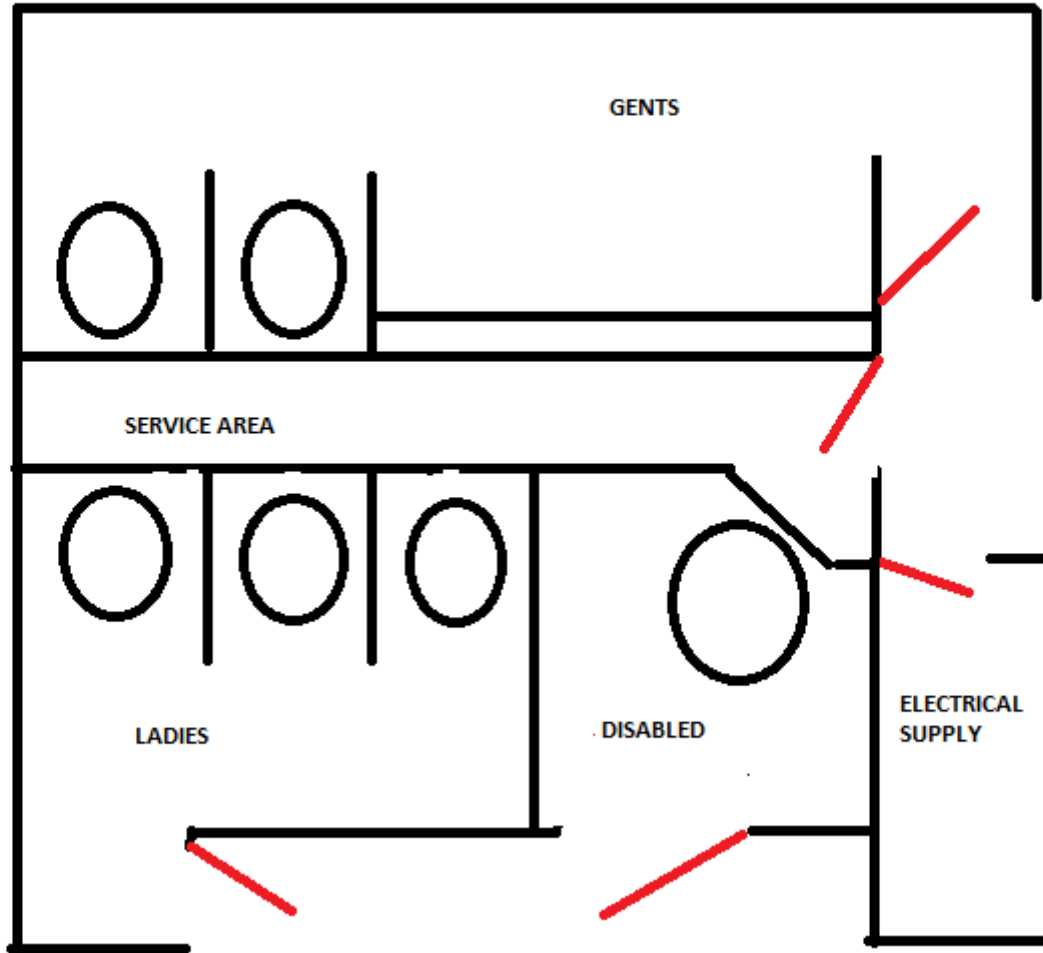
<b>Name</b>	<b>White Hart Road</b>
Primary Customers	Tourist
Secondary Customers	Night Time Economy
Opening Hours (prev 24 hour)	Proposed 0600 - 2100
Location	Old Portsmouth
Asset Number	A2284



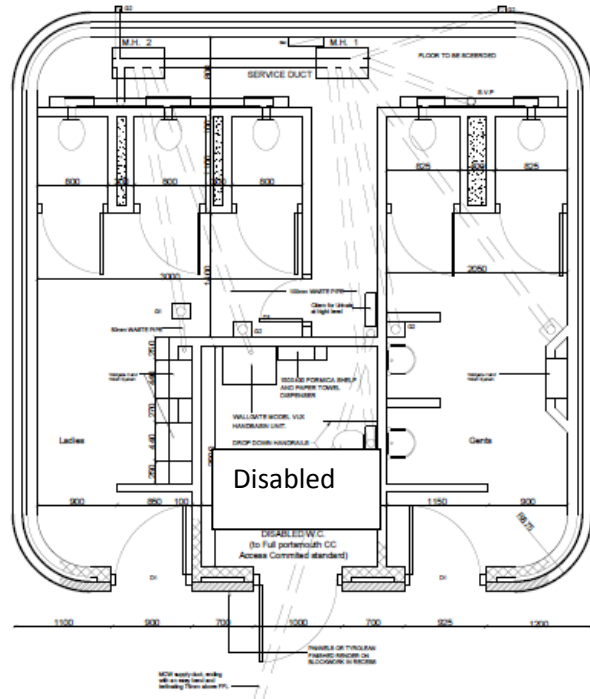
Disabled Access	Yes
Baby Change	No
Usage	61000
Cleans per day	2
Local alternatives	Point Battery PC, Wightlink
<b>PROJECTED COSTS - UNISEX CUBICLE ONLY</b>	<b>TOTAL : £8955</b>
Of which - CLEANING	£7136
MAINTENANCE/VANDALISM	£340
BUSINESS RATES	£755
WATER	£299
ELECTRICITY	£214
OTHER (Wallgate servicing, sanitary bin provision)	£211



White Hart Road



Hilsea Lido



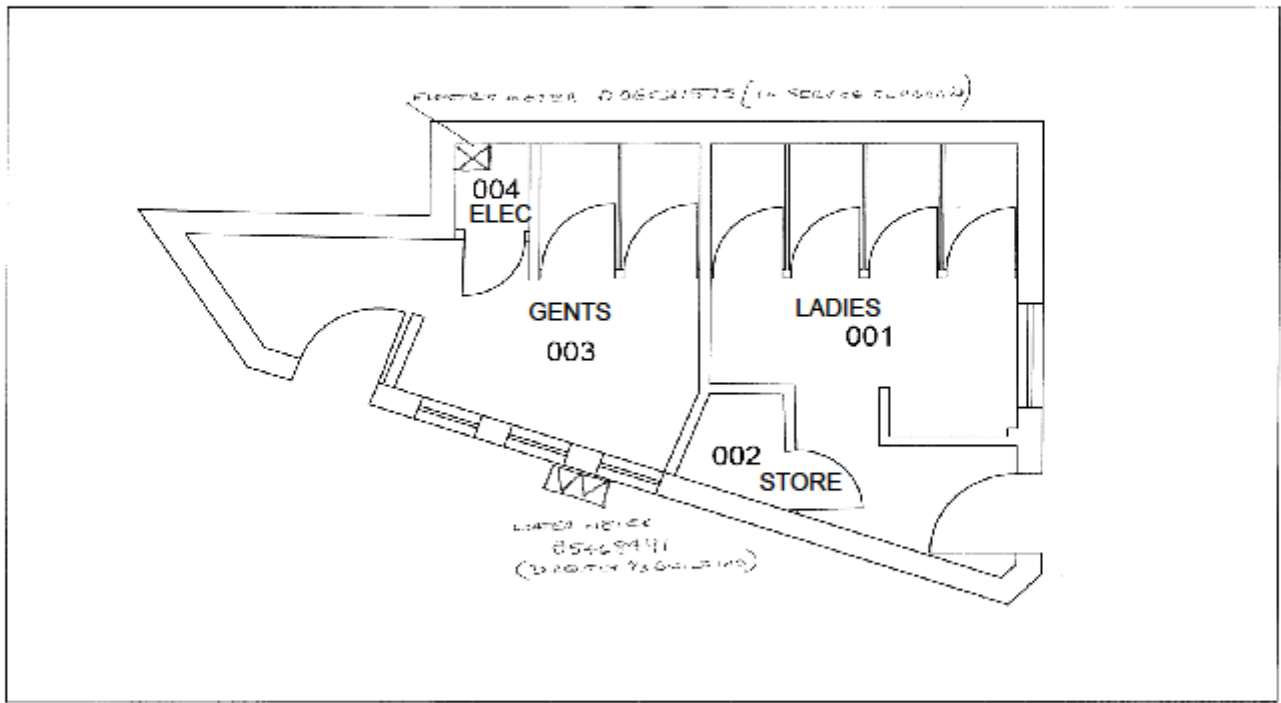
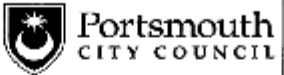
Rev	Date	Revision Details (Amended by)	Approved by
Project <b>Green &amp; Clean Team New Welfare Facilities Hilsea</b>			
Drawing Title <b>Plan as Existing</b>			
Date	08-04-2014	Scale	1:50
<b>Portsmouth</b> CITY COUNCIL Owen Buckwell Head of Service			
DEPARTMENTAL SECTION Leisure and Grounds Service - Jo Bennett, Head of Department			
Design/Drawn by	TJ	Drawn by	TJ
Checked by	MRH		
Drawing No	<b>D2</b>		Revision
SURVEY	DESIGN	WORKING DRAWING	*
FEASIBILITY	TENDER	AS-BUILT	
INFORMATION	CONTRACT	A/L	

Lower Drayton Lane

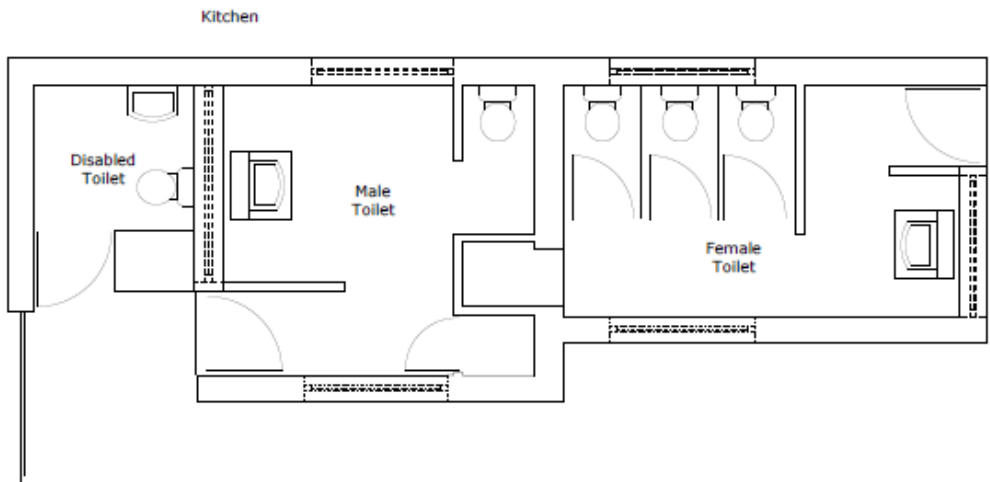
Client	Portsmouth City Council	
Site Address	A2097 Lower Drayton Lane public works area	Building: Main Building
FCL Survey Reference	N/A	
Date of Survey/Inspection	13th January 2012	
Surveyor	FDT	

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N/A or 0000



Marsden Road



GROUND FLOOR PLAN

No. 1000 1000 1000 1000		1000	
1000			
Marsden Road Toilets			
Existing Plans			
Date: 30-01-2014		Scale: 1:50	
ENGINEERING AND PROPERTY SERVICES			
Portsmouth City Council			
DEPT. OF ENVIRONMENTAL SERVICES			
Drawing by: CS, Date: CS, Check by:			
Project:			
NRT/CS/1			
1000	1000	1000	1000
1000	1000	1000	1000
1000	1000	1000	1000

	Hilsea Lido Unisex Cubicle	Marsden Road Unisex Cubicle	White Hart Road Unisex Cubicle
Cleaning	8769	7455	7136
Maintenance / Vandalism	700	700	340
Business Rates	2303	830	755
Water	1043	1011	299
Electricity	478	779	214
Other - Wallgate	110	0	110
Sanitary provision	155	155	101
<b>Total</b>	<b>13558</b>	<b>10920</b>	<b>8955</b>
<b>One Off Costs</b>			
<b>Reinstatement Costs</b>	385	335	535

Note: Cleaning and maintenance costs for White Hart Road covered by Transport and Environment

Note: Cleaning and maintenance costs for Hilsea and Marsden covered by HRA

Note: NNDR values subject to confirmation regarding part use of building for unisex cubicles

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# Agenda Item 8

Agenda item:

8

**Decision maker:** Cabinet, 26<sup>th</sup> June 2014

**Subject:** The Camber - East Street and Broad Street, Old Portsmouth

**Report by:** Alan Cufley, Head of Corporate Assets, Business & Standards

**Wards affected:** St Thomas

**Key decision (over £250k):** Yes

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## 1. Purpose of report:

- 1.1 The report is to advise the Cabinet of the opportunity to enter into a new lease on the Camber site (East Street) with Ben Ainslie Racing Ltd (BAR), allowing development of the site as a team base from which to launch a bid to contest the America's Cup; and to request authority to enter into the necessary legal and financial agreements with the proposed tenant, BAR.

## 2. Recommendations:

- 2.1 It is recommended that the Cabinet resolves to:
- (a) 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
- (b) authorise the City Solicitor and Head of Corporate Assets, Business & Standards be authorised to complete all legal documentation in order to give effect to the above recommendation.

## 3. Background:

- 3.1 The City Council (PCC) is the freehold owner of the Camber site. As reported to the Corporate Projects Board on 30<sup>th</sup> April, early in 2014 Ben Ainslie Racing Ltd (BAR) approached PCC with a view to locating a team base on the site in order to develop and build a boat for the next Americas Cup challenge in 2017; and if successful to host the subsequent race in the UK based in Portsmouth. The team have been clear that the Camber is the preferred location for the BAR project and investment; their business plan indicates positive economic development benefits, including approximately 100 permanent jobs in the city, including in the maritime and technology sector, many more fixed-term jobs, together with supply chain benefit, and a significant boost to the regional economy through visitor spend. The project promotes sub-regional economic development objectives as set out by the Solent Local Enterprise Partnership (SLEP), and is specifically referenced in the Maritime Supplement

commissioned by Government and produced for the SLEP by Rear Admiral Rob Stevens CB (retired). However, to achieve the challenging timescales for the project, building on site must commence June 2014. BAR have submitted an application to the Department of Business, Innovation and Skills (BIS) for exceptional Regional Growth Funding (eRGF) to support the scheme, and submitted a planning application to the city council as the Planning Authority.

- 3.2 To facilitate the scheme as the landowner, and in recognition of the significant property and non-property benefits of the scheme to PCC, PCC have taken the necessary steps, including incurring some expenditure at risk, to ensure that vacant possession of the site immediately following granting of planning consent was a possibility. These items were reported to the Planning, Regeneration and Economic Development portfolio on 13<sup>th</sup> June 2014.
- 3.3 Planning consent was granted on 18th June, and therefore Cabinet approval is now requested to enter into a new lease with BAR, with terms including:
- a term of 25 years for use as a boat building facility
  - a rent free period whilst the property is used for the purpose of contesting the America's Cup
  - in the event that the America's Cup ambition ceases then the rent free period will stop and open market rent will become payable with immediate effect, and subject to 5 yearly reviews
  - Alternative use will be discussed should the America's Cup ambition cease
  - BAR will build a new purpose built building and use all reasonable endeavours to nominate Portsmouth as the host city for any event for which it is entitled to choose the location as a result of sponsors or victors rights provided such is commercially, practically and economically viable.
  - The built out headquarters/research unit, to revert to PCC at no cost on the termination of the lease.
- 3.4 The potential social, economic and environmental benefits to the city are considerable, and impact both directly and indirectly on the property benefits to PCC as landlord. Additional business rates will be generated from the site. Furthermore, the development will support jobs and skills development in the Camber area which are in keeping with the nature of the site, and it is anticipated that further jobs would be created in the local supply chain, and possibly through companies establishing themselves in the area to support the team. The 32nd America's Cup held in Valencia resulted in all the teams relocating to the City for 4 years attracting a number of suppliers and technical companies who relocated bringing significant investment and revenue to the region. Whilst it is difficult to accurately estimate the impact from increased supply chain demand resulting from BAR, Team New Zealand economic impact study estimates the team's presence sustained employment equivalent to approximately 1,230 workers for one year. Hosting two AC World series events and hosting the America's Cup could lead to creation of 10yr average of 900 jobs. Reports from San Francisco America's Cup Organizing Committee, show the equivalent of 1,715 one-year jobs created in San Francisco. When broader economic impacts are included, new employment totalled 2,863.



- 3.5 There is also the possibility of the city hosting events related to the team bid, including an America's Cup event itself, as the location of the team headquarters is only one element of the total project being undertaken by BAR. As the home city of a contender for the America's Cup and a participant in the America's Cup World Series prior to the Cup in 2017, Portsmouth could potentially host two America's Cup World Series events. In September 2011, Plymouth hosted an America's Cup World Series event in Plymouth Sound. An independent study conducted by Social, Economic and Market Research at Plymouth University said about 140,250 visitors watched the carbon fibre catamarans race around Plymouth Sound, bringing in £9.1m for Plymouth's economy. The independent report said visitors spent £4.1m, the economic impact from increased business among hotels and local suppliers was £1.6m and media coverage was worth £4.2m.
- 3.6 The stated intention is for the BAR team to compete, and win the America's Cup, and this would give Portsmouth the opportunity to become the host city for the event. This has been achieved in one four year Cup cycle by the Alinghi team. The winning team gets to host the competition from a home port. Previous home cities have reaped spectacular benefit, for example:
- The 32nd America's Cup in Valencia, 2004-2007 brought a total Euro2.8bn of economic benefit to Valencia and the surrounding regions. This created a 1% positive impact on GDP and employment figures with 73,859 jobs being created during the 4 years. The £60m America's Cup Management profit was split between the participating teams. It was estimated a total of \$76m total visitor spend during America's Cup Match, the seven-race final between the Defender and Challenger.
  - The economic impact of the 34th America's Cup in San Francisco has recently been assessed by the Bay Area Council Institute and Beacon Economics. The report found that the increase in overall economic activity in San Francisco was of the order of \$550m, with over 3800 jobs created. Venues across the bay waterfront attracted over a million visitors.
  - More benefits after winning the Cup were highlighted in reports on Economic Impact of San Francisco. The report states:
    - The 34th America's Cup (AC34) generated between \$364.4 million and \$550.8 million in economic activity in the City of San Francisco.
    - The event and related activities supported the equivalent of thousands of new jobs in San Francisco.
    - The event directly generated the equivalent of 1,715 one-year jobs in San Francisco - including the cruise terminal, 2,300 one-year jobs were added.
    - When broader economic impacts are included, new employment totalled 2,863, and 3,858 with the terminal.
- 3.7 Portsmouth already benefits from an estimated £3m economic impact from events such as the Great South Run. The impact of the America's Cup will be significantly larger and for a longer period.

## 4. Options

- 4.1 In order to help facilitate the BAR scheme, the PCC as landowner has negotiated the early surrender of their leases with the existing tenants to achieve a vacant site, in anticipation of a successful bid for funding for the scheme and granting of planning consent for the BAR building. However, this did not presuppose that planning consent would be granted and represented an element of landowner risk to PCC, taken with a view to the potential direct and indirect economic benefits.
- 4.2 The long-term benefits of the scheme to the city and the region, and the increased land value which the scheme will have on the Camber site are compelling. Were the lease denied, the benefits to the city would be almost wholly lost, and with BAR leaving for an alternative, less preferred, site in Southampton or even overseas.
- 4.3 The alternative option would be for the City Council to consider the future of the vacant site for an alternative use. Previous work has identified that the site is potentially challenging to bring to market as a residential or retail scheme: the established and historic use of the site is industrial and dockland. Land currently being marketed for development at the Point has not, to the knowledge of officers, secured interest at a sufficient price, underlining the challenging nature of the site.
- 4.4 It is also notable that there is outstanding litigation relating to the site, which, while not putting the BAR scheme at risk, has reduced the marketability of the site.
- 4.5 The City Council's Registered Valuer has undertaken a valuation for the purposes of section 128(1) of the Local Government Act 1972 and General Disposal Consent 2003, in accordance with the RICS Appraisal and Valuation Standards 7<sup>th</sup> Edition (the Red Book) guidance note UKGN 5 Local Authority disposal of land for less than best consideration. It is the opinion of the Council's Registered Valuer that the proposed transaction meets the objectives as set out in the General Consent Order for:
- (i) the promotion or improvement of economic well being
  - (ii) the promotion or improvement of social well being
  - (iii) the promotion or improvement of environmental well being
- 4.6 Where an undervalue exists on the analysis set out within the technical guidance to the General Consent Order, it does not exceed the prescribed amount in the General Consent Order.
- 4.7 Given the property and non-property benefits to the Council as landlord of the site, co-located sites, the transaction, for the Council, results in a net benefit.

## **5. Reasons for recommendations**

- 5.1 The scheme improves the value of PCC's land, and will provide at the end of the term, a technology/industrial unit, together with a range of non-property benefits which promote the social, economic, and environmental wellbeing of the PCC area, and an increase in business rate receipts.
- 5.2 There are great growth benefits for Portsmouth providing the home to the BAR team. The scheme will bring the city 100 direct jobs, as well as indirect employment in construction, events management, the visitor economy and the supply chain. It will directly support jobs & development in the Camber area, retaining its use as a commercial dock focusing on marine and maritime industries. The scheme is in direct support of sub-regional economic development objectives and has the potential to enhance the reputation of the city on a global stage.

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

- 6.1 The decision has been screened for impact on groups with protected characteristics, as that term is defined under the Equalities Act 2010, and no adverse impact requiring mitigation measures has been indicated.
- 6.2 The Equalities Act 2010 imposes a duty on the Council to have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
  - The protected characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 6.3 In order to have due regard, the decision-maker should consider in making this decision whether the proposals disadvantage people with particular protected characteristics or discourages their participation in activities, and to consider how their needs may be met. Where a decision may result in disadvantages, it is important to consider how that disadvantage may be mitigated. However, in this instance, as the purpose of the loan is to promote circumstances in which the a publically accessible means of sporting engagement and entertainment can be secured, and noting the duty upon the Club to itself comply with duties around accessibility and open access to those with protected characteristics, it is considered that the decision will result in a fostering of good relations, and an

advancement of equality of opportunity between groups sharing protected characteristics.

## **7. City Solicitor comments**

7.1 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 then the consent of the Secretary of State will be required.

7.2 However, under a general consent order issued by the Secretary of State, consent to the disposal is not required where the Local Authority considered that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any person resident or present in its area:

- (i) the promotion or improvement of economic well being
- (ii) the promotion or improvement of social well being
- (iii) the promotion or improvement of environmental well being

7.3 The objects listed above are met, as described in paragraph 3.6 to this report. However, disposal at less than best consideration is subject to the condition that there is no undervalue, or that where any undervalue exists, it does not exceed £2,000,000 (two million pounds). The undervalue is the difference between the unrestricted value of the interest to be disposed of and the consideration accepted.

7.4 In this instance, the result is an undervalue of less than £2m, or no undervalue. It is also important to consider the implications of Articles 107, and 108 of the Treaty on the Functioning of the European Union which prohibits *aid given by a member state or through state resources* (such as by local authorities) *in any form whatsoever*.

7.5 The transaction complies with the market economy investor principle by which, where PCC act in a way to promote economic benefit directly to them in the same manner as any market economy investor, then the transaction does not impugn the rules on state aid. Here, the property and non-property benefits (including the betterment to the site, the right to a market rent where the entitlement to the built out unit at no cost on a reversion of the site, and the cumulative benefit to the local authority area) are found, in the Commercial Valuation report, to represent a sound commercial deal for PCC.

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

8.1 The proposed lease terms state that BAR will not be required to pay a rent while the site is being used to compete in the Americas Cup. This will result in a net reduction in rental income from the Camber site, however the Property Portfolio will manage any loss within its existing cash limit.

- 8.2 As stated within the report, in the event that the America's Cup ambition ceases then the rent free period will stop and open market rent for surfaced industrial land will become payable with immediate effect, resulting in an increase in rental income from the site overall, compared to the status quo.
- 8.3 It should be noted that any structure built by BAR on the site will return to PCC ownership upon lease expiry for future commercial/development use. Should BAR choose not to develop on this site, alternative uses delivering best value will be considered.

.....  
 Signed by: Alan Cufley, Head of Corporate Assets, Business & 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
Not applicable	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by the Cabinet on 26<sup>th</sup> June 2014

.....  
 Signed by Cllr Donna Jones, Leader of the Council

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