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# NOTICE OF MEETING

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## **CABINET MEMBER FOR PLANNING, REGENERATION & ECONOMIC DEVELOPMENT**

**WEDNESDAY, 19 OCTOBER 2016 AT 9.30 AM**

### **CONFERENCE ROOM A - CIVIC OFFICES**

Telephone enquiries to Vicki Plytas 02392 834058

Email: [vicki.plytas@portsmouthcc.gov.uk](mailto:vicki.plytas@portsmouthcc.gov.uk)

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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### **CABINET MEMBER FOR PLANNING, REGENERATION & ECONOMIC DEVELOPMENT Decision maker -**

Councillor Donna Jones (Conservative) Leader of the Council with responsibilities for PRED

### **Group Spokespersons**

Councillor Yahiya Chowdhury, Labour

Councillor Ben Dowling, Liberal Democrat

Councillor Colin Galloway, UK Independence Party

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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 recommendation/s). Email requests are accepted.**

### **A G E N D A**

- 1        Declarations of Members' Interests**
- 2        Apologies for Absence**
- 3        Forward Plan Omission**

The decision relating to the report from the Port Manager, International Port entitled " Portsmouth International Port - Brittany Ferries Agreement" is a Key Decision for the purposes of the Forward Plan as defined in Article 13 of the Constitution but was not included in the Forward Plan for the period from 14 September to 31 December 2016 and is therefore an omission from the Forward Plan and also an omission of explanation of exempt information.

Article 13 defines a Key decision as an Executive decision which is likely to: result in the Council incurring expenditure or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates, or be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the city's administrative area.

The Chair of the City Council's Scrutiny Management Panel has been notified that the decision is being made, in accordance with the City Council's Constitution (Access to Information Procedure Rules, Rule 15).

The reason why urgent action has to be taken in connection with this proposal is that a key member of staff will be shortly leaving the council's employment and that it is important to conclude the commercial agreement forthwith.

As the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan, this decision will not be subject to call-in.

#### **4 Exclusion of Press and Public**

(NB Please note that appendices 1 and 2 of this report are Exempt and if Members wish to refer to them, there is provision to do so following the exclusion of the press and public)

**That in view of the contents of the following item on the agenda the Leader of the Council with responsibilities for PRED is RECOMMENDED to adopt the following motion:**

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

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

**(NB The exempt/confidential committee papers on the agenda will contain information which is commercially, legally or personally**

sensitive and should not be divulged to third parties. Members are reminded of standing order restrictions on the disclosure of exempt information and are invited to return their exempt documentation to the Senior Local Democracy Officer at the conclusion of the meeting for shredding.)

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

Item	Exemption Para No.*
5	3
*Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
5	Portsmouth International Port - Brittany Ferries Agreement (Pages 1 - 4)

The purpose of the report is to seek approval for a new agreement with Brittany Ferries.

**RECOMMENDED that:**

- (1) The draft Heads of Agreement with Brittany Ferries (Exempt Appendix 1) is approved.
- (2) Delegated authority be given to the Port Manager, Director of Finance, and City Solicitor to agree final terms and enter into the agreement.

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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# Agenda Item 5



Portsmouth  
CITY COUNCIL

**Title of meeting:** PRED

**Date of meeting:** 19 October 2016

**Subject:** Portsmouth International Port - Brittany Ferries Agreement

**Report by:** Martin Putman – Port Manager

**Wards affected:** Nelson

**Key decision:** Yes

**Full Council decision:** No

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## 1. Purpose of report

To seek approval for a new agreement with Brittany Ferries.

## 2. Recommendations

That:

- a) The draft Heads of Agreement with Brittany Ferries (Exempt Appendix 1) is approved.
- b) Delegated authority be given to the Port Manager, Director of Finance, and City Solicitor to agree final terms and enter into the agreement.

## 3. Background

Brittany Ferries has operated cross-channel ferries services from Portsmouth International Port since 1976. The current agreement between Portsmouth City Council and Brittany Ferries dates back to the early 1990s when substantial alterations were made to the port for the arrival of the ferry 'Normandie'. The agreement has been extended, by mutual agreement, since 2008.

The current agreement contains several elements:

1. A priority slot time allocation to Brittany Ferries for No. 4 Berth at the ferry port.
2. Dedicated parking areas for unaccompanied trailers, subject to management by Brittany Ferries.
3. A minimum guaranteed annual payment of dues to the Council.
4. Provision for charges and increase of charges by the Council.

The new agreement is based on these principles with an updating of definitions and the schedules. An additional Schedule (No.4 in the draft attached) has been added to outline the capital investment programme and port redevelopment, that are expected for the port. The new agreement is for a period of 10 years, but with the possibility of being extended.

#### **4. Reasons for recommendations**

Brittany Ferries is the largest customer of the port and wish to have certainty of their ability to berth their vessels. The Council wishes to receive a guarantee on some of their income at the port. The draft agreement is therefore beneficial to both parties.

The details of the proposed agreement is set out in the draft Heads of Agreement, and is considered to represent a commercially sound proposal for the Council.

#### **5. Equality impact assessment**

5.1 While the decision-maker has a duty in all decisions to have regard to the public sector equality duty (set out below), no specific impact from this proposal is anticipated.

5.2 The public sector equality duty requires a decision-maker to have regard to the Public Sector Equality Duty:

The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.

The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.

#### **6. Legal implications**

There are no significant legal implications. The proposal is within the ambit of the powers of the PRED portfolio holder.

#### **7. Director of Finance's comments**

7.1 Financial modelling has been undertaken to quantify the financial impact of new agreement options. A summary of the financial appraisal is set out in Exempt Appendix 2.

7.2 The financial appraisal shows that, in net present value terms, the best option for the council to pursue is the recommended option. The new agreement will result in the port receiving increased income from Brittany Ferries compared to the current agreement, which will increase the cash limited surplus generated by the Port.

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Signed by:

**Appendices:**

Exempt Appendix 1 – Heads of Agreement  
Exempt Appendix 2 – Financial Appraisal

**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:

<b>Title of document</b>	<b>Location</b>

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

.....  
Signed by:

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