

CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Thursday, 27 July 2017 at 1.00 pm at the Guildhall, Portsmouth

Present

Councillor Donna Jones (in the Chair)

Councillors Luke Stubbs
Simon Boshier
Jennie Brent
Ryan Brent
Hannah Hockaday
Frank Jonas BEM
Robert New
Linda Symes

31. Apologies for Absence (AI 1)

There were no apologies for absence with all Cabinet members attending, but there were apologies for late arrivals.

32. Declarations of Interests (AI 2)

Councillor Hannah Hockaday declared a pecuniary interest, by virtue of her employment, for the item relating to establishing an energy company and would therefore take no part in that discussion and would leave the room.

33. Eldon Arms - Appeal: decision not to list as an asset of community value (AI 3)

Toby Ayling, Planning Policy Manager, presented the report which was a review of the decision taken by Claire Upton-Brown, Assistant Director of Culture & City Development (who was also present to answer any questions). He outlined the process and the outcome of the review which had concluded that the Eldon Arms did not meet the criteria for being identified as an Asset of Community Value.

DECISION: The Cabinet declined to list the Eldon Arms Pub as an Asset of Community Value.

34. Local Plan Review Process (AI 4)

Deputations were made, which are summarised:

- i) Celia Clark wished to represent anxious residents regarding the designs of sea defences following a presentation made by Walter Menteth at the Cathedral, Old Portsmouth; Ms Clark wanted further consideration of the option of soft engineering to protect the seafront as an important tourist location.

- ii) Mr Halloran, on behalf of Friends of Old Portsmouth (FOOPA), outlined concerns on the options report regarding transport, pollution, flooding and the sea defences - there was only 1 sentence in the draft plan referring to flood defences which they felt was a key issue. They would therefore wish to be involved in the consultation process (along with Walter Menteth) and were concerned that the 'soft option' was being dismissed, and that the hard option of a wall would attract graffiti and steps would have algae which could be dangerous.
- iii) Deniz Beck spoke as a local resident and architect, and also opposed the 'hard option' as a solution. She recommended visiting Katwijk to see the maintenance free sea defences there. Southsea deserved a good solution.
- iv) Councillor Gerald Vernon-Jackson then spoke to raise issues for himself and referred to a written submission by Mr Menteth. He personally wished to query the choice of opportunity areas, the lack of educational provision (especially in Milton where extra homes were planned), hoped that HMS Temeraire would remain open space, and he asked that recommendation (2) of the report would be widened to include other spokespersons. On behalf of Mr Menteth he raised his concerns that the Local Plan address the UN's pillars of sustainability (economic sustainability, social sustainability and environmental protection) and went on to detail his concerns on the current proposals for coastal defences and their impact for future generations, so there was a need to consider all suggestions.

(A written deputation by Ms Hilary Reed had been circulated, which asked for an extension to the consultation period.)

Toby Ayling, Planning Policy Manager, presented the Assistant Director of Culture & City Development's report. He explained the need for an updated plan in response to new evidence on housing and economic development needs as well as changes in national policy. The consultation period was being extended from 6 to 8 weeks due to the school holiday overlap. There would be a series of social media campaigns and exhibitions in the city. A report would come back to members on the results of the consultation and then a final version of the Local Plan would be submitted to reflect the consultation in approximately one year's time. This would include a full Equalities Impact Assessment (EIA) statement. It was confirmed that minor editorial changes would be needed such as to improve the wording on affordable housing, and to update the capacity of the Milton/Langstone sites.

Councillor Donna Jones, as Leader, welcomed this comprehensive piece of work and thanked all those who had made verbal and written deputations. It was a legal requirement to consult and say how the review process would be carried out (as had been reported to her Planning, Regeneration & Economic Development portfolio meeting). The 8 week consultation period would allow

for public workshops to take place around the city before results come back to a later decision meeting. She stressed that the editorial changes would be of a minor nature and would not be material changes. The Local Plan would need to be approved by full Council before going to public inquiry, so there were still many chances for public participation.

Claire Upton-Brown, Assistant Director of Culture & City Development, answered the questions raised by speakers and stressed that the sea defences was a specific project, and that the current Local Plan has a policy for sea defences; the review document did not have details of a specific plans for Southsea. The Leader also stated that a planning application would need to be judged on the current Local Plan.

Councillor Robert New, as Cabinet Member for Environment & Community Safety, reported the good news from DEFRA that Portsmouth would not have to have a Clean Air Quality Management Zone imposed on it. He detailed the history of exploring options for the sea defences for which positive work had been taking place since 2010. There had been well attended open days with the Eastern Coastal Partnership and he thanked the project team for all their hard work. Councillor New wished to stress that there was not a uniform design for the seafront and soft and hard options were being considered to find a pleasing solution.

Councillor Donna Jones explained that some indicative drawings had been prepared for procurement purposes for the appointment of engineering consultants, but that the final design was not pre-determined. There was £5.9m government funding for the appointment of a design company and there was the opportunity for interest groups (such as the University of Portsmouth) to be involved to help find a solution that would protect homes and businesses.

Questions were also asked on other issues such as inclusion of reference to student buildings, which was within the housing options. Claire Upton-Brown also explained that to further extend the consultation period would impact on the timetable leading to public inquiry and that the consultation framework allowed for the involvement of all sectors of the community.

Councillor Stubbs wished to add a third recommendation regarding the Habitats Regulations assessment, which was supported by the Cabinet Members.

Councillor Boshier asked how the consultation would ensure public engagement; it was reported that there would be an advert in the News and press releases as well as use of social media and a series of exhibitions around the city.

DECISIONS The Cabinet:

(1) Approved the Portsmouth Local Plan Issues and Options document for 8 weeks of public consultation and consequential amendments to the Council's published Local Development Scheme.

(2) Delegated authority to the Assistant Director of Culture and City development to modify and make editorial changes to the Local Plan Issues and Options document and supporting documents in consultation with the Leader as Cabinet Member for PRED (if required).

(3) Noted that the list of potential site allocations referenced in figure 1 and Tables 6a and 6b of the Habitats Regulations assessment is indicative only and has not been reviewed by the Cabinet.

35. Exclusion of Press and Public (AI 5)

DECISION 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 report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972 - Appendix 1 only of the report 'Opportunity to establish a Municipal Energy Company'.

36. Opportunity to establish a Municipal Energy Company (AI 6)

The report was discussed in exempt session following the exclusion of the press and public, due to the need to refer to information contained within the confidential appendix 1 of the report.

Councillor Hannah Hockaday withdrew from the meeting due to her earlier declaration of pecuniary interest.

Councillors Gerald Vernon-Jackson and Hugh Mason addressed the Cabinet.

Councillor Donna Jones, as Leader, thanked the officers involved for their report and undertook to ensure that there are regular briefings for key members on the progress of the project.

DECISIONS by the Cabinet:

(1) The Outline Business Case (contained within Exempt Appendix 1) and the operating model contained therein was approved.

(2) Subject to the above resolution (1), delegated authority be given to the Director of Finance & S151 Officer, in conjunction with the Leader of the Council to approve the Final Business Case subject to the milestones and gateways (set out in the Outline Business Case) being successfully achieved with a maximum investment payback period of 4 years, provided that any changes between Outline Business Case and Final Business Case (each of which shall include a Base Case) do not, in the opinion of the Director of Finance and S151 Officer, materially change either the amount of investment required or the level of financial and reputational risk that the Council will be exposed to.

(3) That the investment required from the City Council to support the capital investment and working capital requirements of the Energy Supply Company be funded from the MTRS Reserve.

(4) Delegated authority to the Director of Finance & S151 Officer, in consultation with the Leader of the Council, to conclude the terms of the agreement with the Joint Venture partner (including equity arrangements, security arrangements and exit arrangements); once concluded, authorise the City Solicitor to enter into such company constitutional, and associated and ancillary documents as required.

(5) Subject to the approval of a Final Business Case, authority be delegated to the City Solicitor to form the Joint Venture company and associated relevant corporate structures that will best serve the objectives of the licensed energy supply company as described in this report and the Outline Business Case in order for the company to progress into Controlled Market Entry and subsequent full launch.

(6) Prior to the establishment of the Joint Venture company and associated Corporate Structures, a Governance Board is established to guide the delivery of the Final Business Case, approve associated milestones and gateways and oversee overall progress; the Governance Board to be chaired by the Leader of the Council and comprise the Director of Finance & S151 Officer, the Joint Venture Partner, an Energy Consultant and the City Solicitor or his representative.

(7) In the event that any contractual arrangements or other assurances are necessary for the smooth implementation with third party suppliers prior to the establishment of the Joint Venture company and associated Corporate Structures, that the City Solicitor, in conjunction with the Director of Finance and S151 Officer and the Leader of the Council, is authorised to enter into any such agreement.

(8) Delegated authority to the Director of Finance & S151 Officer, in consultation with the Leader of the Council, to liaise with Office of Gas and Electricity Markets (OFGEM), Department of Business, Energy and Industrial Strategy (BEIS) or any other statutory or regulatory body necessary for the formulation or functioning of the Joint Venture Company.

(9) Delegated authority to the City Solicitor, Director of Finance & S151 Officer, in consultation with the Leader of the Council to establish appropriate Council-side shareholder oversight arrangements.

The meeting concluded at 3.07 pm.

Councillor Donna Jones
Leader of the Council