

City of Portsmouth

MEMBERS' INFORMATION SERVICE

NO 31

DATE: FRIDAY 1 AUGUST 2008

The Members' Information Service produced in the Democratic & Community Engagement Unit by Joanne Wildsmith has been prepared in three parts -

Part 1 - Decisions by the Cabinet and individual Cabinet Members, subject to Councillors' right to have the matter called in for scrutiny.

Part 2 - Proposals from Managers which they would like to implement subject to Councillors' right to have the matter referred to the relevant Cabinet Member or Regulatory Committee; and

Part 3 - Items of general information and news.

Part 1 - Decisions by the Cabinet

The following decisions have been taken by the Cabinet (or individual Cabinet Members), and will be implemented unless the call-in procedure is activated. Rule 15 of the Policy and Review Panels Procedure Rules requires a call-in notice to be signed by any 5 members of the Council. The call-in request must be made to JOANNE WILDSMITH (Democratic Support Officer) and must be received by not later than 5 pm on Friday 8 August 2008.

If you want to know more about a proposal, please contact the officer indicated. You can also see the report on the Council's web site at www.portsmouth.gov.uk

	WARD	DECISION	OFFICER CONTACT
1		<p>Cabinet Member for Environment & Community Safety's Decision Meeting - 31 July</p> <p>Councillor Fazackarley took the following decisions:</p> <ul style="list-style-type: none"> * Outturn of the 2007/08 Revenue Cash Limits and Capital Programme - report noted. * Monitoring of the 2008/09 Cash Limits and Capital Programme for the period ended 31 May 2008 - report noted. * Dog fouling monthly update - June 2008 - the Cabinet Member welcomed the recent prosecution activity and subsequent publicity and noted the report. 	<p>Joanne Wildsmith Democratic & Community Engagement Tel: 9283 4057</p>

Part 2 - Proposals from Managers for Implementation

The following proposals have been brought forward. The Managers indicated will exercise their powers to approve the proposal unless a Councillor requests the item be referred for decision to the relevant Cabinet Member or Regulatory Committee. **Your request must be made to NICK EATON (Committee Support Manager) and must be received by not later than 5 pm on Friday 8 August 2008.**

An email or handwritten letter will suffice.

If you want to know more about a proposal, please contact the Officer indicated.

PORTFOLIO: EDUCATION, CHILDREN & YOUNG PEOPLE

FRIDAY 1 AUGUST 2008

	WARD	SUBJECT AND PROPOSAL	OFFICER CONTACT
2		<p>Education Capital Planning – Court Lane Junior School & Repairs at Court Lane Infant & Solent Junior Schools</p> <p>Proposal: To re-allocate the approved £75k capital originally directed at floor repairs to 9 classrooms. The approval is detailed in a report to the Executive dated 19 March 2008 entitled Children, Families and Learning - Education Capital Planning.</p> <p>Since this report was raised the school have reported incidents of flooding within the playground. Various surveys have taken place including an internal camera survey. The survey revealed the presence of some small tree roots that have now been removed. It has been suggested that the internal 6 inch diameter drain pipe has insufficient capacity to remove this drain water, however increasing the diameter of the pipe would have no effect as the roadside drain is 6 inches. Investigations remain ongoing.</p> <p>Until the outcome of the further investigations is known it would be unwise to repair / replace classroom floors that may be subjected to flooding. It is proposed that £1k is used to repair one classroom floor that poses a Health and Safety risk within the school, £15k be re-allocated to carry out urgent roof and window repairs at Court Lane Infant School and that £9k be used to fund repairs to the hall floor at Solent Junior School. The remaining capital will be held in reserve until the drain investigations are completed.</p>	<p>Ken Rankin School Services Manager Tel: 9284 1223</p>

PLANNING APPLICATIONS TO BE DETERMINED BY HEAD OF PLANNING SERVICES

The Head of Planning Services will exercise his powers to determine the following applications in accordance with the proposed decision for each application unless a Councillor requests the application be referred for decision to Committee.

Your request should be made to the **Head of Planning Services** by telephoning **Julie Watson** (☎023 9283 4826 or 023 9283 4339 answerphone) and must be received by not later than **5 pm on Friday 8 August 2008**. You can also make contact by letter or by e-mail to - planningreps@portsmouthcc.gov.uk - If you wish to know more about a particular application, please contact the Case Officer indicated.

Item No	Application No Ward	Location Description of Development	Planning Officer's Comments	Application Type Case Officer Proposed Decision
3	08/00742/TPO St Thomas	7 St Andrews Road Southsea 2 Lime trees (T1 and T2) re-pollard at 10 metres and remove epicormic branches at main stem and Lime (T3) fell to ground level within Tree Preservation Order 115.	<p>One e-mail of objection has been received from a neighbour concerning the felling of the Lime (T3). The grounds for the objection are; (a) that they can see no reason why the Lime tree cannot exist happily alongside the other two Lime trees; and (b) concern about the root system which may, once felled, affect the foundations of the building and surrounding walls.</p> <p>The Arboricultural Officer has carried out a site visit and his report states that the Lime tree (T3) is a multi-stemmed tree with a suppressed canopy and recommends that the tree is felled. The Arboricultural Officer is also of the view that the removal of the tree will help the development of the remaining two preserved Lime trees and there would be insufficient space to plant a replacement.</p>	<p>Stephanie Hughes</p> <p>Tel: 9283 4300</p> <p>Conditional Consent</p>
4	08/01065/FUL Eastney & Craneswater	19 Eastney Farm Road Southsea Construction of single storey rear extension	<p>This application relates to a two-storey semi detached house on the southern side of Eastney Farm Road adjacent to its junction with Gritanwood Road and Cadnam Road. The applicant is seeking consent for a single-storey rear extension with a mono-pitched roof. The development would measure 3.05m deep by 6.6m wide, standing 3.4m tall reducing to 2.4m.</p> <p>One letter of representation has been received from the occupier of the adjoining property on the grounds that the development would reduce the amount of natural light to the rear garden and rear of the house by a significant degree.</p> <p>At a little over 3m deep with a lean-to roof it is considered the proposed development is of an acceptable length for an extension along a common boundary. Its modest depth would only have a limited effect on the adjoining property and is not considered to be of excessive bulk or have an overbearing and unneighbourly impact.</p>	<p>Paul Carnell</p> <p>Tel: 9284 1281</p> <p>Conditional Permission</p>

5	08/01118/FUL Drayton & Farlington	98 Kinross Crescent Portsmouth Construction of garage to rear of property	<p>One e-mail received from the occupier of the neighbouring property expressing concern that the proposed garage would by virtue of its size adversely affect amenity and the provision of a concrete apron to the rear access would exacerbate drainage problems.</p> <p>The applicant seeks permission for a timber clad garage to the rear of the house, 5.6m wide by 5.6m deep with a felt covered roof to a maximum height of some 2.6m.</p> <p>There are a number of garages and other similar outbuildings to the rear of Kinross Crescent which vary in style, materials and colour. The timber boarding and felt roof, whilst functional, would not be unacceptable in visual terms given the variety of materials on the existing garages and that it would be largely unseen from the public realm. In my view, the proposed garage would not be inappropriate in the surrounding area or in relation to the existing house.</p> <p>Turning to the issue of amenity the rear garage is considered to be appropriate in terms of its size in relation to the existing dwelling and remaining garden area. Furthermore, the garage would not give rise to an increased sense of enclosure or loss of light. It is therefore considered that the scheme is capable of support.</p>	<p>Nicola Frampton Tel: 9283 4305</p> <p>Permission</p>
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	WARD		OFFICER CONTACT
6		<p>Media Releases</p> <p>The following media releases have been issued in the last week by the Corporate Communications Team. They can all be read in the news section of the City Council’s website. For hard copies, or further information, please contact Corporate Communications Team.</p> <ul style="list-style-type: none"> • Sports funding up for grabs • Freedom of the City for Portsmouth Football Club FA Cup winning squad • Careless dog-owners and litterbugs fined • Residents can remain at Windsor House following fire • Challenge Enterprise Centre reaches capacity • Send us your Dream Birds to fly over the city • Sports tour launched in Portsmouth to mark National Parks Week • Giant screen unveiled in Portsmouth for Beijing Games and Olympic Handover 	<p>Corporate Communications Team Tel: 9283 4142</p>
7		<p>Employment Committee – 28 July</p> <p>At this meeting the Committee considered an exempt report giving an update on the progress of the work being undertaken as part of the Local Pay Review, and made decisions about the next steps in the process. These decisions do not require further approvals and hence the provisional arrangements made for a meeting of the City Council on 6 August will not proceed.</p>	<p>Lin Chaplen Democratic & Community Engagement Tel: 9283 4053</p>
8		<p>Provisional Meeting of the City Council – 6 August – Cancellation</p> <p>The meeting of the City Council provisionally arranged for 6 August about the Local Pay Review will not take place as the Employment Committee at its meeting on 28 July did not make decisions about the LPR which require council approval.</p>	<p>Lin Chaplen Democratic & Community Engagement Tel: 9283 4053</p>

	WARD		OFFICER CONTACT
9		<p>Licensing Sub Committee – Wednesday 6 August at 9.30am in the Executive Meeting Room in the Guildhall, Portsmouth.</p> <p>The following application will be heard;</p> <ul style="list-style-type: none"> Licensing Act 2003 - Application for the grant of a premises licence - The Lodge Arts Centre, Victoria Park, Anglesea Road, Portsmouth, PO1 3HJ. 	<p>Lucy Wingham/ Karen Martin, Democratic & Community Engagement Tel: 9283 4662</p>
10		<p>Commercial Port Performance</p> <p>The following items update Members on the current performance of the Commercial Port during the financial year. Copies of all items and reports are deposited in the Members' Room where indicated.</p> <ul style="list-style-type: none"> Traffic Throughput 2008/09 <p>The Port has seen a small decrease in passengers (-0.14%), a increase in vehicles of (0.97%) in the financial year. However, there is an increase when looking at the calendar year, (3.88%) for passengers and (5.11%) on vehicles since January 2008. Also, freight has seen a increase of (1.75%) for the financial year and a increase of (0.21%) for the calendar year</p> Port Marine Safety Code <p>This report fulfils the Port's obligation under the Port Marine Safety Code of keeping the Duty Holders advised on incidents in the Harbour from 1 January to 30 June 2008 and therefore brings Members up to date on the current situation. There were 5 incidents which are detailed and noted in the main report.</p> Monitoring of Cash Limits Statement 2008/09 <p>Members are asked to note a report of the Income and Expenditure as at 30 June 2008 compared to the Cash Limit for 2008/09. The forecast outturn position indicates an increase of £411,300 compared to the revised estimate. A full copy of the report is deposited in the Members' Room.</p> 	<p>Mark Willcox Business Manager Port Manager's Department Tel: 9285 5914</p>

	WARD		OFFICER CONTACT
11		<p>The Planning Inspectorate Fast track Householder Appeal Pilot</p> <p>The Planning Inspectorate launched a Fast Track Householder Appeal Pilot in January 2008. The aim of the pilot is to dramatically shorten the length of time it will take to receive a decision on any Householder appeal. At the moment it can take around 20 weeks to receive a decision from the day the appeal is received, the aim is to decide Householder appeals in 12 weeks. Twenty authorities are already Piloting this scheme, the scheme will become mandatory from April 2009. It is considered that there is considerable merit in joining the scheme at this stage, not only will it make the process more efficient for all parties involved in the appeal, but if there are initial teething problems we will be able to influence change. It will still be a voluntary decision by any appellant whether to take part in the Pilot.</p> <p>The Inspectorate are aiming to reduce the time scale by minimizing delay during the process, transferring information electronically, reducing the information and correspondence that is sent to and from the Inspectorate and reducing response time thus saving time and cost for all those involved in the process. In all but very exceptional cases the Inspector will undertake an unaccompanied site visit.</p> <p>The appeal forms have been simplified and there will no longer be a need to send plans with the appeal documents. The Inspector will access the whole application file electronically to look at the application afresh. The Inspector will use the officer's delegated or Committee report or Committee minute in the case of an officer overturn. It is already the practice of this and most Council's throughout England in most cases to use the delegated or committee report as the Council's appeal case and therefore this would not represent a significant change.</p> <p>Whilst the Pilot includes a number of key changes for both the appellants and the Council as local planning authority it is still bound by a number of key principles. Regardless of whether the case is being conducted under the Pilot or other procedures, the same group of Inspectors will be drawn upon to decide it. He or she will follow exactly the same decision making principles under either process.</p>	<p>Claire Upton-Brown Planning Service Tel: 9283 4299</p>

	WARD		OFFICER CONTACT
12		<p>Control of Lap Dancing Establishments – Letter from DCMS</p> <p>Portsmouth City Council, as Licensing Authority, has received a letter from Gerry Sutcliffe MP, Minister for Sport, concerning the control of lap dancing establishments.</p> <p>The Government is concerned about the current increase in the number of establishments which are providing lap dancing and similar forms of adult entertainment and the perceived lack of regulatory control.</p> <p>The Home Office holds the policy lead for this area because of its wider responsibilities for the law dealing with public decency, sexual exploitation and prostitution and therefore the Home Office Minister for Crime Reduction has agreed to consider whether more support is needed for local communities in limiting the increase in these type of establishments and the control of activities provided.</p> <p>In particular, this will include consideration of whether or not such premises should be placed in the category of “sex encounter” establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This adoptive legislation is used by local authorities, outside of London, to regulate the use of sex shops and sex cinemas.</p> <p>The Government have recognised that there has been some confusion about the powers available under the Licensing Act 2003 and have clarified that the licensing regime set up under the 2003 Act allows the control of activities within and outside lap dancing establishments in relation to the four licensing objectives which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; and • The protection of children from harm. <p>The Act does not, and was never intended to provide an independent source of regulation on matters of taste, decency or the moral or general appropriateness of any form of entertainment. Such concerns are addressed within the laws associated with indecency and obscenity.</p> <p style="text-align: right;">/Continued ...</p>	<p>Nickii Humphreys Licensing Manager Tel: 9283 4604</p>

	WARD		OFFICER CONTACT
13	(continued)	<p>However, the Government has accepted that the protections and regulations set out in the 2003 Act and elsewhere do not go as far as some people would like to control the proliferation of lap dancing clubs and similar establishments.</p> <p>The Minister for Sport has requested views on whether there are issues related to lap dancing and similar entertainment that cannot be adequately controlled by licensing legislation or other legislation, such as that relating to planning or public decency. Views are also sought on what additional powers are needed by the local authority to control such establishments and whether existing tools provided by the planning system could be used more effectively to supplement the controls offered by the licensing legislation.</p> <p>I am bringing this information to your attention should you wish any comments to be submitted for consideration by the Minister. The closing date for feedback to DCMS is 15 August so the Licensing Manager will need any comments by 8 August at the latest so that they may be collated and returned. Alternatively, Members may wish to respond to DCMS individually by the closing date.</p> <p>New Telephone Numbers for Members</p> <p>Please note the following contact numbers:</p> <p>Councillor Luke Stubbs has a new landline number: 023 9236 2292</p> <p>Councillor Lynne Stagg has a new Council Mobile number: 07958 795386</p>	<p>Members' Services Tel: 9283 4197</p>
14		<p>Local Government Association – LGA Alerts – Information sent to Local Authorities for week commencing Monday 28 July 2008 Checklist 30/08</p> <p>Each week the LGA sends 'LG alerts' information sheets to member authorities. The full text of all LG alerts are available to local authorities on LGAnet – the Local Government Association internet service at http://www.lga.gov.uk.</p> <p style="text-align: right;">/Continued ...</p>	<p>Local Government Association (LGA) Email: info@lga.gov.uk Tel: 020 7664 3131 www.lga.gov.uk</p>

	WARD	OFFICER CONTACT
	<p>(continued)</p> <p>BIRTHDAY HONOURS</p> <p>2009 Birthday Honours The full alert attaches a letter from the CLG on putting forward recommendations for the Birthday 2009 Honours List along with instructions for completion. Citation forms must be submitted by Friday 15th August 2008. LG Alert Reference: 136/08</p> <p>ENVIRONMENT</p> <p>Waste Controls consultation seminars Defra launched a second consultation on 13th June 2008 on Controls on the Handling Transfer and Transport of Waste. The consultation closes on 8th September 2008. They are holding a small number of seminars to support these in August and September aimed at local authorities, the business community and those that carry and broker waste. LG Alert Reference: 133/08</p> <p>HEALTH AND SOCIAL CARE</p> <p>Communities: Healthy, Strong and Prosperous report A new paper has been published by the IDeA (in partnership with LGA) which explores the developmental and service delivery links between the place-shaping role of local government and its health and wellbeing ambitions. LG Alert Reference: 138/08</p> <p>LGA EVENTS</p> <p>Public Services Innovation Conference 20-21 November 2008 This new conference will provide a unique opportunity for public service policy makers and providers to come together to share ideas and insights, showcase emerging good practice and design together solutions to the most intransigent problems. It will be held at the Business Design Centre in London. For more information and to book, log onto the LGA website. LG Alert Reference: 134/08</p>	

	WARD		OFFICER CONTACT
	(continued)	<p>First Annual Emergency Planning Conference 2009 This new conference will look at what the future holds for emergency planning, in light of the forthcoming review of the Civil Contingencies Act 2004, and what are the challenges ahead in maintaining momentum in the face of high profile risks not only from natural disasters such as flooding, but through health pandemics to acts of terrorism. It will be held at Royal Armouries in Leeds across the 3rd and 4th February 2009. LG Alert Reference: 135/08</p> <p>Reform of Council Tax conference 17 September 2008 This conference will look at the aftermath of the Lyons Inquiry, and the point that by 2011 the taxbase used for council tax will be 20 years out of date. How does local government make the case for a modern property tax within a reformed local government finance system? What would be the likely effects of revaluation and how could they be mitigated. This event will be held at Local Government House on 17 September. LG Alert Reference: 137/08</p>	

LICENSING ACT 2003 – APPLICATIONS RECEIVED BY THE LICENSING AUTHORITY

The Licensing Authority has received the following applications in accordance with the Licensing Act 2003. The table below outlines the premises location, a brief description of the application and the closing date by which responsible authorities or interested parties may make representations. An interested party is defined as either a *person* living in the vicinity of the premises, a *body* representing persons who live in that vicinity, a *person* involved in a business in that vicinity or a *body* representing persons involved in such businesses.

Members should be aware that under the legislation ward councillors do not have an automatic right to make representations on behalf of their constituents, but have the right to make representations when specifically requested to do so by constituents who live in the vicinity of the premises concerned. To prevent challenges by unsuccessful applicants you may wish to request any objector to include in any letter of objection to you or to the Licensing Section that they formally authorise you to make representations on their behalf.

If you have any queries relating to any of the applications outlined below, please contact the Licensing Section, Telephone number: 023 9283 4607 or email: Licensing@portsmouthcc.gov.uk.

Item No	Ward	Licence No:	Premises Name and Address	Brief description of application:	Closing date for representations:
15	Charles Dickens	767	Charles Dickens Centre Lake Road	<p>Application to vary a Premises Licence</p> <p>Type of Premises: Community Centre</p> <p>Proposed Licensable Activities:</p> <p>Regulated Entertainment</p> <p>Proposed standard days and timings:</p> <p>Monday to Sunday from 09:00 until 23:00</p>	25 August 2008
16	Milton	288	Portsmouth City Football Club North Stand Lower Concourse	<p>Application to vary a Premises Licence</p> <p>Type of Premises: Club</p> <p>Proposed Licensable Activities:</p> <ol style="list-style-type: none"> 1. Late Night Refreshment 2. Sale of Alcohol <p>Proposed standard days and timings:</p> <ol style="list-style-type: none"> 1. Monday to Saturday from 23:00 until 23:30 2. Monday to Saturday from 10:00 until 23:00 Sunday from 12:00 until 22:30 	22 August 2008