

CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Tuesday, 5 October 2021 at 11am at the Guildhall, Portsmouth

Present

Councillor Gerald Vernon-Jackson CBE
Suzy Horton
Chris Attwell
Dave Ashmore
Kimberly Barrett
Ben Dowling
Jason Fazackarley
Hugh Mason
Darren Sanders
Lynne Stagg

66. Apologies for Absence (AI 1)

No apologies for absence were received.

67. Declarations of Interests (AI 2)

Item 18: Regeneration of New Landport & Landport Gate (part thereof) Compulsory Purchase Order Resolution.

Councillor Vernon-Jackson declared a prejudicial interest as he is a director of Portico and will leave the meeting for this item.

68. Record of Previous Decision Meeting held on 27 July 2021 (AI 3)

The record of decisions from the previous Cabinet meeting held on 27 July 2021 were approved as a correct record.

69. Recommendations from the Scrutiny Management Panel in respect of the Call in of the decision taken by Cabinet on 22 June 2021 in respect of item 10 on that agenda: Appointments to Outside Organisations (AI 4)

Councillor Vernon-Jackson explained that the Scrutiny Management Panel had agreed with him that the Cabinet would look again at these appointments.

He had spoken to the City Solicitor to check that the procedure was all ok with him. In future the protocol would be provided to the Cabinet when the appointments are made.

The Leader and the Trust Chairs for the Kings Theatre and the Portsmouth Historic Dockyard Trust trusts had interviewed the candidates.

DECISIONS

The following appointments were made:

Eastney Area Community Association - Councillor Kim Barrett
Fratton Community Association - Councillor Dave Ashmore.
New Theatre Royal - Will Purvis.

Kings Theatre Trust Ltd - Councillor Hugh Mason and Councillor Rob Wood.

Portsmouth Naval Base Property Trust - Terry Hall and Steve Pitt.

70. Appointment of Representatives on Outside Organisations. (AI 5)

The Cabinet made the following appointments:

Standing Advisory Council for Religious Education - Councillor Ryan Brent.

Port Advisory Board - Councillor Simon Boshier

Southern Inshore Fisheries & Conservation Authority - Councillor Jeanette Smith

Violence Against Women & Girls Task Group - Councillor Kirsty Mellor.

71. Clean Air Zone Charging Order (AI 6)

Hayley Trower, Air Quality Lead for Transport introduced the report.

In discussion, members made the following points:

They were pleased that a number of hackney and private hire vehicles owners had taken up the grants available to retrofit their cabs or buy new ones.

This measure, in conjunction with the many measures that the council has already in place should mean that the council will hit the target of net 0 carbon by 2023.

The grants offered for retrofitting of accessible vehicles adapted for passengers with wheelchairs, pushchairs or big families are insufficient. Officers were instructed to continue to assert pressure on the government for a better offer.

DECISIONS

Cabinet

- 1. Approved the making of the Portsmouth Clean Air Zone Charging Order 2021 (the Charging Order) substantially in the form provided as Appendix A tot his report, to take effect in time for the CAZ launch date of the 29thNovember 2021;**
- 2. Delegated authority to the Assistant Director for Transport jointly with the City Solicitor (or their delegate) to agree and authorise any non-material changes to the Charging Order prior to making, in consultation with the Leader and Cabinet Members for: Traffic and Transportation; Climate Change and the Green Recovery; and Community Safety & Environment; and**
- 3. Authorised the City Solicitor to seal and make the Portsmouth Clean Air Zone Charging Order including any changes to the version of the Order provided as Appendix A as may be necessary in accordance with recommendation 2.2 above.**

72. Discharge to Assess Unit at Harry Sotnick House (AI 7)

Andy Biddle, Director of Adult Services introduced the report.

Councillor Vernon-Jackson asked that the Cabinet's thanks be passed on to all staff in Adult Social Care including those who work in care homes.

DECISIONS

Cabinet

1. **Agreed to the permanent transfer of the staff and related available budgets for the Victory Unit to Harry Sotnick House, acknowledging that this will result in Adult Social Care ceasing use of the Victory Unit at Wyllie Road.**
2. **Agreed that the Director of Adult Care consider and evaluate options for the use future of the space at Wyllie Road.**
3. **Acknowledged that it has been possible to establish and operate the new Discharge to Assess unit within Harry Sotnick House at the current capacity, due to a combination of both the staff resources from the Victory Unit and the funding available through the governments temporary COVID Hospital Discharge Scheme.**
4. **Acknowledged that health & care system partners have an ambition to establish a permanent 40-bedded D2A unit at HSH and that this proposal would require joint commissioning with and permanent funding contributions from Portsmouth CCG.**
5. **Agreed that the Director of Adult Care continue negotiations and enter into the necessary agreements with Health & Care partners, in consultation with the s.151 officer and the City Solicitor, (or their delegates) to establish:**
 - i. **A permanent jointly funded and commissioned D2A unit within Harry Sotnick House.**
 - ii. **Operational and funding arrangements to support people discharged from hospital, who cannot be supported within the D2A unit and require support from within the external care market, prior to a Care Act assessment being completed.**

73. Greening Strategy Update Report (AI 8)

Bethan Mose, Health Development Manager introduced the report.

In discussion, members made the following points:

They are very proud of this important work which would support the council's application to be Tree City of the World.

Greening and rewilding are essential particularly because of the pandemic when many people's mental health has suffered.

There is more to be done including at the naval base which is currently treeless.

Action

The location of the fruit trees that are being planted as part of the Forgotten Places project will be provided.

Cabinet noted this report.

74. Housing Delivery Test Action Plan 2021 (AI 9)

Tom Bell, Principal Planning Officer introduced the report and gave updated figures for table 3 in section 2.2.5:

	2017/18	2018/19	2019/20
PCS6: Somersetown & North Southsea.	5	66	0
A total of 71 in this three-year period.			

In response to questions from members he and Ian Maguire, Assistant Director Planning & Economic Growth explained that:

The reasons for housing targets not being met in Portsmouth over the last three years are valid and include land-backing by developers, the nitrates directive and the pandemic. However, the government imposed a 20% surcharge penalty for missing the target.

The action plan on pages 3 & 4 show that the government reduced the number of houses required from 855 to 794.

The nitrate issue delayed building in the whole Solent region and parts of North London.

A standard methodology was applied.

Local Authorities are instructed to look at all the opportunities available to meet the target. If a lower number of new homes seems justifiable, the test will be applied to that.

DECISION

Cabinet

Agreed that the Housing Delivery Test Action Plan 2021, attached as Appendix 1 to the report, be approved for publication and implementation.

75. Portsmouth City Council corporate plan - our plan for recovery and renewal (AI 10)

Paddy May, Corporate Strategy Manager introduced the report.

A deputation from Councillor Jeanette Smith was read out.

In discussion members made the following comments:

- They asked that their thanks be passed on to all staff for their work over the last 18 months.
- The points raised will be considered and some of the questions will be addressed at Full Council

- The diagram on page 7 shows how the different values and aspirations are integrated into the council's vision.
- Additional funding for children and families has been announced and will be spent on the most vulnerable families in the city.
- They asked that their thanks be passed on to the HIVE and all volunteers for the tremendous amount of work carried out during the pandemic. The council will continue to work with HIVE in a constructive way in the future.

Action

A report will come to the next Cabinet meeting covering the significant amount of work carried out to support families in the last 18 months plus the support given to food banks in their transition to food larders.

DECISION

Cabinet

- a) Approved the Council's Corporate Plan - Our plan for recovery and renewal 2021-22 (see Appendix 1).**
- b) Noted that the plan demonstrates the Council's commitment to the recovery and renewal of the city that will be necessary, post pandemic, to support achieving the Vision for Portsmouth that has been agreed with partners.**
- c) Agreed that delegated authority be given to the Chief Executive to make minor changes to the draft document prior to publication.**

76. Switched on Impact Report (AI 11)

Andrew Waggott, Energy Services Team Manager introduced the report.

During the discussion, members noted the following points:

They were very pleased with the work carried out by the team which has helped so many families reduce their home energy costs and the city's carbon emissions.

The two councils that had created energy companies had been forced to wind them up because of the energy crisis creating debts for each of £30 million which will have to be paid for by their council taxpayers.

Cabinet noted the report.

77. Revenue Budget Monitoring 2021/22 (1st Quarter) to End June 2021 (AI 12)

Wayne Layton, Finance Manager standing in for Chris Ward, Director of Finance & Resources introduced the report and in response to questions confirmed that he was confident that the government would reimburse the council for expenditure incurred because of the pandemic.

DECISIONS

- (i) The General Fund Forecast Outturn for 2021/22 (as at 30th June 2021) is an overall net underspend of and is analysed as follows:**

FORECAST OUTTURN 2021/22	£000
Forecast net overspend (before transfers to/ from Reserves)	11,807
Less expenditure funded from Corporate Contingency	
COVID 19 Costs	(8,272)
Windfall Costs	(2,288)
Less transfers from Portfolio/ Cabinet Reserve	
Overspendings (in accordance with approved council resolutions)	(2,464)
Add transfers to Portfolio and other reserves	
Underspendings	676
Overall Forecast Net Underspend 2021/22	(541)

- (ii) The forecast additional spending and forgone income as consequence of the Covid-19 Pandemic totalling £8.27m be noted;
- (iii) Members note that the financial consequences arising during 2021/22 from the Covid-19 pandemic will be met from the provision held within the Council's Corporate Contingency which was set aside specifically for this purpose as approved by City Council on 9th February 2021.
- (iv) Members note that in accordance with approved policy as described in Section 8, any actual non Covid-19 overspend at year end will in the first instance be deducted from any Portfolio Reserve balance and once depleted then be deducted from the 2022/23 Cash Limit.
- (v) In accordance with (iv) above and the requirement that in the first instance any Portfolio overspending must be met from the Portfolio Reserve, that £1,354,400 has been withdrawn from the Cabinet Portfolio Reserve to fund current forecast overspendings, leaving a nil balance.
- (vi) Directors, in consultation with the appropriate Cabinet Member, consider options that seek to minimise any forecast non Covid-19 overspending presently being reported and prepare strategies outlining how any consequent reduction to the 2022/23 Portfolio cash limit will be managed to avoid further overspending during 2022/2

78. Economic Impact of the Cruise Business (AI 13)

Mike Sellers, Port Director introduced the report and in response to a question explained that every turnaround when the ship discharges and then takes on new passengers brings £1.5m to the Portsmouth economy.

Cabinet noted this report.

79. Portsmouth International Port's Sustainability Projects including provision of shore power (AI 14)

Mike Sellers introduced the report and in response to questions from members explained that it would be unrealistic to expect the significant amount of electricity that will be required to come from the national grid. Government support will be required. The X association which the Portsmouth International Port is part of, has requested more funding has been requested for green measures for all ports.

During the discussion, members stated that they were impressed with the progress at the port.

DECISIONS

Cabinet

1. **Support the port for the provision of shore power, subject to securing funding, including the short term development of a battery storage solution (for providing shore power to smaller cruise vessels and new Ro-Ro vessels) as well as a full term solution of supplying all vessels into PIP.**
2. **Continues to support the port's green recovery sustainability drive which includes a hydrogen electrolyser on the port, rolling-out further the current fuel filtering project and the construction and piloting of an external fine particle filter at the port boundary.**

80. Port Terms and Conditions (AI 15)

Mike Sellers introduced the report

DECISION

Cabinet agreed that these terms and conditions be approved and be put into use as soon as possible, being published on the Port's website to ensure transparency for all Port users.

81. Service Provider for the Border Control Post (AI 16)

Councillor Vernon-Jackson left the meeting for this item.

Mike Sellers declared a prejudicial interest so he took no part in the discussion of this item.

Julie Shotbolt, Business Partner introduced the report and in responses to questions explained that it is within the Cabinet's remit to award this contract. Some of the space in the building may be leased out if there is more than required. More information should be known in February.

DECISION

Cabinet agreed that approval be given to award the service contract to Portico

82. Exclusion of Press and Public (AI 17)

Decision

Resolved 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 **Regeneration of New Landport & Landport Gate (part thereof) Compulsory Purchase Order resolution - appendices 4 and 5 as these contain information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972**".

83. Regeneration of New Landport & Landport Gate (part thereof) Compulsory Purchase Order resolution (AI 15)

Anne Cains, Head of Acquisition and Disposal introduced the report.

Tristan Samuels, Director of Regeneration added that whilst having a Compulsory Purchase Order is essential, it would only be used as a last resort.

Members noted that the title of the report had been amended since the publication of the agenda to Regeneration of the City Centre (part thereof) compulsory purchase order resolution at the request of the Leader.

Members were assured that there were no plans to acquire the two churches shown in the map. They were included so that during the development cranes are able to move above them.

DECISIONS

Cabinet

2.1 Approve the land assembly strategy for this City centre regeneration project as attached at Appendix 1.

2.2 Delegate authority to the Director of Regeneration and S151 Officer on the advice of the City Solicitor in consultation with the Leader to:

2.2.1 Negotiate and complete acquisitions of legal interests, on the basis of the statutory Compulsory Purchase Order (CPO) Compensation Code, in land required for the delivery of the City Centre Regeneration scheme.

2.2.2 To procure and appoint specialist advisers for:

- Land referencing Agents**
- Specialist compulsory purchase surveyors**

2.2.3 To approve the progress of all work necessary to establish a case for compulsory purchase of land required for the City Centre Regeneration scheme.

2.2.4 To approve, in principle, the use of compulsory purchase powers for the acquisition of land to deliver the City Centre Regeneration scheme (indicatively shown in red on the attached plan at Appendix 2) and note that the making of any compulsory purchase order will be subject to a further report to Cabinet confirming that the criteria in paragraph 3.22 have been met.

2.3. Cabinet noted that the redline area shown on the plan (Appendix 2) is currently widely drawn around the entire City Centre Regeneration scheme application site area. It is not anticipated that all land/interests including the two churches St. Agatha's and All Saints, as shown will need to be acquired to deliver the scheme however, a degree of flexibility prior to detailed technical approval of the scheme and its mitigation, is required at this stage. Officers will take all reasonable measures to minimise the need to acquire third party interests in accordance with CPO Guidance and the existing design approach to the scheme.

2.4. Cabinet noted that Officers will need to seek a future resolution to grant the Director of Regeneration and the City Solicitor authority, in accordance with section 122 of the Local Government Act 1972, to declare that any land acquired or held and required for the delivery of the City Centre Regeneration scheme may, where they conclude that it is no longer needed for its present purpose, appropriate the land for such statutory purpose as necessary to deliver the City Centre Regeneration scheme, and to authorise the overriding of such easements, rights, or other adverse matters burdening the land, where that is needed to deliver the scheme, in reliance on section 203 of the Housing and Planning Act 2016.

2.5. Delegate authority to the Director of Regeneration and S151 Officer on the advice of the City Solicitor in consultation with the Leader to acquire the Delancey assets for a consideration to be disclosed to group leaders in a confidential briefing by the Chief Executive.

The meeting concluded at 12:45

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Councillor Gerald Vernon-Jackson CBE
Leader of the Council