

## CABINET

RECORD OF DECISIONS of the meeting of the Cabinet held on Tuesday, 22 March 2022 at 1.30 pm at the Guildhall, Portsmouth

### Present

Councillor Gerald Vernon-Jackson CBE (Chair)  
Suzy Horton (Vice-Chair)  
Chris Attwell  
Dave Ashmore  
Ben Dowling  
Jason Fazackarley  
Hugh Mason  
Darren Sanders  
Lynne Stagg

**47. Apologies for Absence (AI 1)**

Apologies for absence were received from Councillor Kimberly Barrett. The Cabinet agreed to consider agenda item no.16 (Climate Change Strategy and Carbon Budget) first so that Councillor Barrett could participate remotely.

**48. Declarations of Interests (AI 2)**

Councillor Sanders declared a personal interest in agenda item no.4 (Additional Licensing for Houses of Multiple Occupation) as he is a tenant in a house of multiple occupation.

**49. Record of Previous Decision Meetings (AI 3)**

The record of the previous decisions taken at the Cabinet meetings on 14 February 2022 were approved as a correct record.

**50. URGENT ITEM - Renewal of Armed Forces Contract**

Caroline Hopper, Lead Officer, Armed Forces Covenant, introduced the report and explained the reason for urgency was because of legislative and process changes due to come into force at the end of the year.

**DECISION:**

**The Cabinet approved the signing of the Armed Forces covenant and that the Leader of the Council be given delegated authority to effect the signing.**

**51. URGENT ITEM - Portsmouth City Council - Gas Contract**

Andrew Waggott, Head of Energy Services, introduced the report and explained the reason for urgency was because of the Russian invasion of Ukraine. Councillor Vernon-Jackson realised events may move quickly in the next few days. He hoped there would be action from the government but otherwise it is up to the council to decide to withdraw from the contract.

**DECISIONS - Cabinet:**

1. **Considered the content of the report and the option available to terminate the contract with Gazprom in compliance with the contract conditions referencing termination.**
2. **Determined if they wish to exercise the option to terminate the contract with Gazprom in compliance with the contract conditions referencing termination; and so;**
3. **Instructed officers to serve notice to terminate the Gazprom contract effective from 30 June 2022 to end the contract on 30 September 2022.**
4. **Delegated authority to the Director of Housing, Neighbourhoods and Building Services (in consultation with the Section 151 Officer and the City Solicitor) the authority to terminate the contract with Gazprom in compliance with the contract conditions referencing termination.**
5. **Delegated authority to the Director of Housing, Neighbourhoods and Building Services (in consultation with the Section 151 Officer and the City Solicitor) to commence a procurement exercise to confirm a new supplier from 1 October 2022; focussing on sourcing routes that allow for the lawful exclusion of Gazprom from bidding for the contract.**
6. **Asked officers to continue to work with external partners from government, the Local Government Association (LGA), brokers and peer authorities to highlight issues and suggest remedies to the situation that this and other councils find themselves in with regards to Gazprom contracts.**
7. **Requested a paper be put to Cabinet at the next available meeting in the new municipal year to provide an update and to detail the total known costs of exiting the Gazprom contract ahead of its full term; reflecting market conditions and the costs which will only be clear at the point of formal termination.**
8. **Noted that the events in Ukraine and the conditions of the gas commodity market remain extremely fluid and note the availability of the Chief Executive's emergency powers to be used, should matters change materially in coming weeks.**
9. **Following the Full Council meeting on 15 March 2022, and the discussion on this matter arising from an emergency Members' question, the Leader is asked to write to the energy broker to ask that they waive their fees associated with this contract termination, or that they consider donating the fee to an appropriate charity supporting the crisis in Ukraine.**

**52. Additional Licensing of Houses of Multiple Occupation (AI 4)**

Paul Fielding, Assistant Director (Housing), introduced the report.

Deputations were heard from:

- Dom Owen, Democracy & Campaigns Officer, University of Portsmouth Students' Union
- Martin Silman, Chairman, Portsmouth & District Private Landlords' Association
- Councillor Cal Corkery

Deputations are not minuted but can be found on the council's website at

[Agenda for Cabinet on Tuesday, 22nd March, 2022, 1.30 pm Portsmouth City Council](#)

In response to questions from members, officers said there is legislation that would allow the council to have a licensing system for all rented accommodation and check if all landlords were fit and proper. The Private Sector Housing strategy had examined the case for selective licensing but the evidence did not point in this direction.

Councillor Sanders, Cabinet Member for Housing and Preventing Homelessness, supported licensing for smaller houses of multiple occupation (HMO). The council had introduced additional licensing in 2013 for the post code areas PO1, PO4 and PO5 as there was evidence of problems there. However, the government stopped this in 2018. The fact that small HMOs can become "super" HMOs under permitted development rights makes a mockery of legislation. The council's survey shows that HMOs are nearly three times more likely to have hazards than other rented properties. If approved, the proposals will give the council the tools to enforce standards across the city and help improve conditions for tenants and neighbours. As part of the council's holistic Private Rented Sector strategy it already has a mediation scheme. Under additional licensing the state of the property would be part of the licence. Renting needs to be easier and safer. The council could impose additional licensing without consultation but it prefers to consult residents rather than dictate to them. Community cohesion is key. He requested the Cabinet to allow drafting amendments before going out to consultation.

Councillor Horton is a licensed landlord (not in Portsmouth) and responds within a day to tenants but has seen from casework in the Central Southsea ward that some landlords are not being held to account for poor accommodation. HMOs cause issues for both tenants and neighbours. Cases involving HMOs can take 40 to 50 hours to resolve and involve liaising with different council departments as well letting agencies, tenants and landlords. Credit needs to be given to council officers. Not all landlords provide poor accommodation but the proposals will send the right message about acceptable standards.

Councillor Vernon-Jackson said the council was on the side of good landlords and tenants and should use powers to push bad ones to improve. The council has to show that residents want it to proceed and that there is a problem. HMOs are an increasing area of concern.

#### **DECISIONS - Cabinet:**

- 1. Agreed that the city council will start the consultation process on the introduction of an additional licensing scheme for HMOs.**
- 2. Subject to recommendation 1, a proposed designation for additional licensing must be agreed and consulted upon. It is recommended that the basis for introduction of additional licensing would be in relation to the impacts to tenants of poor living conditions and poor management**

practices, as indicated by the evidence from the current Mandatory Licensing scheme. The designation should therefore seek to scale up the licensing of HMOs to provide inclusion for all tenants living in HMOs with a City wide designation.

3. Subject to recommendation 1, that the consultation starts on 23rd May 2022, as outlined within section 10 of this report.
4. Subject to recommendation 1, that the consultation includes the information outlined within sections 5, 6, 7 & 8 of this report.
5. Subject to recommendation 1, that following the completion of the consultation, officers return with a report which summarises the responses to enable a final decision on the implementation of a new additional licencing scheme.
6. In the event that Cabinet do not proceed with a consultation on the introduction of an additional licencing scheme for HMOs, a consultation should be held to introduce the proposed updated Space Standards document (Appendix 5) and the proposed updated enforcement policy (Appendix 6). The consultation will start on 23 May 2022 with any drafting changes delegated to the Director of Housing, Neighbourhoods & Building Services in consultation with the Cabinet Member for Housing & Preventing Homelessness.

**53. Update on the Street Homelessness & Rough Sleeping Partnership Strategy (AI 5)**

Teresa O'Toole, Head of Housing Needs, Advice & Support, introduced the report. Councillor Vernon-Jackson recorded thanks for the support for homeless people during the pandemic.

Councillor Corkery made a deputation.

Councillor Sanders said the narrative has changed so that homeless people are treated as human beings and not swept away. There is a huge political consensus across the city to try to prevent homelessness in the first place. The biggest cause is landlords evicting tenants. Nationally Portsmouth is recognised as one of the best providers of homelessness services and is leading the country. He thanked the Housing opposition spokespeople for their support for the principles.

**The Cabinet noted the report.**

**54. Horatia and Leamington Development - Delivery Next Steps (AI 6)**

James Hill, Director of Housing, Neighbourhood & Building Services, introduced the report.

Councillor Corkery made a deputation.

Councillor Attwell extended his thanks to Mary Devaney, Housing Development Project Leader, and Tim Raw, Engagement Manager, for their community engagement work, and particularly to the people of Somerstown. Over 250 people attended an event in November for the Somerstown Gallery despite bad weather. Councillor Sanders noted that by putting local people in

charge, rather than imposing from above, the development would be successful and enhance Somerstown. He agreed with Councillor Corkery that decisions on disposal of the block B land should be as open as possible.

#### **DECISIONS - Cabinet:**

- 1. Approved that the development scheme is now considered as two separate schemes and that the Affordable Housing Scheme is taken forward with a scheme budget of £98.1m and note that this remains within the overall funding approved by cabinet and full council at Cabinet dated 15 September 2020 and Full Council 13 October 2020 for the whole development scheme**
- 2. Approved in principle the disposal of land, from the HRA and General Funds as indicated by block B in 4.14 below for the development by a third party which would include PCC own housing development company. Cabinet requests that a report to agree the disposal of this land is brought back to it. The land disposal would be defined by a red book valuation and the capital receipt is used to support the HRA development.**
- 3. Noted that should the development of the land indicated by block B in 4.14 require funding from the Council, for example, through Portsmouth City Councils own housing development company, Ravelin, and the funding requirement exceeds the £145m overall funding approved by cabinet and full council at Cabinet dated 15 September 2020 and Full Council 13 October 2020, additional spending would be subject to a cabinet and full council report.**
- 4. Noted the scope of the development scheme to include the Horatia and Leamington footprint, Melbourne Place car park, Gibson Centre and the delivery of wider public realm improvements identified in 4.12.**
- 5. Delegated authority to the Director of Housing, Neighbourhood and Building Services and the Section 151 Officer to tender and enter into contract with the preferred bidder for the design and build work following full evaluation of the tender.**
- 6. Delegated authority to the Director of Housing, Neighbourhood and Building Services in consultation with the Director of Finance and Resources to amend the composition, design standard and spending profile of the proposed scheme in order to meet planning and design requirements whilst ensuring that the scheme remains financially viable following any necessary changes.**
- 7. Delegated the Director of Housing, Neighbourhood and Building Services in consultation with the Director of Finance and Resources to apply for any grant funding to support the scheme.**
- 8. Placed on record a note of thanks to the local community and stakeholders who have engaged in the project and particularly those involved directly in the work of the community panel. The contributions and input have been invaluable in directing the project and supporting the design team to create an exciting new beginning for this part of Somerstown.**

- 55. National Bus Strategy: Portsmouth Enhanced Partnership (AI 7)**  
Peter Shelley, Transport Development Manager, introduced the report.

Councillor Stagg, Cabinet Member for Traffic and Transportation, welcomed the Partnership as the obvious way to improve sustainability and air quality but it depends very much on people using buses as the bus companies are not charities. The aim is to try to get people to use cars less often. Around £8bn is lost annually because of congestion and a meeting of Transport for the South East the previous day had predicted that car ownership will rise by 23%. The Partnership imposes obligations on both the council and the bus companies.

**DECISIONS - Cabinet:**

- 1. Approved the Draft Portsmouth Enhanced Partnership Plan and Scheme, for submission to the Department for Transport by 29 April 2022;**
  - 2. Delegated authority to the Cabinet Member for Traffic and Transportation in consultation with the Director of Regeneration and the Section 151 Officer to agree any minor amendments to the Enhanced Partnership Plan and Scheme that may be required to take account of future funding changes and policy announcements;**
  - 3. Noted that the Enhanced Partnership Plan and Scheme will be monitored through the Enhanced Partnership Board.**
- 56. Use of Pesticides on City Council Land (AI 8)**  
Adrian Rozier, Service Manager (Parks & Open Spaces), introduced the report.

Members noted that the council cannot stop using pesticides entirely but the report shows what can be done to minimise their use.

**The Cabinet noted the report.**

- 57. Southsea Coastal Scheme - Memorial Benches (AI 9)**  
Guy Mason, Highways & Coastal Team Leader, introduced the report

Members acknowledged the sensitivity and importance of the benches for residents but the sea defences work cannot take place without removing them. When families cannot be contacted the plaques will be preserved for the length of time they were purchased for. Members were impressed with the speed of response to enquiries.

**The Cabinet noted the report.**

- 58. Member Champions annual update (AI 10)**  
Members said it was good to have a written report of the Champions' work over the last year. They thanked the Champions and also James Harris, Senior Local Democracy Officer, for his work on the revised Member Champions' protocol.

**The Cabinet noted the report.**

**59. LED Street Lighting - Adaptive Lighting Review (AI 11)**

Caroline Hopper, Business Assurance Lead (Civils Infrastructure), introduced report.

Some members had attended a demonstration of the LED lighting and were impressed to see a cross-section of people there, for example, the partially sighted and community wardens. They were pleased to see a map showing well-lit places to improve safety for women and girls at night.

**The Cabinet noted the report.**

**60. Covid-19, Brexit and other factors impacting construction costs (AI 12)**

Richard Webb, Finance Manager, introduced the report.

Members noted that construction costs were a concern as it could deter firms from bidding at a time when the council is becoming a significant developer in the city. They also noted capital commitments from the previous year increased the difficulties.

**The Cabinet noted the report.**

**61. Falklands 40<sup>th</sup> Anniversary and Armed Forces Day events AI 14)**

David Evans, Seafront Manager, introduced the report. Plans are progressing well. Armed Forces Day will include tattoo events in its programme.

Councillor Vernon-Jackson welcomed the events as Portsmouth is the home of the Royal Navy. He thanked those involved in the Freedom of the City march on 11 March.

**DECISIONS - Cabinet:**

- 1. Agreed to continue to engage with stakeholders about plans for 2022.**
- 2. Agreed to develop a programme of events and activities that puts Portsmouth at the centre of the Falklands commemorations in 2022.**
- 3. Agreed to confer Freedom of the City to:**
  - i. Falklands Veterans**
  - ii. Royal Naval Association**
  - iii. Association of Wrens**
  - iv. Royal Marines Association**
- 4. Noted that budget provision has been set aside for these events. Cabinet agreed for a further report to Cabinet with an update on the outcome of the community safety survey.**

**62. Lateral Flow Testing after 31 March 2022 (AI 15)**

Helen Atkinson, Director of Public Health, introduced the report, noting that there had been a significant upsurge in Covid infections (1,016 per 100,000 people) since it had been written.

Members noted the pandemic was not over. The government's decision to end free testing is disappointing and inadvisable in view of increasing positive tests and hospitalisations. Residents want to be responsible so the council is right to continue providing free tests.

**DECISIONS - Cabinet:**

1. **Considered support for an extension of testing for three months - April - June 2022, (recognising the financial, legal and public health risks and implications outlined below) and select a preferred option from:**  
**Option A: Maintain the status quo - from 01 April, testing will reduce in line with current government plans**  
**Option B: Retain testing capacity to provide tests for vulnerable people, those caring for and living and working with vulnerable people, outbreak and surge capacity testing**  
**Option C: Option B plus the provision of home test kits to households until either:**
  - A 3 month period commencing April 2022 has elapsed or;
  - A maximum of 30,000 home test kits have been provided which is equivalent to an uptake of approximately 10% of households (subject to a final cap of £200,000 (exclusive of VAT))
2. **Delegated to the Director of Public Health, and the S.151 Officer, after consultation with the Leader of the Council, to amend the delivery of the above selected options if there is a change in government policy or local context impacting the Public Health requirement to mitigate or manage COVID-19 infection rates.**
3. **Noted that an additional report will be presented to Cabinet, if further proposals for testing arrangements within Portsmouth are to be considered.**

**63. Quarter 3 Budget Monitoring (AI 13)**

Richard Webb, Finance Manager, introduced the report.

**DECISIONS - Cabinet:**

1. **Noted the General Fund Forecast Outturn for 2021/22 (as at 30 December 2021) of an overall net overspend of £802,700, analysed as follows:**

<b>FORECAST OUTTURN 2021/22</b>	<b>£000</b>
Forecast Net Overspend (before transfers to/from) Reserves	13,774.0
Less Expenditure funded from Corporate Contingency:	

	Covid-19 Costs	(10,280.0)
	Windfall Costs	(2,002.8)
Less Transfers From Portfolio / Cabinet Reserve:		
	Overspendings (in accordance with approved Council resolutions)	(2,116.1)
Add Transfers to Portfolio and Other Reserves:		
	Underspendings (in accordance with approved Council resolutions)	1,427.6
<b>Overall Forecast Net Overspend 2021/22</b>		<b>802.7</b>

2. Noted the forecast additional spending and forgone income as consequence of the Covid-19 Pandemic totalling £10.28m.
  3. Noted 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 15 February 2022.
  4. Noted 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.
  5. Noted that 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.
  6. Noted that 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 2022/23.
64. **Portsmouth City Council climate change strategy and carbon budget (AI 16)**  
Kristina Downey, Principal Strategy Adviser (Carbon Management), introduced the report.

Councillor Barrett, Cabinet Member for Climate Change and the Green Recovery, said the carbon budget was the first for Portsmouth and the initiatives described in the report will benefit residents' long-term health; they

will save money as well as carbon. Action plans can be adjusted if necessary and will be updated and published annually. The council will apply for government funding and work with partners. Decarbonisation projects need significant investment. The report shows a huge amount of cross-portfolio and cross-department work. Councillor Barrett thanked Cabinet Members for their collaborative work and Ms Downey. Councillor Vernon-Jackson thanked Councillor Barrett and Ms Downey as the carbon budget is a milestone for Portsmouth.

**DECISIONS - Cabinet:**

- 1. Noted the contents of this report**
- 2. Agreed proposals for monitoring set out in section 14 of the report.**

**65. Exclusion of Press and Public (AI 17)**

The Cabinet upheld the confidentiality of Appendix A only, relating to contract renegotiations.

**66. Forward Plan Omission Notice - Renegotiated sports and leisure facilities management contract (AI 18)**

The Cabinet noted the omission for the Forward Plan for 15 February to 15 May 2022 and noted the publication of the notice.

**67. Renegotiated sports and leisure facilities management contract (AI 19)**

David Moorman, Sports & Leisure Strategic Development Manager, introduced the report.

Councillor Corkery requested that when items are exempt as much information as possible is in the public domain so opposition members and the public know what is happening. Any information which has to be exempt can go in an appendix.

Members noted the last two years had been very difficult for local authorities' sport and leisure contracts but if there is no funding the contractor will leave. BH Live had proved a very positive partner for the council so the contract represented value for money and a sensible way forward.

**DECISION:**

**The Cabinet authorised the Director for Culture, Leisure and Regulatory Services to agree a contract variation to the existing sports and leisure facilities management contract, and for the Council's legal services to execute the variation as a deed.**

**68. Exclusion of Press and Public (AI 20)**

The Cabinet upheld the confidentiality of the full report.

**69. Provision of Waste Collection Services (AI 21)**

The Cabinet went into exempt session from 3.21 to 3.43 pm to discuss the report.

**DECISION:**

**The Cabinet agreed to defer the item for more consideration and extend the contract and consider further direct award extension.**

The meeting concluded at 3.45 pm. Councillor Vernon-Jackson requested that thanks be put on record to Councillor Dowling for his work as a Cabinet Member as it was his last Cabinet meeting. The Cabinet wished him well for the future.

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Councillor Gerald Vernon-Jackson  
Leader of the Council